

TOWN PLANNING BOARD

Minutes of 543rd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 23.10.2015

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Ms Janice W.M. Lai

Mr H.F. Leung

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

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

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr Victor W.T. Yeung

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

Deputy Director of Planning/District
Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Christina M. Lee

In Attendance

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

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

Town Planner/Town Planning Board
Mr Eric C.Y. Chiu

Agenda Item 1

Confirmation of the Draft Minutes of the 542nd RNTPC Meeting held on 9.10.2015

[Open Meeting]

1. The draft minutes of the 542nd RNTPC meeting held on 9.10.2015 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/I-CC/5 Application for Amendment to the Approved Cheung Chau Outline Zoning Plan No. S/I-CC/7, To rezone the application site from “Green Belt” to “Residential (Group C) 2”, Lot 942 in D.D. Cheung Chau, Cheung Chau

(RNTPC Paper No. Y/I-CC/5)

3. The Secretary reported that the application site was located near Lung Tsai Tsuen and Nam Tam and Landes Ltd. was one of the consultants of the applicant. The following Members had declared interests in the item:

Mr Ivan C.S. Fu
Ms Janice W.M. Lai } having current business dealings with Landes Ltd.;

Dr W.K. Yau - being involved in the operation of an education centre in Cheung Chau; and

Mr Lincoln L.H. Huang - being a shareholder and director of a company that owned a flat in Lung Tsai Tsuen.

4. The Committee noted that the applicant had requested for deferment of consideration of the application. The Committee also noted that Mr Ivan C.S. Fu, Dr W.K. Yau and Mr Lincoln L.H. Huang had tendered apologies for being unable to attend the meeting and agreed that as Ms Janice W.M. Lai had no involvement in the application, she could stay in the meeting.

5. The Committee noted that the applicant requested on 30.9.2015 for deferment of the consideration of the application for a period of two months in order to allow time to prepare further information to address the comments of government departments. This was the applicant's first request for deferment.

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

[Ms Donna Y.P. Tam and Mr William W.T. Wong, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCTC/51 Temporary Eating Place for a Period of 3 Years in “Open Space” Zone,
Lot 2261 in D.D. 3, G/F, No. 2 Wong Nai Uk Village, Tung Chung,
Lantau Island
(RNTPC Paper No. A/I-TCTC/51)

Presentation and Question Sessions

7. With the aid of a Powerpoint presentation, Ms Donna Y.P. Tam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

(a) background to the application;

[Mr H.F. Leung arrived to join the meeting at this point.]

(b) the temporary eating place for a period of three years;

(c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Director of Environmental Protection (DEP) advised that two out of eight environmental complaints on the temporary restaurant during 2012 and 2014 had been substantiated. The Commissioner of Police also advised that 18 reported noise complaints at the site since 2011 had been received. Other concerned departments had no objection to or no adverse comment on the application;

(d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting to the application mainly on the grounds that the eating place had not complied with the approval conditions on the operating hours and caused nuisance, car parking, road safety, security, environmental and hygienic problems. No local objection/view was received by the District Officer (Islands); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. Despite approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “Open Space” zone, the subject premises involved four previous applications (No. A/I-TCTC/40, 42, 45 and 49) for the same use, amongst which three were revoked due to non-compliance with approval conditions. The last application No. A/I-TCTC/49 was revoked on 13.2.2015 due to non-compliance with approval condition regarding the night time operation. Since then, the eating place remained under operation. While other departments had no adverse comment on the application, the eating place had been the subject of various environmental complaints received by EPD and the Police since its operation. Noting the operator's repeated failures to comply with the approval condition on operation hours, there were doubts that the potential environmental impact could be addressed by imposing relevant approval condition. Regarding the public comment, the assessments above were relevant.

8. Members had no question on the application.

Deliberation Session

9. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the applicant fails to demonstrate that the development would not generate adverse noise impact on the surrounding areas; and
- (b) previous planning permissions granted under applications No. A/I-TCTC/40, 42 and 49 were revoked due to non-compliance with approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which are also subject to the

requirement to comply with the approval conditions, thus nullifying the statutory planning control.”

Agenda Item 5

Section 16 Application

[Open Meeting]

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

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

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

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

Dr David Y.T. Lui - owning two houses in the Clearwater Bay area.

11. The Committee noted that the applicant had requested for deferment of consideration of the application. The Committee also noted that Ms Christina M. Lee and Dr W.K. Yau had tendered apologies for being unable to attend the meeting and agreed that as the properties of Mr David Y.T. Lui did not have direct view of the site, he could stay in the meeting.

12. The Committee noted that the applicant requested on 12.10.2015 for deferment of

the consideration of the application for a period of two months in order to allow time to prepare further information to address the comments of government departments. This was the applicant's second request for deferment.

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/223 Proposed House (New Territories Exempted House - Small House) in
 "Agriculture" Zone, Lot 686 S.A in D.D. 221, Sha Kok Mei Village,
 Sai Kung
 (RNTPC Paper No. A/SK-PK/223)

Presentation and Question Sessions

14. With the aid of a Powerpoint presentation, Mr William W.T. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

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

House);

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as filling of land might be required and the applicant failed to demonstrate that the proposed development would have no adverse landscape impact. The Commissioner for Transport advised that such type of development should be confined within “Village Type Development” (V”) zone as far as possible. Approval of the application would set an undesirable precedent and the resulting cumulative adverse traffic impact could be substantial. Other concerned 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 Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation and an individual objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention; cumulative impacts on the rural environment and the amount of agricultural land remaining in Hong Kong; no environmental, landscape, drainage or sewerage impact assessments had been provided in the submission; adverse impacts on the water bodies and stream nearby; and setting of undesirable precedent. No local objection/view was received by the District Officer (Sai Kung);

- (e) 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 development was not in line with the planning intention of the “Agriculture” zone. The DAFC did not support the application as the site had potential for agricultural rehabilitation. As there was still land currently available within the “V” zone, it was considered more appropriate

to concentrate the proposed Small House development close to the existing village cluster within the “V” zone. The proposed development was considered not in compliance with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the applicant failed to demonstrate it would have no adverse impact on surrounding agricultural land and stream. Regarding the public comments, the assessments above were relevant.

15. Members had no question on the application.

Deliberation Session

16. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention. The applicant fails to demonstrate no adverse impact on the surrounding agricultural land and stream nearby;
- (b) land is still available within the “Village Type Development” zone of Sha Kok Mei where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (c) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in the encroachment on

the “AGR” zone by development and a general degradation of the rural environment of the area.”

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/224 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 583 in D.D. 221, Sha Kok Mei Village, Sai
Kung
(RNTPC Paper No. A/SK-PK/224)

Presentation and Question Sessions

17. With the aid of a Powerpoint presentation, Mr William W.T. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as filling of land might be required and the applicant failed to demonstrate that the proposed development would have no adverse landscape impact. The Commissioner for Transport advised that such type of development should be confined within “Village Type Development” (V”) zone as far as possible. Approval of the application would set an undesirable precedent

and the resulting cumulative adverse traffic impact could be substantial. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, five public comments were received from Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation and three individuals objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention; cumulative impacts on the rural environment and the amount of agricultural land remaining in Hong Kong; no environmental, landscape, drainage or sewerage impact assessments had been provided in the submission; adverse impacts on the water bodies and stream nearby; and setting of undesirable precedent. No local objection/view was received by the District Officer (Sai Kung);
- (e) 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 development was not in line with the planning intention of the “Agriculture” zone. The DAFC did not support the application as the site had potential for agricultural rehabilitation. As there was still land currently available within the “V” zone, it was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster within the “V” zone. The proposed development was considered not in compliance with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the applicant failed to demonstrate it would have no adverse impact on surrounding agricultural land and stream. Regarding the public comments, the assessments above were relevant.

18. Members had no question on the application.

Deliberation Session

19. After deliberation, the Committee decided to reject the application. The reasons

were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention. The applicant fails to demonstrate no adverse impact on the surrounding agricultural land and stream nearby;
- (b) land is still available within the “Village Type Development” zone of Sha Kok Mei where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (c) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in the encroachment on the “AGR” zone by development and a general degradation of the rural environment of the area.”

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/225 Proposed Three Houses (New Territories Exempted Houses - Small Houses) in “Green Belt” and “Village Type Development” Zones and an area shown as ‘Road’, Lots 45 S.Q, S.R, S.AH in D.D. 213, Lung Mei Tsuen, Sai Kung
(RNTPC Paper No. A/SK-PK/225)

Presentation and Question Sessions

20. With the aid of a Powerpoint presentation, Mr William W.T. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed three houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 10 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, three public comments were received from Designing Hong Kong Limited and two individuals objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention and Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10); and no impact assessments was provided;
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small Houses generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the site and the footprint of the proposed Small Houses fell entirely within the village ‘environs’ of Lung Mei and there was a general shortage of land in meeting Small House development in the “Village Type Development” zone. The application generally complied with the TPB PG-No. 10 in that it would not cause significant adverse impact on the landscape resources and landscape character of the area. The site was also the subject of a previous approval for the same use under application No.

A/SK-PK/177 which expired on 27.8.2014. There had been no change in planning circumstances since the approval of the previous application. Regarding the public comments, the assessments above were relevant.

21. Members had no question on the application.

Deliberation Session

22. 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 23.10.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

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

Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage facilities should be provided in connection with the proposed development to deal with the surface runoff of the site or the same flowing on to the site from the adjacent areas without causing any adverse drainage impacts or nuisance to the adjoining areas;
- (d) to note the comments of the Director of Environmental Protection that the septic tank and soakaway system should follow the requirements stipulated in the Environmental Protection Department's (EPD) Practice Note for Professional Persons ProPECC PN 5/93 "Drainage Plans Subject to Comment by the Environmental Protection Department" available in EPD's website;
- (e) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department (BD) that all non-exempted ancillary site formation and/or communal drainage works are subject to compliance with the Buildings Ordinance (BO) and an Authorised Person must be appointed for the site formation and communal drainage works;
- (f) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submissions to the District Lands Officer/Sai Kung to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicant shall submit site formation plans to BD in accordance with the provisions of the BO; and
- (g) to note that comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that trees should be planted in the "Green

Belt” (“GB”) portion of the sites to maintain a smooth transition from the “Village Type Development” zone to “GB” zone and to act as the green buffer between the proposed houses and Lung Mei Tsuen Road at the north.”

[The Chairman thanked Ms Donna Y.P. Tam and Mr William W.T. Wong, STPs/SKIs, for their attendance to answer Members’ enquiries. Ms Tam and Mr Wong left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 9

Section 12A Application

[Open Meeting]

Y/ST/31 Application for Amendment to the Draft Sha Tin Outline Zoning Plan No. S/ST/31, To rezone the application site from “Village Type Development” to “Government, Institution or Community”, Lot 753 in D.D.179, Lots 60 S.A, 60 S.B and 561 in D.D. 184 and Adjoining Government Land, South of Che Kung Miu Road, Tai Wai
(RNTPC Paper No. Y/ST/31)

24. The Secretary reported that Ms Christina M. Lee had declared interests in the item as her spouse owned a flat at Mei Tin Road, Tai Wai. The Committee noted that the applicant had requested for deferment of consideration of the application and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting.

25. The Committee noted that the applicant requested on 19.10.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address comments of the Transport Department. This was the applicant’s second request for deferment.

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

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/884 Proposed Public Utility Installation (Electricity Package Transformer)
in "Village Type Development" Zone, Kau To Village, Sha Tin
(Government Land in D.D. 171)
(RNTPC Paper No. A/ST/884A)

Presentation and Question Sessions

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

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

Dr W.K. Yau - being a Member of the Education Committee and

the Energy Resources Education Committee of CLP.

28. The Committee noted that Ms Christina M. Lee and Dr W.K. Yau had tendered apologies for being unable to attend the meeting.

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

- (a) background to the application;
- (b) the proposed public utility installation (electricity package transformer);
- (c) departmental comments – departmental comments were set out in paragraph 8 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, one public comment was received from the villagers of Kau To Village mainly on the grounds that the proposed package substation would have adverse psychological impact on the villagers; pose danger and affect the adjacent access; and adverse impact on ‘fung-shui’. 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 based on the assessments set out in paragraph 10 of the Paper. The proposed electricity package substation, which was required for the provision of electricity supply to the residential developments in the “Village Type Development” (“V”) zone, was small in scale and considered not incompatible with the rural character of the surrounding and the developments in the “V” zone. It was not expected to cause significant fire safety, environmental, landscape, drainage and traffic impacts on the surrounding areas. Regarding the public comment, the assessments above were relevant.

30. In response to the Chairman's query, Mr Kenny C.H. Lau said that the footpath at the application site was a local access not under maintenance by the government and the applicant would reprovide the affected village access in the future.

Deliberation Session

31. The Chairman said that given the site was already covered by a Block Licence and no further application to the Lands Department was required, an approval condition should be incorporated into the planning permission to ensure that the said village access is properly reprovided. Members agreed.

32. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.10.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the reprovision of an access to the village affected by the proposed development to the satisfaction of the Director of Planning or of the TPB ”

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

- “(a) to note the comments of the District Lands Officer/Shu Tin, Lands Department that an application for excavation permit should be submitted his office before commencement of the installation works;
- (b) to note the comments of the Director of Fire Services that emergency

vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department and detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and

- (c) to note the comments of the Director of Health that the project proponent must ensure that the installation complies with the relevant International Commission on Non-Ionising Radiation Protection guidelines or other established international standards. World Health Organization also encourages effective and open communication with stakeholders in the planning of new electrical facilities.”

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/885 Temporary Flat for a Period of 5 Years in “Government, Institution or Community” Zone, Staff Quarters at Block E, Prince of Wales Hospital, 46 Ngan Shing Street, Sha Tin
(RNTPC Paper No. A/ST/885)

Presentation and Question Sessions

34. The Secretary reported that Professor C.M. Hui had declared an interest in the item as he owned a property in Sha Tin. The Committee considered that the interest of Professor C.M. Hui was direct and agreed that he should be invited to leave the meeting temporarily for the item.

[Professor C.M. Hui left the meeting temporarily at this point.]

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

- (a) background to the application;
- (b) the temporary flat at the application premises;
- (c) departmental comments – departmental comments were set out in paragraph 8 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, one public comment was received from an individual objecting to the application and considering that the subject premises should be used for accommodation of students of the Chinese University of Hong Kong (CUHK) instead and land resources should be used for their designated purpose. 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 based on the assessments set out in paragraph 10 of the Paper. There was no firm programme for the proposed redevelopment at Prince of Wales Hospital (PWH) – Phase II and the use of former staff quarters as temporary flat would not alter the land use or residential nature of the quarter site nor adversely affect the operation of the adjoining PWH. The temporary flat would not frustrate the planning intention of “Government, Institution or Community” zone or the future redevelopment proposal of PWH. The subject premises was the subject of four previous applications for temporary flats for five years approved in 1977 to 2010 and there had been no change in planning circumstances since the approval of the previous applications. Regarding the public comment on alternative use of the application premises, the premises was not suitable for student hostel and CUHK had its own plans of student hostel development within its campus.

36. Members had no question on the application.

Deliberation Session

37. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 23.10.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

“- the submission and implementation of fire service installations and water supplies for firefighting proposals to the satisfaction of the Fire Services Department.”

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

“- to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department that to incorporate a term to notify and demand the flat users to vacate their premises by giving a reasonable notice (say three months) in case of activation of proposed redevelopment of Prince of Wales Hospital –Phase II project in the coming few years.”

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/886 Proposed Wholesale Conversion for Shop and Services, Office,
Training Centre and Eating Place in “Industrial (1)” Zone, No. 2 Yuen
Shun Circuit, Yuen Chau Kok, Sha Tin (Sha Tin Town Lot No. 275)
(RNTPC Paper No. A/ST/886)

Presentation and Question Sessions

39. The Secretary reported that Professor C.M. Hui had declared an interest in the item as he owned a property in Sha Tin. The Committee considered that the interest of Professor C.M. Hui was direct and noted that he had left the meeting temporarily.

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

- (a) background to the application;
- (b) the proposed wholesale conversion for shop and services, office, training centre and eating place;
- (c) departmental comments – the Director-General of Trade and Industry (DG of TI) had reservation on the application as the site was not covered by the recommended rezoning proposals in the 2014 Area Assessments of Industrial Land in the Territory published by the Planning Department (PlanD) and he was concerned on the future depletion of industrial land resulting from the approval of the application. The Director of Environmental Protection (DEP) advised that a Sewerage Impact Assessment (SIA) should be carried out to estimate the new sewage flows and to ascertain that the existing sewerage system had sufficient capacity to cope with additional flows. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received from individuals objecting to the application mainly on the grounds that Yu Chui Shopping Centre and City One Shopping Centre were sufficient to meet the retail/commercial demand in the surrounding area; Siu Lek Yuen Industrial Area had provided sufficient floor space for office, training centre and religious institution uses; and the site was more suitable to be changed to residential use to meet housing demand. No local objection/view was received by the District Officer (Sha Tin); and
- (e) PlanD's views – PlanD had no objection to the application based on the assessment set out in paragraph 12 of the Paper. The proposed office and commercial uses through wholesale conversion were generally in

compliance with the Town Planning Board Guidelines No. 25D on “Use/Development within “Industrial” Zone” in that the proposed development was compatible with the surrounding uses. While DG of TI had concern on future depletion of industrial land to meet the future demand for industrial uses, the approval would be for the lifetime of the existing building only and it would not jeopardise the long-term planning intention of the site for general industrial uses to meet the future demand. Other relevant government departments consulted had no objection to or no adverse comments on the application. As for DEP’s concerns, an approval condition for submission of SIA was recommended. Regarding the public comments, the assessments above were relevant.

41. Members had no question on the application.

Deliberation Session

42. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.10.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of fire service installations and water supplies for firefighting proposals to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission of a sewerage impact assessment and implementation of any mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB.”

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

- “(a) the approval should be for the lifetime of the building. Upon redevelopment, the site would need to conform with the zoning and development

restrictions on the Outline Zoning Plan in force at the time of redevelopment which may not be the same as those of the existing building;

- (b) to apply to the District Lands Officer/Shia Tin, Lands Department for a modification/special waiver to permit the applied uses;
- (c) to note the comments of the Director of Environmental Protection that if upgrading of existing sewerage system is required, the applicant shall have to propose and implement such upgrading or mitigation works at his own cost;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (2) and Rail, Buildings Department (BD) that Authorised Person should be appointed to submit building plans to the Building Authority for approval; PNAP APP-2, Hong Kong Planning Standards and Guidelines and the advice of the Commissioner of Transport will be referred to when determining exemption of gross floor area calculation for aboveground car parking spaces; barrier free access and accessible toilets should be provided to the proposed wholesale conversion under Building (Planning) Regulations 72; adequate provision of means of escape and sanitary fitments should be provided after the wholesale conversion; and detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (e) to note the comments of the Director of Fire Services that the requirements of emergency vehicular access as stipulated in Section 6, Part D of the “Code of Practice for Fire Safety in Building 2011”, which is administered by BD, should be observed; and
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that the site encroaches on the dam break flood plan of Lower Shing Mun Reservoir. The applicant is advised to carry out an assessment on the impact of the dam break to the proposed development and make its own provisions. The applicant may liaise with WSD if data on

dam safety is required.”

Agenda Items 13 to 38

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- A/DPA/NE-TT/31 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 854 S.B, 883 S.B, 884 S.A and 885 RP in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/32 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 853 RP, 854 S.A, 885 S.B and 886 S.F in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/33 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 899 S.B, 900 S.A and 903 S.A in D.D 289, Uk Tau, Tai Po
- A/DPA/NE-TT/34 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 862 S.B and 864 RP in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/35 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 886 S.B and 893 S.F in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/36 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lot 897 S.A in D.D 289, Uk Tau, Tai Po
- A/DPA/NE-TT/37 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 898 S.E, 922 S.A, 923 S.A, 924 S.B, 924 RP, 925 S.C and 925 S.D in D.D. 289, Uk Tau, Tai Po

- A/DPA/NE-TT/38 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 926 S.C, 926 RP, 927 S.H, 927 RP, 930 S.K, 930 S.L, 930 S.R, 930 S.S and 931 S.B in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/39 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 900 RP, 901 S.C, 902 S.A, 903 RP and 904 S.B in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/40 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 858 S.A, 859 S.C, 860 S.D, 861 S.A, 879 S.B, 879 S.E, 880 S.B and 881 S.E in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/41 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 858 S.B, 861 S.B, 879 S.D, 880 RP and 958 S.A in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/42 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 894 S.E, 898 S.D, 899 S.C and 901 S.A in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/43 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 887 S.A, 888 S.A, 889 S.A, 890 S.B and 891 S.B in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/44 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 881 S.C and 930 S.G in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/45 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 853 S.B, 885 S.A and 886 S.E in D.D. 289, Uk Tau, Tai Po

- A/DPA/NE-TT/46 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 925 S.E and 926 S.A in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/47 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 927 S.F, 930 S.E and 930 S.F in D.D 289, Uk Tau, Tai Po
- A/DPA/NE-TT/48 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 923 RP, 925 RP, 926 S.B, 931 S.A, 932 S.A and 933 S.A in D.D 289, Uk Tau, Tai Po
- A/DPA/NE-TT/49 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 868 S.A, 870 S.B, 871 S.B and 873 S.A in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/50 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 867 S.A, 876 S.D and 877 in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/51 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 921 S.A, 921 S.B, 922 S.B, 922 S.C, 923 S.B and 925 S.F in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/52 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lot 854 S.E in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/53 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 854 S.C, 883 RP and 884 S.B in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/54 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 854 S.G, 857 S.C and 858 S.D in D.D. 289, Uk Tau, Tai Po

- A/DPA/NE-TT/55 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lot 854 S.D in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/58 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 867 S.B, 868 RP, 873 S.C and 876 S.C in D.D. 289, Uk Tau, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/31 to 55 and 58B)
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[Professor C.M. Hui returned to join the meeting at this point.]

44. The Committee noted that the 26 applications were similar in nature and the application sites were located in close proximity to one another and within an area designated as “Unspecified Use” on the Development Permission Area Plan. The Committee agreed that they would be considered together.

45. The Committee noted that the applicants requested on 5.10.2015 for further deferment of the consideration of the applications for two months in order to allow more time for the preparation of further information (including topographical survey, tree survey and environmental assessment report) to address the comments of government departments. This was the applicants’ third request for deferment. Since the last deferment in August 2015, the applicants had not submitted any further information.

46. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the applications should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the applications could be submitted to an earlier meeting for the Committee’s consideration. The Committee 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 and a total of six months had been allowed, 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/NE-KLH/497 Temporary Open Storage of Construction Materials for a Period of 3
Years in “Green Belt” Zone, Lot 556 RP (Part) in D.D. 9, Nam Wa Po,
Tai Po

(RNTPC Paper No. A/NE-KLH/497)

Presentation and Question Sessions

47. 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 temporary open storage of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as the village house of Nam Wa Po were located within 100m from the site boundary and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from the Indigenous Inhabitant Representatives of Nam Wa Po objecting to the application mainly on the grounds that there was inadequate land zoned “Green Belt” (“GB”) within Nam Wa Po and advising that approval conditions on greening, fencing, planting, providing drainage facilities and paving the site with concrete material should be imposed. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The site fell within Category 3 area under the Town Planning Board Guidelines No. 13E on “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E). There were seven previously approved applications (No. A/NE-KLH/165, 204, 301, 340, 348, 383 and 446) for temporary open storage use between 1998 and 2012. Despite DEP did not support the application, no environmental complaint had been received against the site over the past three years. To minimise the potential environmental impacts, approval condition on restriction in operation hours was recommended. The application was also generally in line with the Town Planning Board Guidelines No. 10 on “Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance” (TPB PG-No. 10). Regarding the public comment, the assessments above were relevant.

48. Members had no question on the application.

Deliberation Session

49. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7 p.m. and 7 a.m. from Monday to Friday and 6 p.m. to 7 a.m. on Saturday, Sunday and public holiday, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no sinking of wells, blasting, drilling or piling works are allowed on the site at any time during the planning approval period;
- (c) routine clearance and maintenance works should be carried out to avoid blockage of the drainage facilities;

- (d) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.12.2015;
- (e) the submission of fire service installations and water supply for fire fighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.4.2016;
- (f) the provision of fire service installations and water supply for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.7.2016;
- (g) the submission of proposals of preventive measures against water pollution within the upper indirect water gathering grounds within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 23.4.2016;
- (h) in relation to (g) above, the implementation of proposals of preventive measures against water pollution within the upper indirect water gathering grounds within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 23.7.2016;
- (i) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.4.2016;
- (j) in relation to (i) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.7.2016;
- (k) if any of the above planning conditions (a), (b) or (c) 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;

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

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

- “(a) 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/Tai Po, Lands Department (LandsD) that the built-over area of the proposed structures in the current application is slightly different to the previous Short Term Waiver (STW) proposal, the applicant is therefore required to clarify about the finalized proposal for LandsD’s consideration. There is no guarantee that the application for STW will ultimately be approved. If such approval is given, it would be subject to such terms and conditions, including payment of fees, as imposed by LandsD;
- (d) to note the comments of the Commissioner for Transport that the existing village access connecting the site is not under the Transport Department’s management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (e) to note the comments of the Project Management/New Territories East,

Civil Engineering and Development Department (CEDD) that road works are being carried out at Tai Wo Service Road West under the CEDD Contract No. CV/2012/09 “Liantang/Heung Yuen Wai Boundary Control Point Site Formation and Infrastructure Works – Contract 3” and the access to the site may be changed from time to time to cope with the contractor’s sequences of works around that area;

- (f) to note the comments of the Director of Environmental Protection that the applicant should follow the Annex I of ‘Code of Practice on Handling Environmental Aspects of Open Storage Uses’ and the “Sewage Collection and Disposal” principle in Chapter 9 of the Hong Kong Planning Standards and Guidelines (HKPSG);
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that for works to be undertaken outside the site, prior consent and agreement from LandsD and/or relevant private lot owners should be sought. The public sewerage connection is not available in the vicinity of the site. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the applied use;
- (h) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that before carrying out any excavation work, the applicant shall submit the proposal for such excavation work in writing to the Water Authority for approval in all aspects, and shall not carry out any work whatsoever until the Water Authority has given written approval to such excavation work, and shall comply with any requirement of the Water Authority in respect of the said excavation work. In the event that as a result or arising out of any development of the lot or any part thereof any subsidence of the ground occurs at any time, the applicant shall indemnify the Government against all actions, claims and demand arising out of any damage or nuisance to private property caused by such subsidence. For provision of water supply to the development, the applicant may need to extend the inside services to the nearest Government water mains for

connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard. Other comments are listed in Appendix V of the Paper;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) if any existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any proposed use under the subject application;
 - (ii) before any new building works (including containers/open sheds/canopy/mobile toilet as temporary buildings) are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
 - (iv) the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively; and
 - (v) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under

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

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

Electrical Safety

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 HKPSG, 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;

Town Gas Safety

- (i) there are high pressure and intermediate pressure underground town gas transmission pipelines (running along Tai Wo Service Road

West) in the close vicinity of the site;

- (ii) the project proponent/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of the existing or planned gas pipes/gas installations in the vicinity of the site and any required minimum set back distance away from them during the design and construction stages of development; and
 - (iii) the project proponent/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes"; and
- (k) to note comments of the Director of Fire Services that for compliance with the approval condition (d), the applicant is required to submit certificates(s) under Regulation 9(1) of the Fire Service (Installation and Equipment) Regulations (Chapter 95B). If covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will need to be installed. In such circumstances, except where building plan is circulated to BD, the applicant is required to send the relevant layout plans to the Fire Services Department incorporated with the proposed FSIs for approval. In doing so, the applicant should note that:
- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans.

Detailed fire safety requirements will be formulated upon receipt of formal submission of the general building plans. The applicant will need to subsequently provide such FSIs according to the approved proposal.”

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/498 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 11 S.P and
11 S.Q RP in D.D. 7, Tai Hang Village, Tai Po
(RNTPC Paper No. A/NE-KLH/498)

Presentation and Question Sessions

51. Mr C.T. Lau, STP/STN, drew Members’ attention that there were editorial errors in paragraph 11.2 of the Paper and paragraph 11 of Appendix V of the Paper. The name of the village involved should be Tai Hang Village instead of Lam Tsuen San Tsuen. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisher and Conservation (DAFC) did not support the application as the site had high potential for rehabilitation of agricultural activities. Other 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 Designing Hong Kong Limited, a group of villagers of Tai Hang Village and an individual objecting to the application mainly on the grounds that the proposed development was not in line with

the planning intention; no impact assessment was submitted; adverse ecological, landscape, water quality, traffic and safety impacts; and the access to the site should be permitted by “tsos/tongs”. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone and DAFC did not support the application. The proposed development was not in compliance with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (“Interim Criteria”) in that there was no general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone of Tai Hang. Regarding the public comments, the assessments above were relevant.

52. In response to the Chairman’s query, Mr C.T. Lau said that the site was accessible by vehicle via the local road to its north.

Deliberation Session

53. The Chairman said that the site was adjacent to a local road and majority of the proposed Small House footprint fell within the “V” zone. He invited the Members to consider whether the application warranted sympathetic consideration. A member said that the approval of the application might set an undesirable precedent for other similar Small House developments to proliferate along the adjoining boundary of the “V” and “AGR” zones and as there was no general shortage of land for Small House development in the “V” zone of Tai Hang, the application was not in line with the Interim Criteria and did not warrant sympathetic consideration.

54. After further deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the

“Agriculture” zone for the area which is primarily 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 proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New Territories in that there is no shortage of the land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Tai Hang; and
- (c) land is still available within the “V” zone of Tai Hang which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Items 41 and 42

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/548 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 681 S.B ss.1 in D.D. 19, She Shan Village, Tai Po
(RNTPC Paper No. A/NE-LT/548)

A/NE-LT/549 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 681 S.B RP in D.D. 19, She Shan Village, Tai Po
(RNTPC Paper No. A/NE-LT/549)

55. The Committee noted that the two applications were similar in nature and the sites were located in close proximity to one another. The Committee agreed that they would be considered together.

Presentation and Question Sessions

56. 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 House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Papers. Concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, three public comments were received from Designing Hong Kong Limited, World Wide Fund Hong Kong and an individual on each of the applications. They objected to both applications mainly on the grounds of being not in line with the planning intention; there was vegetation clearance and a suspected ‘develop first, build later’ situation; adverse traffic, landscape, ecological and environmental impacts; and setting undesirable precedent. 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 applications based on the assessments set out in paragraph 12 of the Papers. Although there was sufficient land available within “Village Type Development” zone to meet the outstanding Small House application, it could not fully meet the future Small House demand. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprints of the proposed Small

Houses fell within the village 'environs' of She Shan Tsuen and the proposed Small Houses would be able to be connected to the planned sewerage system in the area. All concerned departments had no objection to or no adverse comments on the applications. The sites were also the subjects of previous applications (No. A/NE-LT/316 and 317) submitted by the same applicants for the same use approved by the Committee on 5.11.2004. There was no significant change in planning circumstances of the sites since the previous applications were approved. Regarding the public comments, the assessment above were relevant.

57. In response to a Member's question on the precedent effect of approving application No. A/NE-LT/549, the Chairman said that planning permissions had previously been granted to the sites for Small House development.

Deliberation Session

58. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 23.10.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions 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 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.”

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

- “(a) to note the comments of the Director of Environmental Protection that the actual construction of the proposed Small House should not be commenced before the completion of the public sewerage network. The applicant should provide adequate land for the Small House to be connected to the public sewer. The applicant should connect the proposed Small House to the public sewer at his own cost;
- (b) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Project Management, Drainage Services Department (DSD) that:
 - (i) public stormwater drain is not available for connection in the vicinity of the site. Any proposed drainage works, whether within or outside the lot boundaries, should be constructed and maintained by the applicant at his own expense. The applicant/owner is required to rectify the drainage systems if they are found 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 systems; and
 - (ii) there is no existing public sewerage system connection available now. Public sewers near the proposed house will be laid under DSD’s project 4332DS. The applicant may extend the sewers to the nearest connection point of the proposed sewerage system by himself via other private/ government land if he would like to discharge the sewage 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 Chief Engineer/Construction, 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;

- (d) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to the Lands Department (LandsD) to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicant shall submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance;
- (e) to note the comments of the the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignments drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
 - (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and

- (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
- (f) 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 LandsD. Detailed fire safety requirements will be formulated during land grant stage;
- (g) to note the comments of the Director of Leisure and Cultural Services that the applicant should inform the Antiquities and Monuments Office at least two weeks prior to the commencement of construction so as to facilitate site monitoring; and
- (h) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Items 43 and 44

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/550 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 819 S.A ss.1 in D.D. 10, Chai Kek Tsuen, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/550)

A/NE-LT/551 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 819 S.A ss.2 in D.D. 10, Chai Kek Tsuen,
Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/551)

Presentation and Question Sessions

60. The Committee noted that the two applications were similar in nature and the sites were located in close proximity to one another. The Committee agreed that they would be considered together.

61. 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 House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites had high potential for rehabilitation of agricultural activities. The Commissioner for Transport (C for T) advised that the proposed development should be confined within “Village Type Development” (“V”) zone as far as possible but the applications could be tolerated unless they were rejected on other grounds. Other concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, two public comments from Designing Hong Kong Limited (DHKL) and an individual on application No. A/NE-LT/550, and one public comment from DHKL on application No. A/NE-LT/551, were received. They objected to the applications mainly on the grounds of being not in line with the planning

intention; adverse traffic, landscape, ecological and environmental impacts; and setting of undesirable precedent. 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 applications based on the assessments set out in paragraph 11 of the Papers. Despite the proposed development were not in line with the planning intention of “Agriculture” zone and DAFC did not support the application, the sites were vacant with weed and had no significant vegetation. The C for T had no in-principle objection to application No. ANE-LT/550 and considered application No. A/NT-LT/551 could be tolerated unless it was rejected on other grounds. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprints of the proposed Small Houses fell within the village ‘environs’ of Chai Kek and the proposed Small Houses would be able to be connected to the planned sewerage system in the area. Apart from DAFC, other concerned departments had no objection to or adverse comment on the applications. While land was still available within the “V” zone for Small House development, it was insufficient to fully meet the future Small House demand. In terms of location, the sites were in close proximity to the existing village houses, new Small Houses under construction and approved Small House sites (i.e. applications No. A/NE-LT/366, 388, 390 and 458). Regarding the public comments, the assessments above were relevant.

62. Members had no question on the application.

Deliberation Session

63. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 23.10.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following

conditions :

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

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

- “(a) to note the comments of the Director of Environmental Protection that the actual construction of the proposed Small House should not be commenced before the completion of the public sewerage network. The applicant should provide adequate land for the Small House to be connected to the public sewer and obtain written consent from the adjacent lot owner to lay and maintain sewer pipes across the adjacent lot. The applicant should connect the proposed Small House to the public sewer at his own cost;
- (b) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Project Management, Drainage Services Department (DSD) that:
 - (i) public stormwater drain is not available for connection 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;

- (ii) there is no existing public sewerage system connection available now. Public sewers near the proposed house will be laid under DSD's project "Lam Tsuen Valley Sewerage". The applicant may extend the sewers to the nearest connection point of the proposed sewerage system by himself via other private/ government land if he would like to discharge the sewage 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; and
 - (iii) the manhole outside the site boundary as shown in the supporting documents which is not constructed/maintained by DSD;
- (c) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that:
- (i) submission of 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 sewerage pipes from the proposed Small Houses to the planned sewerage system via the relevant private lots; and
 - (ii) 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;
- (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 applicant is reminded to make necessary submission to 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 provision 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 (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the site, the applicant shall carry out the following measures:

- (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 contractor 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 contractor 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.”

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/552 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lots 1257 RP and 1258 in D.D. 19, Lam Tsuen
San Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/552)

Presentation and Question Sessions

65. 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 (NTEH) - Small House);

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were active agricultural activities in the vicinity and the site had high potential for rehabilitation of agricultural activities. The Commissioner for Transport (C for T) advised that the proposed development should be confined within “Village Type Development” (“V”) zone as far as possible. Other 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 Hong Kong Bird Watching Society, Designing Hong Kong Limited and an individual objecting to the application mainly on the grounds of being not in line with the planning intention; setting of undesirable precedent; no impact assessment had been submitted; adverse impacts on ecology, rural environment and fire safety; and there were similar Small House applications rejected by the Town Planning Board in the vicinity. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” zone and the DAFC did not support the application. Despite other concerned departments had no objection to or adverse comment on the application, the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (Interim Criteria) in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone. Regarding the public comments, the assessments above were relevant.

66. In response to the Chairman’s query on the rejection reasons of the similar applications in the immediate surroundings of the site, Mr C.T. Lau said that applications No.

A/NE-LT/496 and 509 were rejected mainly on the ground of being not in line with the Interim Criteria in that there were no general shortage of land within the “V” zone for Small House development at the time of consideration.

Deliberation Session

67. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the 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 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 Lam Tsuen San Tsuen; and
- (c) land is still available within the “V” zone of Lam Tsuen San Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 46

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/148-2 Proposed Amendments to the Approved Scheme under Application No. A/NE-FTA/148 for Proposed Temporary Asphalt Plant for a Period of 5 Years “Open Storage” Zone, Lots 20 RP, 21 and 23 RP (Part) in D.D. 88 and adjoining Government Land, East of Man Kam To Road, Sheung Shui
(RNTPC Paper No. A/NE-FTA/148-2)

Presentation and Question Sessions

68. The Committee noted that a replacement page (page 6) of the Paper was tabled at the meeting.

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

- (a) background to the application for the proposed amendments to the approved scheme under application No. A/NE-FTA/148 (the approved scheme);
- (b) the proposed Class B amendment to the approved scheme involved an extension of emergency vehicular access (EVA) and shifting in the location of a loading/unloading bay;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Director of Fire Services (D of FS) had no specific comment on the proposed amendments and suggested an additional approval condition on the design and provision of the EVA to be included. Other concerned departments had no objection to or no adverse comment on the application;

- (d) the District Officer (North) (DO(N)) conveyed that the Chairman of the Sheung Shui District Rural Committee (SSDRC) raised objection to the application as both SSDRC and the local villagers considered that the development would generate adverse traffic and environmental impacts on the surrounding area and affect the tranquility of the area;
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 9 of the Paper. The Class B amendment involved was to meet the requirements of Fire Services Department and Buildings Department. Compared with the approved scheme, there was no major change in the key development parameters. Concerned departments had no objection to or no adverse comment on the application. While DO(N) had relayed a local objection from the Chairman of SSDRC on the application mainly on traffic and environmental grounds, the applicant had submitted relevant technical assessments, including the Traffic Impact Assessment and environmental assessment, and the Commissioner for Transport and the Director of Environmental Protection had no adverse comment on the application.

70. In response to a Member's query, Mr Wallace W.K. Tang said that the Director of Agriculture, Fisheries and Conservation (DAFC) had previously advised that the proposed temporary asphalt plant would not be in conflict with the possible relocation site of Cheung Sha Wan Temporary Poultry Market which was located to the south of the site. Any renewal of the planning permission for the temporary asphalt plant would need to consult DAFC in future.

Deliberation Session

71. After deliberation, the Committee decided to approve the application under s.16A of the Ordinance on a temporary basis until 12.12.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the provision of boundary fencing on the site to the satisfaction of the Director of Planning or of the TPB by 12.12.2015;

- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB by 12.12.2015;
- (c) the submission of proposals for water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB by 12.12.2015;
- (d) the provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB by 12.12.2015;
- (e) the submission of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB by 12.12.2015;
- (f) the implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB by 12.12.2015;
- (g) the design and provision of emergency vehicular access to the satisfaction of the Director of Fire Services or of the TPB by 12.12.2015; and
- (h) if any of the above planning conditions (a), (b), (c), (d), (e), (f) and (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority’s (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicants should ensure compliance with the simplified requirements

under the Building (Minor Works) Regulation;

- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
 - (i) if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the BO and should not be designated for any approved use under the application;
 - (ii) before any new building works (including asphalt plant) are to be carried out on the site, prior approval and consent of BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
 - (iv) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - (v) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access (EVA) in accordance with Building (Planning) Regulations (B(P)Rs) 5 and 41D respectively; and
 - (vi) if the site does not abut a specified street of not less than 4.5m wide,

the development intensity shall be determined by the BA under B(P)R 19(3) at the building plan submission stage;

- (c) to note the comments of the District Lands Officer/North, Lands Department (LandsD) that:
- (i) the site comprises private lots, namely Lots 20RP, 21 and 23RP (Part) in D.D. 88 and adjoining government land. The lots are Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guarantee of right of vehicular access, and covered by Short Term Waiver (STW) No. 883 for the purposes of (i) a concrete production plant; and (ii) open storage of machinery and equipment. The total site coverage of the structures erected on the lots shall not exceed 930.5m²;
 - (ii) the government land within the site is covered by Short Term Tenancy (STT) No. 641 for the purposes of (i) a concrete/asphalt batching plant; (ii) manufacturing of concrete products; and (iii) open storage of machinery and equipments. The tenant may erect on STT No. 641 structures with a total roofed-over area not exceeding 81.84m²; and
 - (iii) the owner of the lots and the tenant concerned have submitted applications to his office for modification of STW No. 883 and modification of STT No. 641 respectively, which are being processed by his office and will be considered by the Government in its landlord's capacity. There is no guarantee that the applications will be approved. If the applications are approved, they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office;
- (d) to note the comments of the Commissioner of Transport that the unnamed local track connected to Man Kam To Road is not under his management.

The land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the comments of the Director of Fire Services as follows:
 - (i) EVA arrangement shall comply with Section 6, Part D of the “Code of Practice for Fire Safety in Building 2011” administered by BD; and
 - (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that there is a potential space to plant trees at the eastern and western boundary of the site. The applicant should seek opportunity of tree planting in these locations. The applicant should also maximize tree planting around the site particular along the EVA, in the car park area and existing chunam slope;

- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that the site is within the flood pumping gathering ground and is less than 30m from the nearest water course, and the site falls within the consultation zone of Sheung Shui Water Treatment Works, which is a Potentially Hazardous Installation. The following requirements should be complied with:
 - (i) site formation, construction and drainage plans shall be submitted to WSD for approval;
 - (ii) no discharge of effluent within the flood pumping gathering grounds shall be allowed without WSD’s prior approval. Any effluent discharge must comply fully at all times with standards for effluents

stipulated in Table 3 and paragraph 8.4 of the “Technical Memorandum on Effluent Standards” issued under Section 21 of the Water Pollution Control Ordinance;

- (iii) all solid waste and sludge arising from the operation of the asphalt plant shall be disposed of properly outside the flood pumping gathering grounds;
 - (iv) the proposed asphalt plant shall be surrounded by kerbs and drains on all sides to avoid polluting the nearby water course during heavy rainfall;
 - (v) drainage traps such as silt traps, grease traps and petrol interceptors shall be installed at each of the drainage outlets and shall be under proper maintenance. All such drainage traps shall have sufficient capacity to ensure the proper collection and disposal of silt, fuel and lubricants; and
 - (vi) no oil leakage or spillage in the flood pumping gathering grounds is allowed; and
- (h) to note the comments of the Director of Electrical and Mechanical Service that the applicant/working party shall approach the electricity supplies for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the information provided, if there is any underground cable (and/or overhead line) within or in the vicinity of the site, the applicant/working party shall carry out the following measures:
- (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by PlanD, prior consultation and arrangement with the

electricity supplier is necessary;

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

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/155 Proposed Warehouse (Excluding Dangerous Goods Godown) in “Open Storage” and “Other Specified Uses” annotated “Port Back-up Uses” Zones, Lot 137 (Part) in D.D. 52, Sheung Shui
(RNTPC Paper No. A/NE-FTA/155A)

Presentation and Question Sessions

73. Mr Wallace W.K. Tang, STP/STN, drew Members’ attention that there was an editorial error in paragraph 9.1.1(d) of the Paper. The Government Land Licence No. should read T19575 instead of T19595. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed warehouse (excluding dangerous goods godown);
- (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 from North District Council (NDC) members were received. A NDC member indicated no comment on the application provided that consultation had been done with the nearby residents, another NDC member raised concern on traffic ground and the remaining one objected to the application on grounds of ‘fung-shui’ impact. The same objecting view had also been conveyed by the District Officer (North); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was considered not incompatible with the surrounding land uses and not anticipated to have significant adverse traffic, drainage and landscape impacts on the surrounding area. Concerned departments consulted had no adverse comment on or no objection to the application. The technical concerns on drainage, fire safety, landscape and slope works could be addressed by incorporating relevant approval conditions. Regarding the public comment on traffic ground, the assessments above were relevant. The view on ‘fung-shui’ aspect was outside the planning consideration of the Committee.

74. Members had no question on the application.

Deliberation Session

75. 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 23.10.2019, and after the said date, the permission should cease to have

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

- “(a) the provision of boundary fence on the site to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) 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; and
- (e) the submission of a Geotechnical Planning Review Report and the implementation of the proposed slope stabilization works therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB.”

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

- “(a) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Buildings Authority’s prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (b) to note the comments of the District Lands Officer/North, Lands Department (LandsD) that the owner of the lot should be advised to apply to his office for a Short Term Waiver (STW) covering all structures erected

or to be erected on the lot and a Short Term Tenancy (STT) for the illegal occupation of government land, which will be considered by Government in its landlord's capacity. There is no guarantee that the applications for STW/STT will be approved. If the STW/STT are approved, they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by LandsD;

- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the existing vehicular access connecting the lot concerned and Man Kam To Road is not maintained by the Highways Department and is within unallocated government land. The applicant should clarify with lands authority for the right to use the unallocated government land as the lot's access and the maintenance responsibility;
- (d) to note the comments of the Director of Fire Services as follows:
 - (i) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
 - (ii) the arrangement of emergency vehicular access shall comply with Section 6, Part D of Code of Practice for Fire Safety in Buildings 2011 which is administered by the Buildings Department (BD);
- (e) 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 sewerage treatment/disposal facilities for the proposed development;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that there is room for minor amendment to the current layout regarding the tree planting for landscape screening at the application boundary to maximise the landscape planting along the

north of the site;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, BD as follows:
- (i) if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the BO and should not be designated for any approved use under the captioned application;
 - (ii) before any new building works (including temporary structures as storage) are to be carried out on the site, prior approval and consent from BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
 - (iv) the temporary buildings used as site office/warehouse are subject to control under the Building (Planning) Regulations (B(P)Rs) Pt. VII;
 - (v) in connection with (ii) above, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with B(P)Rs 5 and 41D respectively;
 - (vi) if the site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under B(P)Rs 19(3) at the building plan submission stage; and

- (vii) detailed comments under the BO will be provided at building plan submission stage;

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

 - (ii) the site is located within the flood pumping gathering ground; and

- (i) to note the comments of the Director of Electrical and Mechanical Services as follows:
 - (i) a minimum vertical clearance of 7.6m between the top of any structure and the lowest point of the overhead lines (OHL) conductors must be maintained, and a minimum safety clearance of 5.5m from the OHL conductors in all directions should be maintained;

 - (ii) the contractor should agree with CLP Power Hong Kong Limited (CLP) on the safety precautions required for carrying out any works in the vicinity of the 400kV OHL;

 - (iii) in any time during and after construction, CLP shall be allowed to get access to the 50 meters working corridor area of the concerned 400kV OHL for carrying out any operation, maintenance and repair work as necessary;

- (iv) 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
- (v) as regards the electric and magnetic fields arising from the 400kV OHL, the applicant and his contractors should be warned of possible undue interference to some electronic equipment in the vicinity.”

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/99 Proposed House (New Territories Exempted House - Small House) in
“Recreation” and “Village Type Development” Zones, Lot 2634 S.B
RP in D.D. 39, Pak Hok Lam, Sha Tau Kok
(RNTPC Paper No. A/NE-LK/99)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Commissioner for Transport (C for T) advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as

possible. Such type of development with a large portion of the site outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had strong reservation on the application from the landscape planning perspective as the site, together with the adjacent vegetated land, served as an effective green buffer to the temporary open storage uses at the north and Yim Tso Ha Egret Site of Special Scientific Interest at the further southeast. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and an individual objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention; the site was in close proximity to areas with sensitive habitat and landscape; loss of designated recreation area for local residents; no relevant traffic, environmental and drainage assessments had been submitted; and setting of undesirable precedent. The District Officer (North) conveyed that the proposed development was supported by the Chairman of Sha Tau Kok District Rural Committee, the Indigenous Inhabitant Representative and the Resident Representative of Yim Tso Ha and Pok Tau Ha; and
- (a) 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 development was not in line with the planning intention of the “Recreation” (“REC”) zone and the applicant had not provided strong planning justification in the submission to merit a departure from the planning intention. Land was still available within the “V” zone of Yim Tso Ha to meet the outstanding Small House applications and approval of the application would attract further village house expansion to the “REC” zone which might result in a general degradation of the environment of the area. Regarding the public comments, the assessments above were

relevant.

78. The Chairman asked whether the open storage uses in the “REC” zone as shown in Plan A-3 of the Paper was unauthorised development. In response, Mr Wallace W.K. Tang said that majority of open storage uses to the further north of the site in the “REC” zone were existing uses under the Town Planning Ordinance and only a small portion of the open storage yard to the immediate north of the site was an unauthorised development subject to planning enforcement action. The Chairman said that PlanD should look into the matter.

Deliberation Session

79. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Recreation” zone in the Luk Keng and Wo Hang area which is primarily for recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) land is still available within the “Village Type Development” zone of Yim Tso Ha Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (c) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

Agenda Item 49

Section 16 Application

[Open Meeting]

A/NE-LK/100 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Green Belt” Zones, Lot 1488 RP in D.D. 39, Wo
Tong Kong, Sha Tau Kok
(RNTPC Paper No. A/NE-LK/100)

80. The Committee noted that the applicant requested on 16.10.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of government departments. This was the applicant’s first request for deferment.

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

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/101 Proposed Public Utility Installation (Package Substation) in “Village
Type Development” Zone, Government Land in D.D. 39 (near a sitting
out area), Shek Kiu Tau, Sha Tau Kok Road, Wo Hang
(RNTPC Paper No. A/NE-LK/101)

Presentation and Question Sessions

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

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

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

83. The Committee noted that Ms Christina M. Lee and Dr W.K. Yau had tendered apologies for being unable to attend the meeting.

84. 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 public utility installation (electricity package transformer);
- (c) departmental comments – departmental comments were set out in paragraph 8 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 North District Council (NDA) member in support of the application as it would bring convenience to the villagers. District Officer (North) conveyed that the Chairman of Sha Tau Kok District Rural Committee supported the application;
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the

application based on the assessments set out in paragraph 10 of the Paper. The proposed electricity package substation, which was required for the provision of electricity supply to the residential developments in the “Village Type Development” (“V”) zone, was small in scale and considered not incompatible with the rural character of the surrounding and the developments in the “V” zone. It was not expected to cause significant environmental, landscape, drainage and traffic impacts on the surrounding areas.

85. Members had no question on the application.

Deliberation Session

86. 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 23.10.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/North, Lands Department that:
 - (i) the site is located on unleased government land. An existing ditch may be affected by the proposed installation and the applicant may be required to make diversion of the ditch at his own cost to the satisfaction of departments concerned; and

- (ii) the applicant shall apply to his office for an Excavation Permit for the proposed works. There is no guarantee that the Excavation Permit application will be approved;

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

- (c) to note the comments of the Commissioner of Transport that the road nearby the site is a village road which is not under the Transport Department's management. In this regard, the land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibility of the access should also be clarified with the relevant lands and maintenance authorities accordingly;

- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the existing access road adjoining the site is not maintained by HyD;

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) before any new building works (including concrete plinth or supporting structures of equipment) are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);

- (ii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
 - (iii) in connection with (i) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively;
 - (iv) if the site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage; and
 - (v) detailed comments under the BO will be provided at the building plan submission stage;
- (f) to note the comments of the Director of Health that the application must ensure that the installation complies with the relevant International Commission on Non-Ionising Radiation Protection guidelines or other established international standards. World Health Organization also encourages effective and open communication with stakeholders in the planning of new electrical facilities;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that landscape screen planting along the footpath outside the site is highly recommended;
- (h) to note the comments of the Director of Electrical and Mechanical Services that the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall

be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and

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

Agenda Item 51

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/525 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 900 S.A in D.D. 84, Sheung Shan Kai Wat
Village, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/525)

Presentation and Question Sessions

88. 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 (NTEH) - 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 as the site had potential for agricultural rehabilitation and agricultural activities in its vicinity were active. The Chief Town Planner/Urban Design and

Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the construction of the proposed Small House and associated temporary access would affect the surrounding farmland causing irreversible impacts. The application, if approved, would set an undesirable precedent and attract further encroachment into “Agriculture” (“AGR”) zone with active farmland, causing degradation to the overall rural landscape quality. The Commissioner for Transport (C for T) also advised that such type of development should be confined within “Village Type Development” (“V”) zone as far as possible. Approval of the application would set an undesirable precedent and the resulting cumulative adverse traffic impact could be substantial. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, five public comments, including a supporting comment from a North District Council (NDC) member and four objecting comments from the Kadoorie Farm & Botanic Garden Corporation, the Hong Kong Bird Watching Society, Designing Hong Kong Limited and an individual, were received. The NDC member supported the application as it would bring convenience to the villagers, whereas the four objecting comments were mainly on the grounds that the proposed Small House development was not in line with the planning intention; the farming potential of the site would be diminished; the proposed development was incompatible with the setting of the area; Small House should be developed within the “V” zone; approval of the case was in contravention with the Government’s new agricultural policy under consultation; no traffic, environmental, drainage and sewerage assessments had been submitted; and the setting of an undesirable precedent. The District Officer (North) conveyed that the Indigenous Inhabitant Representative of Sheung Shan Kai Wat supported the application as it would help improving the living conditions of the villages in the area; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed

development was not in line with the planning intention of the “AGR” zone. DAFC and CTP/UD&L, PlanD did not support the application from agricultural development and landscape perspectives respectively. The proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas. Land was also still available within the “V” zone for Small House development. Regarding the public comments, the assessments above were relevant.

89. Members had no question on the application.

Deliberation Session

90. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone in the Ping Che and Ta Kwu Ling, and Hung Lung Hang areas which are primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the 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 impact on the surrounding area;
- (c) land is still available within the “Village Type Development” (“V”) zone of Sheung Shan Kai Wat Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small Houses development within the “V” zone for more orderly

development pattern, efficient use of land and provision of infrastructures and services; and

- (d) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would result in a general degradation of the environment and landscape quality of the surrounding area.”

Agenda Item 52

Section 16 Application

[Open Meeting]

A/NE-TKL/526 Proposed Eating Place, Shop and Services in “Open Storage” Zone, Lot 817RP (Part), 818 and 819 in D.D. 77 and Adjoining Government Land, Ping Che, Tai Kwu Ling
(RNTPC Paper No. A/NE-TKL/526)

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

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

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

92. The Committee noted that Ms Christina M. Lee and Dr W.K. Yau had tendered apologies for being unable to attend the meeting.

93. The Committee noted that the applicant requested on 7.10.2015 for deferment of the consideration of the application for a period of two months in order to allow time to

prepare further information to address the comments of the Transport Department. This was the applicant's first request for deferment.

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

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

Fanling, Sheung Shui and Yuen Long East District

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

Agenda Items 53 and 54

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/243 Proposed House (New Territories Exempted House - Small House) in
"Green Belt" Zone, Lot 1375 S.F in D.D. 92, Tsung Pak Long, Sheung
Shui
(RNTPC Paper No. A/FSS/243 and 244)

A/FSS/244 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Lots 1375 S.E and 1407 S.G in D.D. 92, Tsung Pak
Long, Sheung Shui
(RNTPC Paper No. A/FSS/243 and 244)

95. The Committee noted that the two applications were similar in nature and the sites were located in close proximity to one another. The Committee agreed that they would be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations from landscape planning perspective as approval of the applications might attract more Small House development encroachment into the “Green Belt” (“GB”) zone and cause degradation to the overall quality of the “GB” zone. The Commissioner for Transport (C for T) advised that as the proposed developments only involved two Small Houses they could be tolerated unless they were rejected on other grounds. Other concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, a total six public comments were received, including two comments from a North District Council (NDC) member in support of the applications; three

comments from the Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited and an individual objecting to both applications; and one from an individual expressing no comment on application No. A/FSS/244. The NDC member supported the applications as they would bring benefit to the villagers, whereas the three objecting comments were mainly on the grounds that the proposed developments were not in line with the planning intention; land was still available within the “Village Type Development” (“V”) zone of Tsung Pak Long; no impact assessment on environment, landscape, traffic, drainage and sewerage aspects had been completed; and setting of undesirable precedent. The District Officer (North) advised that that the Chairman of Sheung Shui District Rural Committee and two Indigenous Inhabitant Representatives supported the proposals on the grounds that there was insufficient land within the “V” zone of Tsung Pak Long to meet the Small House demand; and

- (e) PlanD’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper. The proposed developments generally complied with Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone under section 16 of the Town Planning Ordinance in that the sites were in close proximity to existing village and disturbance on existing landscape resources was not anticipated. There was a general shortage of land in meeting the demand for Small House development in Tsung Pak Long. Other relevant government departments had no objection to or no adverse comments on the applications. For the concerns of CTP/UD&L, PlanD, it could be addressed by imposing appropriate landscape approval conditions in the planning permission. Regarding the public comments, the assessments above were relevant.

97. Members had no question on the application.

Deliberation Session

98. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 23.10.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following conditions :

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

For application No. A/FSS/243 Only

- (c) the submission and implementation of landscape proposals and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB; and

For application No. A/FSS/244 Only

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

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

- “(a) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed developments, 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;
- (b) to note the comments of the Chief Engineer/Development(2), Water

Supplies Department (WSD) as follows:

- (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (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; and
- (d) 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."

Agenda Item 55

Section 16 Application

[Open Meeting]

A/YL-KTS/680 Temporary Eating Place for a Period of 3 Years in "Residential (Group C)" and "Village Type Development" Zones, Lot 424 (Part), Wing Lung Wai Lots 110 S.E (Part) and 110 RP (Part) in D.D. 109 and Adjoining Government Land, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/680)

100. The Committee noted that the applicant requested on 6.10.2015 for deferment of the consideration of the application for a period of two months in order to allow time to prepare further information to address the comments of the government departments. This

was the applicant's first request for deferment.

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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Mr David Y.T. Lui left the meeting at this point.]

Agenda Item 56

Section 16 Application

[Open Meeting]

A/YL-KTS/681 Proposed Temporary Public Car Park for a Period of 3 Years in "Agriculture" and "Village Type Development" Zones, Lots 1447, 1448 (Part), 1476 (Part), 1477 S.A (Part) and 1478 RP (Part) in D.D. 106, Kam Sheung Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/681)

102. The Committee noted that the applicant requested on 7.10.2015 for deferment of the consideration of the application for a period of two months in order to allow time to prepare further information to address the comments of the government departments. This was the applicant's first request for deferment.

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

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

Agenda Item 57

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/211 Temporary Animal Boarding Establishment (Kennel) for a Period of 3 Years in "Village Type Development" Zone, Lots 670 S.A (Part), 670 S.F (Part), 670 RP (Part), 671 RP (Part) and 685 RP (Part) in D.D. 112 and Adjoining Government Land, Lin Fa Tei, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/211)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary animal boarding establishment (kennel) for a period of three 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 use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The site was the subject of three previous applications for the same use approved with conditions by the Committee between 2007 and 2013. Relevant government departments consulted generally had no objection to or no adverse comment on the application. Technical requirements of relevant departments on traffic, drainage, landscape and fire safety aspects could be addressed by incorporation of approval conditions. There had been no major change in the applied use nor planning circumstances since the last approval and sympathetic consideration could be given to the application. Since the last approval under application No. A/YL-SK/194 was revoked due to non-compliance with the approval condition on the provision of fire services installations, shorter compliance periods were recommended to closely monitor the progress on compliance with the approval conditions. The applicant would also be advised that should he fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

105. Members had no question on the application.

Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;

- (b) the existing drainage facilities implemented on the site under application No. A/YL-SK/194 shall be maintained at all times during the planning approval period;
- (c) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (d) the submission of a record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.1.2016;
- (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 23.1.2016;
- (f) in relation to (e) 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 23.4.2016;
- (g) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if any of the above planning conditions (d), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (i) upon 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.”

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

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

commencement of the applied use at the site;

- (b) shorter compliance periods are allowed to monitor the progress of compliance with approval conditions;
- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (d) resolve any land issue relating to the development with the concerned owner(s) of the site;
- (e) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises government land (GL) and Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The private land of Lot No. 671 R.P. in D.D. 112 is covered by a Short Term Waiver (STW) and the concerned GL is covered by a Short Term Tenancy (STT). Both STW and STT permit structures to be used for the purposes of "Temporary Animal Boarding Establishment (Kennel)". The STW and STT holders will need to apply to his office for modification of the STW and STT conditions to regularise any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) including granting of GL will be approved. If such application(s) is approved, it will be subject to such terms and conditions including among others the payment of premium or fees, as may be imposed by LandsD. The site is accessible to Kam Sheung Road via GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way;
- (f) note the comments of the Commissioner of Transport that the site is

connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, consents from relevant land and maintenance authorities on using the local road for accessing the site should be sought;

- (g) note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD is not and shall not be responsible for the maintenance of any access connecting the site and Kam Sheung Road. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (h) note the comments of the Director of Environmental Protection that the applicant is advised to adopt the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” and minimise any noise that would cause nuisance to nearby receivers. Regarding the sewerage arrangement of the proposed use, the applicant shall observe the requirements under the Water Pollution Control Ordinance. It is the obligation of the applicant to meet all statutory requirements under relevant pollution control ordinances by provision of necessary mitigation measures;
- (i) 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 Fire Services 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. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

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

- (k) note the comments of the Chief Engineer/Construction, 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 standard. The water mains in the vicinity of the site cannot provide the standard pedestal hydrant; and

- (l) note the comments of the Director of Food and Environmental Hygiene that

he has no adverse comment on the application as long as no sanitary nuisance is generated.”

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

Tuen Mun and Yuen Long West District

[Mr Raymond W.M. Leung, Town Planner/Tuen Mun and Yuen Long West (TP/TMYLW), Mr K. C. Kan and Ms Bonita K.K. Ho, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW), were invited to the meeting at this point.]

Agenda Item 58

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/978 Proposed Temporary Logistics Centre for a Period of 3 Years in
“Undetermined” Zone, Lots 1803 (Part), 1804 (Part), 1805 (Part), 1806
S.A (Part), 1806 S.B (Part) and 1832 (Part) in D.D. 125, Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/978)

Presentation and Question Sessions

108. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in D.D. 124 and 125, Ha Tsuen. The Committee noted that the two pieces of land of Ms Janice W.M. Lai’s spouse did not have direct view of the site and agreed that she could stay in the meeting.

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

the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary logistics centre for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along the access road (Ping Ha Road) and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting to the application mainly on the grounds that there was severe traffic congestion in the area and the roads could not cope with the traffic. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). Although DEP did not support the application, there was no environmental complaint against the site over the past three years. The development was generally in line with the TPB PG-No. 13E in that the concerns of relevant government departments were technical in nature which could be addressed through the incorporation of approval conditions. The applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimise the possible environmental impact of the adjacent areas. Regarding the public comment, the assessments above were relevant.

110. Members had no question on the application.

Deliberation Session

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation from 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 vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (d) the implementation 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 23.4.2016;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.4.2016;
- (g) in relation to (f) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.7.2016;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 23.4.2016;

- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.7.2016;
- (j) 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 23.4.2016;
- (k) if any of the above planning conditions (a), (b), (c) or (e) 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;
- (l) if any of the above planning conditions (d), (f), (g), (h), (i) or (j) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

112. The TPB also agreed to advise you of the following :

- “(a) the planning permission is given to the development/uses under application. It does not condone any other development/uses (including open storage of vehicles) which currently exist on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses not covered by the permission;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note that the erection of fence walls and external mesh fences on private

land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority's (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;

- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The site is accessible to Ping Ha Road through both private land and government land (GL). His Office provides no maintenance works to the GL involved and does not guarantee right-of-way. The site does not fall within any Airfield Height Restriction Area. The lots owner(s) would need to apply to his Office for permit the structures to be erected or regularise any irregularities on site. Such application(s) would be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it would be subject to such terms and conditions, including among others, the payment of premium or fees, as may be imposed by LandsD;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and adjacent areas. The applicant should consult DLO/YL, LandsD and seek consent from relevant owners from any works to be carried out outside his lot boundary before commencement of the drainage works;
- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department to minimise any potential environmental nuisance;

- (g) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under Transport Department (TD)'s purview. Its land status should be checked with lands authority. The management and maintenance responsibilities of the same road/path/track should also be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the access arrangement of the site from Ping Ha Road should be commented and agreed by TD. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that with reference to the planning statement, it is noted that the trees at the centre of the site would be felled without proper compensation or justification. Therefore, the landscape proposal is not acceptable. It was also observed that a tree was felled along the north eastern corner of the site, and all dead trees need to be replaced. Furthermore, there are tree planting opportunities along the eastern boundary and a revised landscape proposal should be submitted;
- (j) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to Fire Services Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted Houses), they are unauthorised under the BO and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For the UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (l) to note the comments of the Chief Engineer/Construction, Water Supplies Department 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 the water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his standard;
- (m) to note the comments of the Chief Town Planner/Studies and Research, PlanD that according to the Recommended Outline Development Plan for the Hung Shui Kiu New Development Area (HSK NDA) promulgated for public consultation in June 2015, the site falls within an area zoned

"Residential Zone 2" and partly designated as "Road". Depending on the development programme of the HSK NDA which is being formulated, further extension of the planning permission should be subject to review of the concerned Bureaux and Departments; and

- (n) to note the comments of the Project Manager (New Territories West), Civil Engineering and Development Department that depending on the development programme of the HSK NDA which is being formulated, further extension of the planning permission may not be entertained."

Agenda Item 59

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/280 Temporary Warehouse for Plastic and Paper Products for a Period of 3 Years in "Green Belt" Zone and an area shown as 'Road', Lots 603 RP (Part), 606 (Part), 611 (Part), 614 (Part), 615 (Part), 616, 617, 618, 620 (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/280)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for plastic and paper products for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection

(DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest residential dwelling at 20 m from the site) and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) also objected to the application from landscape planning perspective as the proposed use was incompatible with the surrounding landscape character and adjacent environment. Compared between the aerial photos of 2011 and 2014, the site was originally vegetated with dense woodland and mature trees, however had later been formed and the applied use appeared to be in operation. Substantial changes and disturbance to the landscape resources and character of the site had taken place before the application. Approval of the application would set an undesirable precedent for other similar applications extending into the “Green Belt” (“GB”) zone. The cumulative effect of approving similar applications would result in a general degradation of the environment and cause adverse impacts on landscape of the area. Other 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 objecting to the application were received from Designing Hong Kong Limited, the village representatives (VRs) of Mong Tseng Wai and an individual mainly on the grounds that the proposed development was not in line with the planning intention; being incompatible with surrounding areas; not in line with the Town Planning Board Guidelines; adverse traffic and safety impacts; and setting of an undesirable precedent. The objecting comment from the VRs of Mong Tseng Wai on traffic and safety grounds had also been conveyed by the District Officer (Yuen Long); and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The temporary open storage use was not in line with the planning intention of the “GB” zone. There was no strong planning justification in the submission to support the departure from the planning intention, even on a temporary basis. The application was also not in line with the Town Planning Board Guidelines

No. 10 for Application for Development within “GB” zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that the applied use was not compatible with the surrounding areas. CTP/UD&L, PlanD also objected to the application from landscape planning perspective. The application was a “Destroy First, Build Later” case and subject of an enforcement and prosecution case. Approving the application could be misread by the public as encouraging similar unauthorised development and setting an undesirable precedent, the cumulative effect of which would result in a general degradation of the environment of the area.

114. Members had no question on the application.

Deliberation Session

115. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development is not in line with the Town Planning Board Guidelines No. 10 for Application for Development within the “GB” zone in that the development is incompatible with the surrounding environment; and
- (c) approval of the application would set an undesirable precedent for similar open storage and warehouse use in the “GB” zone, the cumulative effect of which would result in a general degradation of the environment of the area.”

Agenda Item 60

Section 16 Application

[Open Meeting]

A/TM/481 Proposed Eating Place/Shop and Services and Office (Wholesale Conversion of an Existing Building Only) in “Industrial” Zone, Tuen Mun Town Lot No. 102, 4 Kin Fat Lane, Tuen Mun
(RNTPC Paper No. A/TM/481)

116. The Secretary reported that Ove Arup and Partners Hong Kong Ltd. (OAP) was one of the consultants of the applicant. The following Members had declared interests in the item:

Professor S.C. Wong - being a consultant of OAP; and

Mr Ivan C.S. Fu - having current business dealings with OAP.

117. The Committee noted that Mr C.S. Fu had tendered apologies for being unable to attend the meeting. As Professor S.C. Wong had no involvement in the application, the Committee agreed that he could stay in the meeting.

118. The Committee noted that the applicant requested on 5.10.2015 for deferment of the consideration of the application for a period of two months in order to allow time to prepare response and undertake necessary updates to the technical assessments to address the comments of government departments. This was the applicant’s first request for deferment.

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

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

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

Agenda Item 61

Section 16 Application

[Open Meeting]

A/TM/482 Proposed Eating Place/Shop and Services (Wholesale Conversion of an Existing Building Only) in "Industrial" Zone, Castle Peak Town Lot No. 24, 15 San On Street, Tuen Mun
(RNTPC Paper No. A/TM/482)

120. The Secretary reported that Ove Arup and Partners Hong Kong Ltd. (OAP) was one of the consultants of the applicant. The following Members had declared interests in the item:

Professor S.C. Wong - being a consultant of OAP; and

Mr Ivan C.S. Fu - having current business dealings with OAP.

121. The Committee noted that Mr C.S. Fu had tendered apologies for being unable to attend the meeting. As Professor S.C. Wong had no involvement in the application, the Committee agreed that he could stay in the meeting.

122. The Committee noted that the applicant requested on 5.10.2015 for deferment of the consideration of the application for a period of two months in order to allow time to prepare response and undertake necessary updates to the technical assessments to address the comments of government departments. This was the applicant's first request for deferment.

123. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the

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

Agenda Item 62

Section 16 Application

[Open Meeting]

A/TSW/61 Proposed Comprehensive Residential and Commercial Development with Flat, Eating Place, Shop and Services and Public Vehicle Park in “Comprehensive Development Area” Zone, Tin Shui Wai Planning Area 112 (Tin Shui Wai Town Lot No. 33)
(RNTPC Paper No. A/TSW/61)

124. The Secretary reported that the application was submitted by Jet Group Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Environ Hong Kong Ltd. and MVA Hong Kong Ltd. (MVA) were two of the consultants of the applicant. The following Members had declared interests in this item:

- | | |
|---------------------|--|
| Professor S.C. Wong | - being the Chair Professor and Head of Department of Civil Engineering of Hong Kong University where SHK had sponsored some activities of the Department; |
| Mr Ivan C.S. Fu | - having current business dealings with SHK, Environ and MVA; |

- Ms Janice W.M. Lai - having current business dealings with SHK and Environ

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

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

[Mr H.F Leung left the meeting temporarily at this point.]

125. The Committee noted that Mr Ivan C.S. Fu, Dr W.K. Yau and Mr Christina M. Lee had tendered apologies for being unable to attend the meeting. The Committee noted that the applicant had requested for deferment of consideration of the application. As the interest of Ms Janice W.M. Lai was direct, the Committee agreed that she could stay in the meeting but should refrain from participating in the discussion. As Professor S.C. Wong had no involvement in the application, the Committee agreed that he could stay in the meeting.

126. The Committee noted that the applicant requested on 19.10.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of revised technical assessments to address departmental comments. This was the applicant's third request for deferment. Since the last deferment in August 2015, the application had liaised with various departments in resolving their comments in the technical assessments.

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

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

Agenda Item 63

Section 16 Application

[Open Meeting]

A/YL-PS/488 Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) and Car Testing Centre (Private Cars and Light Goods Vehicles) with Ancillary Office for a Period of 3 Years in “Government, Institution or Community” and “Residential (Group B) 1” and “Village Type Development” Zones, Lots 31 RP and 32 RP in D.D. 121, North of Ping Kwai Road, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/488A)

Presentation and Question Sessions

128. Mr K.C. Kan, STP/TMYLW, drew Members’ attention that there was an editorial error in paragraph 6.1 of the Paper. The revocation date of planning application No. A/YL-PS/269 should be 27.1.2008 instead of 16.3.2006. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park (private cars and light goods vehicles) and car testing centre (private cars and light goods vehicles) with ancillary office for a period of three 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, one public comment was received from an individual objecting to the application mainly on the grounds that the site should be developed in accordance with its zoning intention; granting of approval would perpetuate the inefficient land use; and setting of undesirable precedent. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The majority (about 79%) of the site fell within the “Government, Institution or Community” zone and the remaining portion fell within the “Residential (Group B) 1” and “Village Type Development” zones. There was no programme/known intention to implement the zoned uses on the site for the time being and temporary approval of the application of a period of three years would not jeopardise the long-term planning intentions. The proposed development was not incompatible with surrounding land uses which mainly consisted of open storage uses and vacant land. To minimise the potential environmental nuisance and to address the technical requirements of concerned departments, approval conditions on environmental, traffic, drainage, fire safety and landscape and tree preservation aspects were recommended. Regarding the public comment, the assessments above were relevant.

129. Members had no question on the application.

Deliberation Session

130. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m. for the public vehicle park

and between 10:00 p.m. and 8:00 a.m. for the car testing centre, as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) only private cars and light goods vehicles as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site to indicate that only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) any openings of the structures including the ventilation systems of the car testing structures shall be directed away from the nearby sensitive uses at all times during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the implementation of the accepted drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.4.2016;
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (j) 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 23.4.2016;
- (k) in relation to (j) 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 23.7.2016;
- (l) the submission of landscape and tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 23.4.2016;
- (m) in relation to (l) above, the implementation of landscape and tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 23.7.2016;
- (n) the provision of boundary fencing on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.1.2016;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (h), (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the

TPB.”

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

- “(a) to resolve any land issues relating to the development with other owner(s) of the site;
- (b) that the permission is given to the development/uses and structures under application. It does not condone any other development/use(s) and structures which currently occur on the site but are not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use(s) and structures not covered by the permission;
- (c) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority’s (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from the Government. The site is accessible through an informal track on the government land (GL) extended from Castle Peak Road (Ping Shan). His Office does not provide maintenance work for the GL involved nor guarantee any right-of-way. The site does not fall within any Airfield Height Restriction Area. The lot owner(s) will need to apply to his Office to permit the structures to be erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity of the 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;

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the BA for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of BD, they are unauthorised under the BO and should not be designated for any approved use under the application. Before any new building works (including containers and open storage sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by 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)Rs) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (f) to follow the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise the potential environmental nuisance on the surrounding area;
- (g) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (TD) that sufficient manoeuvring spaces

shall be provided within the site. The local track leading to the site is not under TD's purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ping Kwai Road;
- (i) 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 the DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside the applicant's lot boundary before commencement of the drainage works;
- (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. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to Fire Services 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; and
- (k) to note the comments of the Director of Food and Environmental Hygiene that no sanitary nuisance shall be generated from the concerned activities or uses.”

Agenda Item 64

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/359 Temporary Open Storage of Tools and Miscellaneous Items for a
Period of 3 Years in “Agriculture” and “Green Belt” Zones, Lots
1388 and 1389 in D.D. 117, Tai Tong Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/359)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of tools and miscellaneous items for a period of three years;

[Mr H.F. Leung returned to join the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection did not support the application as there were sensitive receiver (i.e. residential structures to the northwest about 35m away) in the vicinity and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had strong reservation from the landscape planning point of view as the temporary open storage use was not compatible with the surrounding landscape character. Missing trees and significant landscape impact had been observed at the site during 2008 and 2014. Approval of the application would likely encourage more open storage use in the area leading to further deterioration of the surrounding landscape character and landscape resources. The Director of Agriculture, Fisheries and

Conservation also had reservation from agricultural development point of view as the site was well-served by with road access and could be used for plant nursery or greenhouse. Other 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 Kadoorie Farm and Botanic Garden, Designing Hong Kong Limited and an private individual objecting to the application mainly on the grounds that the development was not in line with the planning intentions; there were suspected unauthorised activities in the locality; ‘development first, apply later’ application should not be approved; and approval of the application would lead to further deterioration of the rural landscape resources, inefficient use of land and setting of undesirable precedent. No local objection/view was received by the District Officer (Yuen Long); and

- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The majority of the site fell within the “Agriculture” zone and the open storage use was not in line with the planning intention. The application did not comply with Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the site, which fell mainly within Category 3 areas, had not been granted any previous approval for open storage use and there were adverse comments from the concerned departments and local objections. The application was also a “Destroy First, Build Later” case and the site was the subject of an enforcement case which Enforcement Notice had been issued by the Planning Authority. Approval of the application could be misread by the public as encouraging similar unauthorised development and setting an undesirable precedent. The cumulative effect of approving such similar applications, even on a temporary basis, would result in a general degradation of the rural environment and landscape quality of the area.

133. Members had no question on the application.

Deliberation Session

134. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development is not compatible with the rural neighbourhood mainly comprising of scattered residential structures, orchard, pond, cultivated/fallow agricultural land, unused land and vacant land;
- (c) the development is not in line with the Town Planning Board (TPB) Guidelines No. 13E (TPB PG-No.13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that no previous planning approval granted to the site, there are adverse departmental comments and local objections. The applicant fails to demonstrate that the development would not generate adverse environmental and landscape impacts to the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone and the cumulative effect of which would result in a general degradation of the rural environment and landscape quality of the area.”

Agenda Item 65

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/360 Proposed Temporary Shop and Services (Retail Shop for Refrigeration Equipment) with Ancillary Office for a Period of 3 Years in “Residential (Group D)” Zone, Lots 4916 S.A & S.B (Part), 4917 RP (Part) and 4918 RP (Part) in D.D. 116, Tai Tong Road, Yuen Long (RNTPC Paper No. A/YL-TT/360)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (retail shop for refrigeration equipment) with ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation from landscape planning perspective as the proposed use was not compatible with the existing landscape character of the surrounding environment. It was also observed that majority of the trees that were within the site in 2007 were now missing and severe landscape impact had taken place. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, eight public comments, including seven supporting comments from Shap Pat Heung District Resident Association, village representatives of Shung Ching San Tsuen, Shap Pat Heung Rural Committee, Hong Kong Excellent Youth of

Agriculture & Fisheries Development Association, New Territories Warehouse and Logistic Business Association and Yuen Long District Council Member, as well as an objecting comment from an individual, were received. The supporting comments were mainly on the grounds that the proposed development was in line with the planning intention; being compatible with the surrounding land uses could stimulate residential and commercial development in the area. The objecting comment was mainly on the grounds that the site was intended for residential use and was undesirable to be used for commercial purpose. No local objection/view was received by the District Officer (Yuen Long); and

- (e) PlanD's views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the proposed development was not entirely in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, there was no known programme for long-term development on the site. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “R(D)” zone. CTP/UD&L, PlanD's concern on the landscape aspect could be addressed by incorporation of suitable approval conditions. Other concerned departments had no objection to or no adverse comment on the application. Regarding the public comments, the assessments above were relevant.

136. Members had no question on the application.

Deliberation Session

137. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no open storage activities is allowed on the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 23.4.2016;
- (g) in relation to (f) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 23.7.2016;
- (h) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.4.2016;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.7.2016;
- (j) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.4.2016;

- (k) in relation to (j) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.7.2016;
- (l) in relation to (k) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (m) 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 23.4.2016;
- (n) in relation to (m) 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 23.7.2016;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e) or (l) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (f), (g), (h), (i), (j), (k) (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issue relating to the development with other concerned owner(s) of the site;

- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises of Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on government land (GL) and private land extended from Tai Tong Road. His office does not provide any maintenance work for GL involved nor guarantee any right-of-way;
- (c) to note the comments of the Commissioner of Transport that sufficient space should be provided within the site for manoeuvring of vehicles. In addition, no parking on public road are allowed;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that if the proposed run-in is agreed by the Transport Department, the applicant should construct a run in/out at the access point at Tai Tong 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. 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 Tai Tong Road;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the dead tree along the southern boundary should be removed as soon as possible. The applicant should be reminded that provision of tree risk assessment report or evidence of termite infestation and clarification on whether the landscape proposal is an adequate compensation of the felled trees are required for consideration;

- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to Fire Services 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 to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that no record of approval by the Building Authority for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorised under the BO and should not be designated for any approved use under the captioned application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against

UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively. If the site does not abut on a specified street of not less than 4.5 wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

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

Agenda Item 66

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/361 Proposed Two Houses (New Territories Exempted Houses) in
 “Residential (Group D)” Zone, Lot 4120 in D.D. 116, Tai Tong, Yuen
 Long
 (RNTPC Paper No. A/YL-TT/361)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses) (NTEHs);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that

disturbance to the landscape resources had been observed however the impact to the existing landscape resources could be compensated by proper landscape treatment within the site. Other 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 two individuals and the Shap Pat Heung Tai Kei Ling Village Office expressing concerns/objection to the application. One of the individuals considered that the site could accommodate more houses and queried whether the proposed houses were intended for indigenous residents, while the other individual was concerned that the proposed development would have adverse drainage and sewage impacts. The Shap Pat Heung Tai Kei Ling Village Office objected to the application mainly on environmental nuisance and sewerage grounds. No local objection/view was received by the District Officer (Yuen Long); and
- (e) PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was considered in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone. The development intensity of the proposed development, with a maximum plot ratio of about 0.26 and maximum building height of 2 storeys (6.8m), conformed with the development restrictions of the “R(D)” zone. The proposed development was not anticipated to generate adverse impacts on infrastructure, environmental, traffic and landscape aspects. Concerns of CTP/UD&L, PlanD on disturbance to landscape resource could be addressed by incorporation of approval condition on tree preservation and landscape proposal. Regarding the public comments, the assessments above were relevant.

140. Members had no question on the application.

Deliberation Session

141. 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 23.10.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) resolve any land issues relating to the use, management and maintenance of the access leading to the site with the concerned land owner(s);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site is an Old Schedule Agricultural Lot held under the Block Government Lease and the lot concerned is not entitled to building entitlement under the lease. The registered lot owner is required to submit application to DLO/YL, LandsD to effect the proposed development. Should the registered lot owner submit lease modification/land exchange application, DLO/YL, LandsD will consider his application acting in the capacity as the landlord and there is no guarantee that such application would be approved. Any application, if approved, would be subject to such terms and conditions including among others, the payment of premium and/or administrative fee as may be imposed by LandsD;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD is not responsible for the

maintenance of any access road/footpath from public roads to the site;

- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should clarify the landscape treatment of the boundary and garden area as well as the final receptor location of the transplanted trees in the landscape proposal;
- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that existing water mains will be affected (Plan A-2 of the Paper). The developer shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains within the site, a Waterworks Reserve within 1.5m from the centerline of the water main shall be provided to WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors and his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorise. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site. Besides, the 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 to observe “New Territories Exempted Houses (NTEHs) – A Guide to Fire Safety Requirements” published by LandsD; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that site formation works and drainage works for NTEHs are building works under the control of the Buildings Ordinance (BO). Before any new site information and/or drainage works are to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorised

Building Works. An Authorised Person (AP) should be appointed as the co-ordinator for the proposed site formation and/or drainage works in accordance with the BO. Notwithstanding, the Director of Lands may issue a certificate of exemption from prior approval and consent of the BA in respect of site formation works and/or drainage works in the New Territories under the BO (Application to the New Territories) Ordinance. The applicant may approach DLO/YL or seek AP's advice for details."

Agenda Item 67

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/757 Temporary Open Storage of Building and Recycling Materials, Construction Machinery and Used Electrical/Electronic Appliances with Ancillary Packaging Activities for a Period of 3 Years in "Undetermined" Zone, Lots 2720 RP, 2722 RP, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734 (Part), 2735, 2736 RP (Part), 2737 RP (Part) and 2738 (Part) in D.D. 120 and Lots 1678 RP, 1679 RP, 1681 RP, 1682 (Part), 1683 (Part), 1684 (Part), 1685, 1686, 1687, 1688, 1689, 1690, 1691 (Part), 1692 and 1693 in D.D. 121, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/757)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary open storage of building and recycling materials, construction machinery and used electrical/electronic appliances with ancillary packaging activities for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures located to the immediate north, southeast and in the vicinity and environmental nuisance was expected. Other 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 use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). Although DEP did not support the application, there was no environmental complaint against the site over the past three years. The development was generally in line with the TPB PG-No. 13E in that the concerns of relevant government departments were technical in nature which could be addressed through the incorporation of approval conditions.

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

144. Members had no question on the application.

Deliberation Session

145. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

is allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, except ancillary packaging activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed outside the concrete-paved covered structures on the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing trees on the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.1.2016;
- (i) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.12.2015;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 23.4.2016;

- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.7.2016;
- (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 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.”

146. 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) 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 (LandsD) that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. Lots 2722 RP, 2732, 2724, 2731, 2736 RP,

2734, 2729, 2737 RP and 2738 all in D.D. 120, and Lots 1679 RP, 1681 RP, 1686, 1685, 1682, 1683, 1684, 1678 RP, 1687 and 1688 all in D.D. 121 are covered by Short Term Waivers (STWs) Nos. 3802, 3803, 3804, 3805, 3806, 3807, 3808, 3809, 3810, 3811 and 3842 which permit the structures erected thereon for the purpose of 'Open Storage of Building and Recycling Materials, Construction Machinery, Used Electrical/Electronic Appliances, Cargo Compartments with Ancillary Packaging Activities and Parking Of Municipal Vehicles'. The Short Term Waiver (STW) holders will need to apply to his office for modification of the STW conditions to regularise any irregularities on the site. Besides, the lot owner(s) of the lots without STW will need to apply to his office to permit the structures to be erected or regularise any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on government land (GL) and private land extended from Kung Um Road. His office does not provide any maintenance works for the GL involved nor guarantees any right-of-way;

- (e) to note the comments of the Commissioner of Transport that the land status of the access road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Moreover, sufficient space should be provided within the site for manoeuvring of vehicles and no parking on public road is allowed;
- (f) 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 to prevent surface water flowing from the site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances. The proposed arrangement of loading/unloading and storing of all electrical and electronic parts under shelters and on paved areas within structures together with proper handling of electrical/electronic parts should be properly implemented;

- (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 Fire Services Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The good practice guidelines for open storage attached in Appendix V of the Paper should be adhered to. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorised under the BO and should not be designated for any approved use under the captioned application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in

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

Agenda Item 68

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/758 Temporary Warehouse for Storage of Building Materials (Ceramic Tiles) for a Period of 2 Years in “Residential (Group C)” Zone, Lots 1294 (Part), 1295 (Part), 1298 (Part), 1301 (Part), 1302, 1303, 1304 (Part), 1305 (Part), 1306 (Part) and 1307 in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/758)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of building materials (ceramic tiles) for a period of two 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 in the vicinity (with the nearest one located about 5m to the south of the site) and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual expressing concerns on the application mainly on the grounds that the temporary development in an residential zone would not help meet the demand for housing land and such storage uses should be relocated to multi-storey purpose-designed facilities. 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 set out in paragraph 11 of the Paper. The temporary development under application was not in line with the planning intention of the “Residential (Group C)” zone. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis. DEP did not support the application as there were sensitive receivers in the vicinity and environmental nuisance was expected. The last application No. A/YL-TYST/555 was approved on sympathetic grounds to allow time for the applicant to relocate the development to a more suitable location. The applicant had also been advised that no further renewal of planning permission would be allowed. In this regard, the applicant had failed to relocate his business to other suitable locations and to demonstrate any exceptional circumstances to allow the continued operation of the applied warehouse use on-site. Regarding the public comment, the assessments above were relevant.

148. In response to the Chairman’s query, Ms Bonita K.K. Ho said that One Hyde

Park, a residential development located to the east of the site near Kung Um Road, had been completed in 2009.

Deliberation Session

149. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the development is not in line with the planning intention of the “Residential (Group C)” zone which is primarily for low-rise, low-density residential developments. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the development would not generate adverse environmental impact on the residential use in the vicinity of the site.”

Agenda Item 69

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/759 Temporary Warehouse for Storage of Exhibition Materials, Furniture, Wooden Products, Construction Materials and Vehicle Parts for a Period of 3 Years in “Undetermined” Zone, Lots 980 (Part), 981, 993 (Part) and 999 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/759)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of exhibition materials, furniture, wooden products, construction materials and vehicle parts for a period of three 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 immediate north, northwest and west (with the nearest one about 10m away) and in the vicinity of the site and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a Yuen Long District Council Member objecting to the application mainly on the grounds that there were two previous revoked planning permissions pertaining to the site and the applicant lacked sincerity to comply with the approval conditions. No local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The temporary warehouse use was not in conflict with the planning intention of the “Undetermined” zone. While DEP did not support the application, there had been no environmental complaint concerning the site in the past three years. The development was mainly for storage purpose within enclosed warehouse structures and not expected to generate significant environmental impact on the surrounding areas. Technical requirements of relevant departments on traffic, drainage, landscape and fire safety aspects could be addressed by incorporation of approval conditions. However, as the two previous approvals for warehouse/open storage use submitted by a different applicant under applications No. A/YL-TYST/526

and 646 were revoked due to non-compliance with the approval conditions, shorter compliance periods were recommended in order to closely monitor the progress on compliance with associated approval conditions. The applicant would also be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration would not be given to any further application. Regarding the public comment, the assessments above were relevant.

151. Members had no question on the application.

Deliberation Session

152. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, dismantling or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no open storage activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (e) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, is allowed to park/store on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;

- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) all the existing trees on the site shall be maintained at all times during the planning approval period;
- (h) the implementation of the accepted drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.1.2016;
- (i) in relation to (h) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.1.2016;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.4.2016;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (h), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) shorter compliance periods are imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration would not be given to any further application;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises of Old Schedule Agriculture lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. Lots 980, 981, 993 and 999 all in D.D. 119 are covered by Short Term Waivers (STWs) Nos. 3465, 3467 and 3468 which permit the structures erected thereon for the purposes of ‘Warehouse and Open Storage of Exhibition Materials, Marble, Garments, Construction Materials and Vehicle Parts’. The STW holder(s) will need to apply to his office for modification of the STW conditions to regularise any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on both government land and private lots extended from Kung Um Road. His office does not provide maintenance works for the track nor guarantees any right-of-way;

- (e) to note the comments of the Commissioner of Transport that the land status of the access road/path/track leading to the site from Kung Um Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. Sufficient space should be provided within the site for manoeuvring of vehicles and no parking is allowed on public road;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided at the site to prevent surface water flowing from the site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should implement the drainage facilities on site in accordance with the agreed drainage proposal (Drawing A-4 of the Paper). 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 should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas. Also, the applicant should consult DLO/YL, LandsD and seek consent from relevant lot owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (i) to note the comments of the Chief Engineer/Construction, Water Supplies

Department (WSD) that for provision of water supply to the development, the applicant may need to extend 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' standards. Also, the water mains in the vicinity of the site cannot provide standard pedestal hydrant;

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

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the BO and should not be designated for any approved use under the application. Before any new building works (including container/open sheds as temporary buildings) are to be carried out on leased land in the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's

enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage.”

Agenda Item 70

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/760 Proposed Temporary Shop (Grocery Store) for a Period of 3 Years in “Residential (Group C)” Zone, Lots 1279 S.B RP (Part) and 1280 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/760)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop (grocery store) for a period of three 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, one public

comment was received from an individual objecting to the application mainly on the grounds that shop selling groceries could be accommodated in the ground floors of buildings and the residential site should not be used of commercial purpose; and setting of undesirable precedent. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone, it could serve some of the daily needs of the local residents as well as the workforce of the open storage/storage yards and warehouses in the adjoining “Undetermined” zone. There was no known programme for long-term development on the site and approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “R(C)” zone. The proposed temporary use was not expected to cause significant adverse environmental, traffic, landscape and drainage impacts on the surrounding areas. Approval conditions were recommended to address possible environmental concerns. Regarding the public comment, the assessments above were relevant.

155. Members had no question on the application.

Deliberation Session

156. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are

allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;

- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.4.2016;
- (e) in relation to (d) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.7.2016;
- (f) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.4.2016;
- (g) in relation to (f) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.7.2016;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.4.2016;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.7.2016;
- (k) if any of the above planning conditions (a), (b), (c) or (h) is not complied

with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

- “(a) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. warehouse use) which currently exists on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use not covered by the permission;
- (b) to resolve any land issues relating to the development with the concerned owner(s) at the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises of Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularise the irregularities on site. Such application will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment

of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal village track on both government land (GL) and private lots extended from Kung Um Road. His office does not provide maintenance work for the GL involved nor guarantees any right-of-way;

- (d) to note the comments of the Commissioner of Transport that the land status of the access road/path/track leading to the site from Kung Um Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. Sufficient space should be provided within the site for manoeuvring of vehicles and no parking of vehicles on public road is allowed;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided at the site to prevent surface water flowing from the site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal (Drawing A-4 of the Paper). The existing drainage facilities, to which the stormwater of the development from the site would discharge, should be indicated on plan. The relevant connection details should be provided for comments. The existing drainage facilities, to which the stormwater of the development from the site would discharge, are not maintained by his office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior to commencement of the proposal works. In the case it is a

local village drains, the District Officer/Yuen Long should be consulted. The applicant should check and ensure the hydraulic capacity of the existing drainage facilities would not be adversely affected by the subject development. The location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan. Cross-sections showing the existing and proposed ground levels of the site with respect to the adjacent areas should be given. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. Also, the applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;

- (h) to note the comments of the Chief Engineer/Construction, 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. Also, the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to Fire Services Department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. However, if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

and

- (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 for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the BO and should not be designated for any approved use under the captioned application. Before any new building works (including converted containers structures) are to be carried out on leased land in the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively. If the site does not abut on a specified street of not less than 4.5m 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 71

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/761 Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Village Type Development” Zone, Lots 2679 (Part), 2680 (Part) and 2681 S.A & S.B (Part) in D.D. 120, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/761)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park for private cars and light goods vehicles for a period of three 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 an individual expressing concerns mainly on the grounds that the “Village Type Development” (“V”) zone was intended for Small House development and villagers should cater their own parking needs; the site could be used for Small House development; and setting of undesirable precedent. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the

assessments set out in paragraph 11 of the Paper. Despite the proposed development was not entirely in line with the planning intention of the “V” zone, it could serve some of the parking needs of the local villagers of Lam Hau Tsuen and Shan Ha Tsuen. According to the District Lands Officer/Yuen Long, Lands Department, there was no Small House application at the site. It was considered that approval of the application on a temporary basis for a period of three years would not jeopardise the planning intention of the “V” zone. The proposed public vehicle park was not incompatible with the immediate surrounding land uses and unlikely to generate significant adverse environmental, traffic or landscape impacts on the surrounding areas. To minimise any possible environmental impacts and nuisance on the surrounding developments, relevant approval conditions were recommended. However, as the previous planning approval for the same public car park use submitted by the same applicant under application No. A/YL-TYST/627 was revoked due to non-compliance with the approval conditions, shorter compliance periods were recommended in order to closely monitor the progress on compliance with associated approval conditions. The applicant would also be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration would not be given to any further application. Regarding the public comment, the assessments above were relevant.

159. Members had no question on the application.

Deliberation Session

160. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

“(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no vehicle without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to park/store on the site at any time during the planning approval period;
- (c) no medium and heavy goods vehicle exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to park/store on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (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 park/store on or enter/exit the site, as proposed by the applicant, at all time during the planning approval period;
- (e) no vehicle repairing, dismantling or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (f) the existing boundary fence on the site shall be maintained at all times during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the submission of 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 23.1.2016;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.4.2016;
- (j) the implementation of the accepted drainage proposal within 3 months from

the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.1.2016;

- (k) in relation to (j) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (l) 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 23.1.2016;
- (m) in relation to (l) 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 23.4.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (k) 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), (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.”

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

- “(a) shorter compliance periods are imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any

further application;

- (b) 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 site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularise any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal village track on government land (GL) and private lots extended from Shan Ha Road. His office does not provide maintenance works for the GL involved nor guarantees any right-of-way;
- (d) to note the comments of the Commissioner of Transport that adequate demarcation should be provided to delineate the car parking spaces so that vehicle parking within the site can be better controlled. Sufficient space should be provided within the site for manoeuvring of vehicles. Moreover, the land status of the access road/path/track leading to the site from Shan Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) 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 to prevent surface water flowing from the site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the site and Shan Ha Road;

- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply for 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. Also, the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to Fire Services 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. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorised under the BO and should not be designated for any approved use under the

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

Agenda Item 72

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/215 Proposed Temporary Shop and Services (Farm Product and Grocery Shop with Ancillary Office and Storeroom) for a Period of 6 Years in “Open Space” Zone, Lot 4297 in D.D. 116, Tai Kei Leng, Yuen Long
(RNTPC Paper No. A/YL/215)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed temporary shop and services (farm product and grocery shop) with ancillary office and storeroom for a period of six years;
- (c) departmental comments – departmental comments were set out in paragraph 8 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 Village Representative of Shap Pat Heung Tai Kei Leng Tsuen and two individuals objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention; its delivery activities would have adverse impacts on pedestrian safety; inefficient use of land resources; causing environmental nuisances and hygienic problems; and setting of undesirable precedent. One of the individuals also considered that the site should be used as an open space for the public good. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of six years based on the assessments set out in paragraph 10 of the Paper. While the proposed development was not in line with the planning intention of the “Open Space” (“O”) zone, the Director of Leisure and cultural Services advised that at present there was no plan to develop the site into public open space. Approval of the application on temporary basis for a period of six years would not frustrate the long-term planning intention of the “O” zone. The proposed development in a 2-storey temporary structure was unlikely to cause significant adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. Approval conditions were recommended to address departments' technical concerns as well as minimising any possible environmental impacts and nuisances on the surrounding developments. Regarding the public comments, the assessments above were relevant.

163. Members had no question on the application.

Deliberation Session

164. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 6 years until 23.10.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the submission of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.4.2016;
- (e) in relation to (d) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.7.2016;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of the landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 23.4.2016;

- (h) in relation to (g) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.7.2016;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.4.2016;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.7.2016;
- (k) if any of the above planning conditions (a), (b), (c) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if the above planning conditions (d), (e), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon 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.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises an Old Schedule Agricultural Lot held under Block Government Lease which no structures are allowed to be erected without prior approval from his office. The site is accessible through an informal village track on government land (GL) extended from Tai Kei Leng Road. His office does not provide maintenance works for the GL involved nor guarantee any right-of-way. The lot owner(s) will need

to apply to his office to permit structures to be erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fees, as may be imposed by LandsD;

- (b) to note the comments of the Commissioner of Transport that the land status of the access road/path/track leading to the site from Tai Kei Leng Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. The applicant is reminded that sufficient space should be provided within the site for manoeuvring of vehicles. In addition, no parking of vehicles on public road are allowed;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD shall not be responsible for the maintenance of the track road connecting the site and Tai Kei Leng Road. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the location of the proposed trees along the northern boundary appears to be in conflict with the proposed parking space and loading/unloading space. The applicant should consider planting additional trees along the western boundary;
- (e) 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 Fire Services 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 to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the BO and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on leased land in the site, the prior approval and consent of the Buildings Authority (BA) should be obtained, otherwise they are Unauthorised Buildings Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (g) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the site is located within the Scheduled Area No. 2. The applicant should be aware that marble with cavities may be present beneath the site. The applicant is also reminded to submit the works to BD for approval as required under the provisions of the BO; and

- (h) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that any food business carrying on thereat should be granted with a licence issued by the DFEH in accordance with Food Business Regulation, Chapter 132X. The applicant should also prevent creating environmental nuisance affecting the public.”

[The Chairman thanked Mr Raymond W.M. Leung, TP/TMYLW, Mr K. C. Kan and Ms Bonita K.K. Ho, STPs/TMYLW, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Agenda Item 73

Any Other Business

166. There being no other business, the meeting closed at 4:50 p.m..