

## **TOWN PLANNING BOARD**

### **Minutes of 544<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 6.11.2015**

#### **Present**

Director of Planning  
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

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

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

Assistant Director/Regional 3 (Atg.),  
Lands Department  
Mr John K.T. Lai

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

Secretary

**Absent with Apologies**

Ms Anita W.T. Ma

Dr W.K. Yau

Mr F.C. Chan

**In Attendance**

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

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

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

**Agenda Item 1**

Confirmation of the Draft Minutes of the 543<sup>rd</sup> RNTPC Meeting held on 23.10.2015

[Open Meeting]

1. The draft minutes of the 543<sup>rd</sup> RNTPC meeting held on 23.10.2015 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**

[Mr William W.T. Wong and Mrs Alice K.F. Mak, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

**Agenda Item 3**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBS/22      Proposed Public Utility Installation and Excavation of Land in  
“Conservation Area” Zone, Government land in D.D. 241, Hillside of  
Tai Wong Kung, Clear Water Bay, Sai Kung  
(RNTPC Paper No. A/SK-CWBS/22)

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

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

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

Mr David Y.T. Lui                    -    owning two houses in Clearwater Bay.

4.            The Committee noted that Dr W.K. Yau had tendered apologies for being able to attend the meeting.    The Committee also noted that Ms Christina M. Lee had no involvement in the application and the properties of Mr David Y.T. Lui had no direct view of the site and agreed that they should be allowed to stay in the meeting.

[Professor Eddie C.M. Hui arrived to join the meeting at this point.]

### Presentation and Question Sessions

5. 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 public utility installation and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper.

6. Members had no question on the application.

### Deliberation Session

7. 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 6.11.2019, 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:

- “- the implementation of a landscape reinstatement proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Sai Kung, Lands Department (LandsD) that if the application would subsequently be approved by the TPB, the applicant is required to apply for excavation/occupation of the concerned government land for such use. However, there is no guarantee that such application will be approved and if approved by LandsD, acting in its capacity as the landlord at its discretion, it will be subject to such terms and conditions, including, among others, payment of premium/fee/rental (as the case may be), as may be imposed by LandsD;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that 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. As part of the excavation works is located within the waterworks reserve, no structure shall be erected over the waterworks reserve and the area should not be used for storage purposes as it may affect the existing 80mm water mains. The existing water main falls within the works scope of CN 5/WSD/13 under “Replacement and Rehabilitation of Water Mains – Stage 4”. ‘Conditions of working in the vicinity of waterworks installations’ shall be observed during execution of the works. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorise;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the temporary works area of the proposed development should be minimised; and
- (d) to note the comments of the Head of Geotechnical Engineering Office,

Civil Engineering Development Department (CEDD) that the openings of the trench/pit would appear to pose a threat to the slope if extreme care and control are not exercised in the planning, design, construction or supervision of the works. Attention to be drawn that the utility undertakers to the “Guide to Trench Excavations (Shoring Support and Drainage Measures)” jointly published by the Highways Department (<http://www.hyd.gov.hk>) and CEDD (<http://www.cedd.gov.hk>) which provides good technical guidelines on trench excavation. It is recommended that the trench/pit should be backfilled with fine fill material in accordance with the specification and standard of Section 6 of the General Specification for Civil Engineering Works (CEDD, 2006 or as amended or updated). Besides, the utility undertakers are required to note the following particulars:

- (i) excavation at the slope crest should not be opened up during the wet season unless unavoidable;
- (ii) design of trench above slopes should take into consideration the potential land flooding and performance of land drainage in the vicinity;
- (iii) adequate trench drainage measures against water ingress should be provided (e.g. upstand, sandbags, protective aprons, pumps, etc.);
- (iv) any voids/gaps/leakage areas surrounding the trench should be promptly rectified to avoid water ingress or leakage;
- (v) the trench support wall should be installed ahead of excavation if such excavation is critical to the stability of slope adjacent to the trench; and
- (vi) it is not desirable to have the whole length of a long trench opened up at any one time, even with support. Excavations should be in sections of shortest practical length.”

**Agenda Item 4**

**Section 16 Application**

[Open Meeting]

A/SK-SKT/10 Proposed Flat and House in “Residential (Group E)1” Zone and an area shown as ‘Road’, Lot 1002 in D.D. 215, 6 Hong Ting Road, Sai Kung (RNTPC Paper No. A/SK-SKT/10)

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9. The Secretary reported that Environ Hong Kong Ltd. (Environ) was one of the consultants of the applicant. The following Members had declared interests in the item:

Mr Ivan C.S. Fu - having current business dealings with Environ; and

Ms Janice W.M. Lai - having current business dealings with Environ; and owning a shop in Sai Kung.

10. The Committee noted that Ms Janice W.M. Lai had not yet arrived to join the meeting. The Committee also noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Ivan C.S. Fu could stay in the meeting.

11. The Committee noted that on 29.10.2015, the applicant had requested for deferment of the consideration of the application for one month in order to prepare further information to address the departmental comments. It was the third time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted further information including revised schematic architectural drawings, Environmental Assessment, Sewerage Impact Assessment and Quantitative Risk Assessment to address comments from concerned government departments on 18.9.2015. More time was required by the applicant to prepare further information to address the departmental comments received.

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



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

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/102                      Proposed School (Tutorial School) in "Residential (Group B)" Zone,  
Shop G4 & G5, G/F, Commercial and Garage Block, Hong Sing  
Garden, 1 Po Lam Road North, Tseung Kwan O, Sai Kung  
(RNTPC Paper No. A/TKO/102)

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

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

- (a) background to the application;
- (b) the proposed school (tutorial school);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and

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

14. Members had no question on the application.

#### Deliberation Session

15. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.11.2019, 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:

“- the provision of fire service installations for the tutorial school to the satisfaction of the Director of Fire Services or of the TPB.”

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

“(a) to note the comments of the Director of Fire Services that detailed fire services requirements would be formulated upon receipt of general building plans submission or referral from the licensing authority;

(b) to note the comments of the Chief Engineer/Construction, Water Supplies Department that for provision of fresh 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 construction, operation and maintenance of the inside services within the private lots to his department's standard;

(c) to note the comments of the Secretary for Education that for details of registration of a school, the applicant should contact the School Registration and Compliance Section, Education Bureau; and

- (d) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that under section 11(b) & 12(l) of the Education Ordinance, an application for registration of a school in a non-purpose built premises shall be accompanied by documents including the requisite certificates and notice to be issued by the Building Authority.”

[The Chairman thanked Mr William W.T. Wong and Mrs Alice K.F. Mak, STPs/SKIs, for their attendance to answer Members’ enquiries. Mr Wong and Mrs Mak left the meeting at this point.]

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

#### **Agenda Item 6**

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

[Open Meeting]

Y/TP/24                      Application for Amendment to the Draft Tai Po Outline Zoning Plan No. S/TP/25, To rezone the application site from “Residential (Group C)” to “Residential (Group C) 11”, Various lots in D.D. 34 and 36 and adjoining Government land, Tsiu Hang, Tai Po  
(RNTPC Paper No. Y/TP/24)

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17.                      The Secretary reported that the site was located at Tsiu Hang, Tai Po. Dr W.K. Yau owned a house and three pieces of land at Cheung Shue Tan and had declared an interest in the item. The Committee noted that Dr W.K. Yau had tendered apologies for being unable to attend the meeting.

18.                      The Committee noted that on 23.10.2015, the applicant had requested for deferment of the consideration of the application for two months in order to prepare further information to address the comments of relevant government departments. It was the first time that the applicant requested for deferment of the application.

19.                      After deliberation, the Committee decided to defer a decision on the application

as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. 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 Kenny C.H. Lau and Mr Wallace W.K. Tang, Senior Town Planners/Shu Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/107                      Proposed Comprehensive Residential Development in "Comprehensive Development Area (3)" Zone, Sha Tin Town Lot No. 601, Yiu Sha Road, Ma On Shan  
(RNTPC Paper No. A/MOS/107)

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20.            The Secretary reported that the application was submitted by Loyal Pioneer Ltd., which was the subsidiary of Chun Wo Development Holdings Ltd. (Chun Wo) and China City Construction (International) Co., Ltd. The following Members had declared interests in the item:

- Professor S.C. Wong            - being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where Chun Wo Construction and Engineering Co., Ltd. had sponsored some activities of the Department;
  
- Mr H.F. Leung                    - having current business dealings with Chun Wo; and

Ms Christina M. Lee - being the Secretary – General of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship before from Chun Wo.

21. The Committee considered that the interest of Mr H.F. Leung was direct and agreed that he should be invited to leave the meeting temporarily. As the interests of Professor S.C. Wong and Ms Christina M. Lee were indirect, the Committee agreed that they could stay in the meeting.

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

### Presentation and Question Sessions

22. With the aid of a PowerPoint presentation, Mr Kenny C.H. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

#### Background

- (a) the site, with an area of 23,500m<sup>2</sup>, was zoned “Comprehensive Development Area (3)” (“CDA(3)”). According to the Notes of the draft Ma On Shan Outline Zoning Plan No. S/MOS/21 for the “CDA(3)” zone, a Master Layout Plan (MLP) and relevant technical assessments should be prepared for approval by the Town Planning Board;
- (b) an application (No. A/MOS/99) for residential development with minor relaxation of gross floor area (GFA) and building height (BH) restrictions submitted by the Lands Department was approved by the Committee on 13.6.2014. A planning brief (PB) guiding the development of the site was also endorsed by the Committee on 22.8.2014. The site was later acquired by the applicant by tender;

#### The Proposal

- (c) the applicant sought planning permission for a proposed residential

development with minor relaxation of GFA restriction from 30,000m<sup>2</sup> to 36,000m<sup>2</sup> and BH restriction from 50mPD to 58mPD at the site, and a new MLP for the development of the site was also submitted;

- (d) the major development parameters of the proposed scheme including site area, domestic GFA/plot ratio and maximum BH remained unchanged as compared with the approved scheme under application No. A/MOS/99. Other types of housing including houses and duplex blocks were proposed in addition to residential towers for the proposed development;
- (e) the site was primarily divided into two portions. In the northern portion, a row of thirteen 2 to 3-storey houses would be provided on the proposed stabilised slope. In the remaining flat area, four 13 to 15-storey residential towers would be provided at the western and eastern parts while a row of five 5-storey blocks (including a storey for lobby and clubhouse facilities) were proposed at the southern fringe. At the centre of the site surrounded by the building blocks, a landscaped area and a swimming pool were proposed. Car parks, clubhouse and E&M facilities would be accommodated at the basement level;
- (f) the general BH profile would descend from the 13 to 15-storey residential towers at the south to the 2 to 3-storey houses at the north towards the waterfront. There were also variations in height among the medium-rise residential towers and the low-rise houses. A 15m-wide visual corridor running southwest-northeast subject to a BH of 2 storeys and a building separation of about 77m between the two clusters of residential towers would be provided. There would also be a green buffer of about 12m wide along the northern boundary, landscaped areas along the western and eastern boundaries and a 10m-setback from the adjoining roads along the eastern and southern boundaries. The vehicular run-in/run-out would be at Yiu Sha Road. The proposed development would produce about 503 units for an anticipated population of about 1,509 and was scheduled for completion in 2019;

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

Departmental Comments

- (g) departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

Public Comments

- (h) during the first three weeks of the three statutory publication periods, a total of 42 public comments were received from local residents and individuals. 15 comments supported the application mainly on the grounds of appropriate development intensity and layout, increasing housing supply and no adverse ecological, environmental and traffic impacts; while 27 comments objected to the application on the grounds of adverse environmental, ecological, traffic, air ventilation and visual aspects and lack of community facilities; and

Planning Department (PlanD)'s views

- (i) PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The proposed development was in line with the planning intention and development restriction of the “CDA(3)” zone for low to medium-density residential development and the increase in GFA and BH was supported by relevant technical assessments. The proposed development was compatible with the low to medium-density residential character of the neighbourhood, and the general gradation in development intensity and BH from Wu Kai Sha Station inland towards the waterfront could still be maintained. The proposed MLP generally complied with the planning and design requirements under the PB and had taken into account the site characteristics, site constraints, BH profile, local wind environment as well as the infrastructural capacity of the area. The proposed development would not cause any insurmountable problems on

environmental, ecological, traffic, sewerage, drainage, geotechnical, water supplies, visual, air ventilation and landscape aspects. Regarding the adverse public comments received, concerned government departments had no objection to the application, and the assessment above were relevant. It should also be noted that Ma On Shan was a well planned and established new town. The planned provision and land reservation for various government, institution or community facilities were generally adequate to meet the need of the planned population of Ma On Shan according to the Hong Kong Planning Standards and Guidelines (HKPSG).

23. In response to the Chairman's question on the difference between the previous and the current schemes, particularly on the aspects of site coverage, private car parking provision and greenery provision, Mr Kenny C.H. Lau, STP/STN, said that instead of 5 high-rise residential towers proposed under the previous scheme, 4 residential towers together with medium-rise towers and low-rise houses were proposed under the current scheme which would lead to an increase in site coverage and a decrease in greenery provision. Nevertheless, the proposed site coverage complied with the Sustainable Building Design Guidelines; while the greenery provision of 32.8% of the total site area fulfilled the requirement of not less than 30% as stipulated under the PB. In addition, due to the increase in average unit size, the private car parking provision would have to be increased in order to follow the standards as stipulated under HKPSG, and the Transport Department (TD) had no objection to the proposed provision.

24. A Member said that in other similar applications for residential developments, there were strong local concerns on the provision of public transport facilities. The Chairman further asked about the existing provision of public transport facilities and the implementation progress of the planned facilities in the area. In response, Mr Kenny C.H. Lau said that there was an existing public transport interchange (PTI) at Lake Silver above MTR Wu Kai Sha Station. At present, there was a 24-hour pedestrian connection between the PTI and Double Cove Phase 3. As part of the development of Double Cove Phase 4 which was currently at the building plan approval stage, the said connection would be further extended to the "Comprehensive Development Area (2)" ("CDA(2)") zone that was adjacent to the site. Regarding the provision of other public transport facilities such as bus and minibus in the area, Mr Kenny C.H. Lau said that there was no such information available on



hand. The Chairman remarked that relevant information should be provided to the Committee when considering planning matter in the area in future.

25. In response to a Member's question on the BH profile of the proposed scheme, Mr Kenny C.H. Lau said that as shown on the MLP (Drawing A-1a of the Paper), the four 13 to 15-storey residential towers would be situated at the eastern and western parts of the site, while a row of thirteen 2 to 3-storey houses would be situated at the northern part. Another row of five 5-storey duplex blocks would be situated at the southern fringe. The Member further asked if there was any possibility to revise the maximum BH of the "CDA(2)" zone and whether the proposed development with a maximum BH of 58mPD would cast shadows on the future development, with a maximum BH of 50mPD, on the "CDA(2)" zone. In response, Mr Kenny C.H. Lau said that the developer had already submitted building plans for the development of seven residential towers and 67 houses at the "CDA(2)" zone and the maximum BH of 50mPD would be maintained. Given that the development layout of the "CDA(2)" zone would be similar to that of the proposed scheme, i.e. with taller residential towers located at the southern part of the site and houses located at the northern part, and there would be a 35m-wide visual corridor running south-north in the middle of the "CDA(2)" zone, the impact on shadow occlusion would be minimal.

26. A Member asked if the future development of the site was required to follow the Landscape Master Plan (LMP) (Drawing A-5 of the Paper) proposed under the application. Since the site was located in close proximity to the "Conservation Area" ("CA") zone, more trees should be planted. In response, Mr Kenny C.H. Lau said that a total of 537 trees would be provided in the site, and the submission and implementation of a revised LMP including tree preservation proposals was one of the approval conditions recommended by PlanD.

#### Deliberation Session

27. A Member asked if more native species of trees could be planted within the site to ensure that the proposed development would be more compatible with the adjacent "CA" zone. Another Member concurred. In response, the Chairman said that an advisory clause could be added in order to address Members' concern on the planting of more native species of trees. The Secretariat was requested to work out the wording of the advisory clause.

Members agreed.

28. 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 6.11.2019, 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 a revised Master Layout Plan (MLP) to incorporate the approval conditions as stipulated in conditions (b) to (g) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan, including tree preservation proposals, to the satisfaction of the Director of Planning or of the TPB;
- (c) the implementation of the ecological mitigation measures identified in the revised Ecological Assessment Report to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (d) the implementation of the drainage facilities identified in the revised Drainage Impact Assessment Report to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the implementation of the sewerage facilities identified in the revised Sewerage Impact Assessment Report to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the design and provision of ingress/egress point, vehicular access, parking spaces, loading/unloading and lay-by facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the provision of emergency vehicular access, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire

Services or of the TPB; and

- (h) the submission and implementation of a development programme indicating the timing and phasing of the comprehensive development to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the approved MLP, together with the set of approval conditions, will be certified by the Chairman of the TPB and deposited in the Land Registry (LR) in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in LR as soon as practicable;
- (b) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed Gross Floor Area (GFA) concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the TPB may be required; and
- (c) to ensure that the proposed development would be compatible with the adjoining “Conservation Area” zone, the applicant is advised to plant as many native species of trees as possible and should liaise closely with the Urban Design and Landscape Section, Planning Department regarding the number and types of native species of trees to be planted within the site.”

**Agenda Item 8**

**Section 16 Application**

[Open Meeting]

A/ST/888                      Proposed House in “Government, Institution or Community” and  
“Green Belt” and “Residential (Group B)” Zones, Lots 379 and 380RP  
in D.D. 186 and adjoining Government land, Sha Tin  
(RNTPC Paper No. A/ST/888)

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30.            The Secretary reported that LWK & Partners (HK) Ltd. was the consultant of the applicant. Mr Ivan C.S. Fu was the director and shareholder of LWK and had declared an interest in the item.

31.            The Committee noted that the applicant had requested for deferment of consideration of the application. The Committee also noted that the interest of Mr Ivan C.S. Fu was direct and agreed that he could stay in the meeting but should refrain from participating in the discussion.

32.            The Committee noted that on 29.10.2015, the applicant had requested for deferment of the consideration of the application for two months in order to prepare further information to address departmental comments. It was the first time that the applicant requested for deferment of the application.

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

## **Agenda Item 9**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/102            Proposed House (New Territories Exempted House - Small House) in  
                                 “Recreation” and “Village Type Development” Zones, Lot 2048 S.B in  
                                 D.D. 39, Yim Tso Ha Tsuen, Sha Tau Kok  
                                 (RNTPC Paper No. A/NE-LK/102)

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34.            The Secretary reported that a replacement page (page 3 of Appendix V of the Paper), with inclusion of additional information under paragraph 11, was tabled for Members’ reference.

### **Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the proposed house (New Territories Exempted House – Small House);
- (c)    departmental comments – departmental comments were set out in paragraph 9 and Appendix II of the Paper. Major departmental comments were summarised as follows:
  - (i)    the Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Approval of the application would set an undesirable precedent case for similar applications in the future. The resulting

cumulative adverse traffic impact could be substantial;

- (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective. Approval of the application might set an undesirable precedent of spreading village house development into the “Recreation” (“REC”) zone;
  - (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the site and its vicinity were rural in nature and within a large piece of freshwater marsh, and there was a stream about 60m to the south of the site flowing to Starling Inlet. The proposed development would likely involve site formation works and might cause potential adverse ecological impacts on the habitats. Besides, the applicant had not provided any information to address the potential ecological impacts;
  - (iv) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the public inspection period, four public comments were received. A North District Council member supported the application as it would bring convenience to the villagers. The other three comments from Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation, and an individual objected to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of the “REC” zone; the construction of the Small House would affect the ecology and habitats in the surrounding area; no justifications or relevant technical assessments had been submitted; and the setting of undesirable precedent for similar applications 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 Small

House development was not in line with the planning intention of the “REC” zone, and the applicant had not provided strong planning justification to merit a departure from the planning intention of the “REC” zone. The site formation works of the proposed Small House would cause potential adverse ecological impacts on the habitats and the applicant failed to address the issue in the submission. Moreover, land was still available within the “V” zone of Yim Tso Ha Village for Small House development and it was considered more appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. The approval of the application might set an undesirable precedent of spreading village house developments into the “REC” zone, and the cumulative effect of approving such applications would result in a general degradation of the environment of the area.

36. Members had no question on the application.

#### Deliberation Session

37. 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) the applicant fails to demonstrate in the submission that the proposed development would not have adverse ecological impact on the surrounding area;
- (c) 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

- (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 of the area.”

**Agenda Items 10 to 12**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/579 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1769 in D.D.76, Ma Mei Ha Leng Tsui, Fanling  
(RNTPC Paper No. A/NE-LYT/579)

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A/NE-LYT/580 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1778 S.B in D.D.76, Ma Mei Ha Leng Tsui, Fanling  
(RNTPC Paper No. A/NE-LYT/580 and 581)

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A/NE-LYT/581 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1778 S.A in D.D.76, Ma Mei Ha Leng Tsui, Fanling  
(RNTPC Paper No. A/NE-LYT/580 and 581)

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38. The Secretary reported that as the three section 16 applications for proposed house (New Territories Exempted House (NTEH) – Small House) were similar in nature and the sites were located in close proximity to one another and within the same “Agriculture” (“AGR”) zone, the Committee agreed that they could be considered together.



Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (NTEH – Small House) for each of the applications;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix II of the Papers. The Commissioner for Transport had reservation on the three applications and advised that Small House developments should be confined within the “Village Type Development” (“V”) zone as far as possible. Approval of the applications would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Nonetheless, the construction of the three Small Houses could be tolerated. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support applications No. A/NE-LYT/580 and 581 as the sites were well served with road access and could be used for plant nursery or greenhouse. Other concerned government departments had no objection or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received for application No. A/NE-LYT/579; while two public comments each were received for applications No. A/NE-LYT/580 and 581. A North District Council member supported the three applications as they could facilitate the villagers to build their Small Houses; while Designing Hong Kong Limited (DHK) objected to the three applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “AGR” zone; no environmental, landscape, traffic, drainage and sewerage assessments had been submitted; and setting of undesirable precedent for similar

applications. One more public comment on application No. A/NE-LYT/579 was submitted by an individual objecting to the application on the grounds similar to those raised by DHK; and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out paragraph 11 of the Papers. The applications were in line with the Interim Criteria for Consideration of Application for NTEH. More than 50% of the footprint of each of the proposed Small Houses fell within the village ‘environ’ of Ma Mei Ha Leng Tsui and Leng Pei Tsuen. While land was still available within the “V” zone, it could not fully meet the demand for Small House development in the “V” zone of the same village taking into account the outstanding Small House applications and the 10-year Small House demand forecast. In terms of location, the sites were located in close proximity to the existing village houses, new Small Houses under construction and approved Small House application sites. Regarding the adverse public comments received, concerned government departments in general had no objection to the application and the assessments above were relevant.

40. A Member asked if there was an existing structure on the site under application No. A/NE-LYT/579. In response, Mr Wallace W.K. Tang, STP/STN, said that a temporary domestic structure was identified on the site.

#### Deliberation Session

41. A Member noted that land within the “V” zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen could not fully meet the demand for Small House development, and that DAFC did not support applications No. A/NE-LYT/580 and 581 as the sites had potential for agricultural rehabilitation. The Member was concerned that if the Committee approved the two applications, future similar Small House applications in the same area might have to be approved by the Committee. As for application No. A/NE-LYT/579, there was objection to approving the Small House development as the site was located close to the village cluster.

The Chairman remarked that applications for Small House development in the Lung Yeuk Tau area were active and the Committee had previously approved a number of applications for Small House development falling entirely within the village ‘environ’ (‘VE’) and the subject “AGR” zone. There might not be strong reasons for not approving similar applications under similar planning circumstances. Rather than enlarging the “V” zones to meet the Small House demand, the planning application system had provided a useful mechanism to cater for Small House developments outside the “V” zone.

42. A Member had no objection to approving the three applications but said that if any review was to be conducted for the subject “V” zone, consideration should be given to excluding the slopes and woodland located to the northeastern part of the “V” zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen and rezoning that area, which was not considered suitable for Small House developments, to “Green Belt”. The Chairman said that whilst PlanD had no intention to review the subject “V” zone, no Small House application had so far been approved by the Lands Department in the said area. He further said that in considering future Small House grant applications in the said area within the “V” zone, PlanD should be advised to take account of the Member’s view in commenting on the application.

43. After deliberation, the TPB decided to approve the applications, each on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 6.11.2019, 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:

Application No. A/NE-LYT/579

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

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

- “(a) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that:
- (i) for provision of water supply to the development, the applicant may need to extend the inside service to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside service within the private lots to WSD’s standards; and
  - (ii) the site is located within the flood pumping gathering ground;
- (b) to note the comments of the Director of Environmental Protection that the site is in the area where public sewerage connection is available and the applicant is reminded to connect the proposed Small House to the public sewer;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should enhance the greening of the site, and trees and shrubs should be provided within the site;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of

the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Applications No. A/NE-LYT/580 and 581

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

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

- “(a) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that:
  - (i) for provision of water supply to the development, the applicant may need to extend the inside service to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside service within the private lots to WSD’s standards; and
  - (ii) the site is located within the flood pumping gathering ground;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should enhance the greening of the site, and trees and shrubs should be provided within the site;

- (c) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (d) to follow the requirements as set out in the ProPECC PN 5/93 published by the Director of Environmental Protection on the design, construction, operation and maintenance of the septic tank and soakaway pit system for the proposed Small House; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

**Agenda Item 13**

**Section 16 Application**

[Open Meeting]

A/NE-STK/7                      Temporary Eating Place (Restaurant) with Ancillary Vehicle Park for a Period of 3 Years in “Recreation” and “Village Type Development” Zones, Lots 152 S.B RP and 172 S.B ss.2 (Part) in D.D.40, Ha Tam Shui Hang Village, Sha Tau Kok  
(RNTPC Paper No. A/NE-STK/7)

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46.            The Committee noted that on 22.10.2015, the applicant had requested for deferment of the consideration of the application for two months in order to prepare further information to address the comments of concerned government departments. It was the third time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted a revised site layout plan to provide more landscaping

area/buffer area within the site, an updated swept path analysis and clarifications on the design of sewage treatment facilities and activities on-site, in order to address the departmental comments. As further departmental comments were received, the applicant had subsequently submitted further information on the design of the septic tank, a revised site layout plan to provide more landscaping area and clarifications on the surface runoff of the proposed development. Nevertheless, as there were still adverse departmental comments, further response/clarifications were required.

47. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it 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 14**

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

[Open Meeting]

A/NE-TKL/527      Temporary Warehouse for Storage of Metal Parts with Ancillary  
Parking of Vehicles for a Period of 3 Years in "Agriculture" and "Open  
Storage" Zones, Lots 2102 and 2103 (Part) in D.D. 76, Ping Che  
(RNTPC Paper No. A/NE-TKL/527)

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48. The Committee noted that on 13.10.2015, the applicant had requested for deferment of the consideration of the application for two months in order to prepare further information to address the comments of the Transport Department. It was the first time that the applicant requested for deferment of the application.

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

**Agenda Items 15 to 17**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/528 Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" Zone, Lot 546 S.D ss.1 in D.D. 77, Ping Che Village, Ta  
Kwu Ling  
(RNTPC Paper No. A/NE-TKL/528 to 530)

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A/NE-TKL/529 Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" Zone, Lot 546 S.E ss.1 in D.D. 77, Ping Che Village, Ta  
Kwu Ling  
(RNTPC Paper No. A/NE-TKL/528 to 530)

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A/NE-TKL/530 Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" Zone, Lot 546 S.F ss.1 in D.D. 77, Ping Che Village, Ta  
Kwu Ling  
(RNTPC Paper No. A/NE-TKL/528 to 530)

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50. The Secretary reported that as the three section 16 applications for proposed house (New Territories Exempted House (NTEH) – Small House) were similar in nature and the sites were located in close proximity to one another and within the same "Agriculture"



(“AGR”) zone, the Committee agreed that they could be considered together.

#### Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (NTEH – Small House) for each of the applications;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix II of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the applications as the sites were well served with road access and possessed potential for agricultural rehabilitation. The Commissioner for Transport had reservation on the applications and advised that Small House developments should be confined within the “Village Type Development” (“V”) zone as far as possible. Approval of the applications would set an undesirable precedent case for similar applications in the future. Nevertheless, the construction of three Small Houses could be tolerated. Other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, three public comments on each of the applications were received. A public comment from a North District Council member supported the applications as they would bring convenience to the villagers. The other two public comments from Designing Hong Kong Limited and an individual objected to the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “AGR” zone; the Small Houses under applications were not meeting the housing need of the applicants; no relevant traffic, environmental, landscape, sewerage and drainage assessments had been submitted; and the setting of undesirable

precedent for similar applications.; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. The applications were in line with the Interim Criteria for Consideration of Application for NTEH. More than 50% of the footprints of the proposed Small Houses fell within the village 'environ' of Ping Che. In terms of location, the sites were located in proximity to the existing village houses and there were approved Small House developments nearby. The implementation of the three Small Houses would form a new village cluster in the locality. Regarding the adverse public comments received, concerned government departments in general had no objection to the applications and the above assessments above were relevant.

52. Members had no question on the applications.

#### Deliberation Session

53. After deliberation, the TPB decided to approve the applications, each on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 6.11.2019, 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 a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) 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 service to the nearest suitable government water mains for connection and to resolve any land matter (such as private lot) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside service within the private lot to WSD’s standards;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road leading from Ng Chow South Road or Ng Chow Road to the site is not maintained by HyD;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

[The Chairman thanked Mr Kenny C.H. Lau and Mr Wallace W.K. Tang, STPs/STN, for their attendance to answer Members’ enquiries. Messrs Lau and Tang left the meeting at this point.]

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

**Agenda Item 18**

**Section 16 Application**

[Open Meeting]

A/FSS/241                      Proposed Eating Place, Office and Shop and Services (in Wholesale Conversion of an Existing Building Only) in “Industrial” Zone, No. 9 Choi Yuen Road, Sheung Shui  
(RNTPC Paper No. A/FSS/241)

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55.            The Secretary reported that MLA Architects (HK) Ltd. (MLA) was one of the consultants of the applicant. Ms Janice W.M. Lai had current business dealings with MLA and had declared an interest in the item. The Committee noted that the applicant had request for deferment of consideration of the application, and agreed that Ms Janice W.M. Lai could stay in the meeting.

56.            The Committee noted that on 20.10.2015, the applicant had requested for deferment of the consideration of the application for two months in order to prepare further information to address the departmental comments. It was the second time that the applicant requested for deferment of the application. Since the last deferment, the applicant submitted further information on 18.9.2015 including response to comments, technical information and revised floor plans in addressing various departmental comments. Relevant departments still had questions/concerns on the proposed development. As such, the applicant needed more time to address the departmental comments.

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

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

### **Agenda Item 19**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/16                      Temporary Medium Goods Vehicle and Container Tractor/Trailer Park for a Period of 3 Years in “Residential (Group B)”, “Government, Institution or Community” and “Green Belt” Zones and an area shown as 'Road', Lots 106 (Part), 108 (Part), 109 (Part), 110 (Part), 112 (Part), 113, 114, 115 (Part), 116 (Part), 117 (Part), 118 (Part), 119 (Part), 120 (Part), 122 (Part), 123 (Part), 165 S.A (Part) in D.D. 95 and adjoining Government Land, Ho Sheung Heung, Kwu Tung North, Sheung Shui (RNTPC Paper No. A/KTN/16A)

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

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

- (a) background to the application;
- (b) the temporary medium goods vehicle and container tractor/trailer park for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in

the vicinity of the site. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, a total of 32 public comments were received from a North District Council (NDC) member, Resident Representative (RR) of Kwu Tung South and 30 members of the general public in a standard letter. The NDC member had no comments on the application but suggested that residents in the vicinity should be consulted. The remaining 31 public comments objected to the application mainly on the grounds of road safety and adverse traffic, landscape, noise and air impacts. The District Officer (North), Home Affairs Department reported that the RRs of Kwu Tung North and South objected to the application on the grounds that the noise generated by container vehicles exceeded statutory limit, and the operation hours of cross-border container vehicles were 24 hours and the vehicles did not travel to/from the vehicle park at a fixed time, causing nuisance to the elderly and patients with chronic diseases in the neighbourhood; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary medium goods vehicle and container tractor/trailer park could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The application generally complied with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there was no major adverse departmental comment on the application. Although DEP did not support the application and environmental nuisance to residents nearby was anticipated, only one unsubstantiated environmental complaint on air concerning the site had been received in the past 3 years, and the environmental concern could be addressed by the imposition of relevant approval conditions. Regarding the adverse public comments received, the Commissioner for Transport, the Commissioner of Police and the Chief Town Planner/Urban Design and Landscape of PlanD had no adverse comment on the application. The applicant had erected a 3m high corrugated metal fencing and planted

periphery trees to minimise the environmental nuisance.

59. Members had no question on the application.

#### Deliberation Session

60. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.11.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no night time operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the existing 3m high fence on the site should be properly maintained during the planning approval period;
- (d) the existing drainage facilities on the site should be properly maintained and rectified if they are found inadequate/ineffective during operation during the planning approval period;
- (e) all existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (f) the submission of a conditional record of the existing drainage facilities approved under planning application No. A/NE-KTN/157 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.2.2016;
- (g) the submission of proposals for fire service installations and water supplies for firefighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.5.2016;

- (h) in relation to (g) above, the provision of fire service installations and water supplies for firefighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.8.2016;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owner of the site;
- (c) the planning permission is given to the development/use(s) and structures under application. It does not condone any other development/use(s) and structure(s) which currently occur(s) on the site/premises but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use(s) and remove such structure(s) not covered by the permission;
- (d) to note the comments of the District Lands Officer/North, Lands Department as follows:
  - (i) unauthorised structures have been erected on the lots and the



adjoining government land (GL) concerned without prior approval from his office. The total built-over area of the aforesaid structures is larger than the one mentioned in the planning application. The aforesaid structures are not acceptable under the concerned lease. Moreover, the GL concerned has already been unauthorisedly occupied. His office reserves the right to take lease enforcement and land control actions against the irregularities; and

- (ii) the owner of Lot 123 in D.D. 95 shall also apply to his office for a Short Term Waiver (STW). All the aforesaid applications will be considered by Government in its landlord's capacity. There is no guarantee that the applications for STW/Short Term Tenancy (STT) will be approved. If the STW/STT are approved, their commencement date would be backdated to the first date of occupation and 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. If the STW/STT are rejected, his office will take lease enforcement and land control actions against the aforesaid irregularities;
  
- (e) to note the comments of the Commissioner for Transport that the local track leading to the site is not managed by the Transport Department. The land status, management and maintenance responsibilities of the local track should be clarified with the relevant lands and maintenance authorities accordingly;
  
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the proposed vehicular access connecting Lot 165 S.A and Ho Sheung Heung Road is within unallocated government land (UGL). The applicant should apply to the lands authority for obtaining the right to use this UGL as the lot's vehicular access and taking up the maintenance responsibility;
  
- (g) to note the comments of the Project Manager (New Territories East), Civil

Engineering and Development Department that the site falls within the remaining packages of Kwu Tung North New Development Area project and would be resumed at the time of development. Any structure inside may be demolished for future development;

- (h) to note the comments of the Chief Engineer/Construction, Water Supplies Department as follows:
  - (i) a small section of 50 GI water mains in the south-east corner of the site is affected. The cost of any necessary diversion of the water main shall be borne by the applicant; and
  - (ii) the site is located within the flood pumping gathering ground;
  
- (i) to note the comments of the Director of Fire Services as follows:
  - (i) emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by the Buildings Department (BD); and
  - (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
  
- (j) to note the comments of the Chief Building Surveyor/New Territories West, 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 Buildings Ordinance (BO) and should not be designated for any approved use under the subject application;
  - (ii) 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;

- (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 acceptance of any existing works or UBW on the site under the BO;
  - (iv) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
  - (v) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
  - (vi) detailed comments under the BO will be provided at building plan submission stage;
- (k) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt measures to avoid causing any damage or disturbance to the existing trees in carrying out the applied use; and
- (l) to follow the environmental mitigation measures as recommended in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" in order to minimise the potential environmental impacts on the adjacent area."

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/19                      Social Welfare Facility (Residential Care Home for Persons with Disabilities) in “Village Type Development” Zone, Lots 1380 (Part), 1385 S.B (Part), 1385 S.C (Part), 1387 S.B (Part), 1387 S.C (Part), 1387 RP (Part) in D.D. 95 and adjoining Government land, Ho Sheung Heung, Sheung Shui  
(RNTPC Paper No. A/KTN/19)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the social welfare facilities (Residential Care Home for Persons with Disabilities (RCHD));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from the Chairman of the Sheung Shui District Rural Committee (SSDRC) cum one of the Indigenous Inhabitant Representatives of Ho Sheung Heung. He suggested that the applicant should discuss with SSDRC and the Rural Representatives of Ho Sheung Heung regarding the sewerage issue and management of the residents of the RCHD; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

applicant based on the assessments set out in paragraph 11 of the Paper. Although the last approved planning application No. A/KTN/8 for the same use on the site was revoked due to non-compliance of approval conditions, the applicant had submitted a landscape proposal, a drainage proposal and a proposal for fire service installations under the current application. Nevertheless, shorter compliance periods for the approval conditions were recommended to monitor the progress of compliance. Regarding the public comment received, the Director of Environmental Protection had no adverse comment on the application. Nevertheless, the applicant would be advised to liaise with SSDRC and the Rural Representatives of Ho Sheung Heung to address their concerns.

63. In response to the Chairman's question, Mr Kevin C.P. Ng, STP/FSYLE, said that the application was revoked as the submitted drainage proposal and proposal for fire service installations were not up to standard and not accepted by relevant government departments, and thus failed to comply with the concerned approval conditions before the due date as required by the Town Planning Board (TPB).

64. In response to a Member's question on the existing use at the site, Mr Kevin C.P. Ng said that the site was currently used as a RCHD with disabilities. The Member was concerned about the safety and operation of the existing RCHD where no planning permission had been given. Members noted that the RCHD at the site had been operating for many years, and the planning permission sought was to meet the licensing requirements of the Social Welfare Department.

65. A Member asked whether the use under application had previously received any complaints, and another Member asked about the differences in the provision of facilities between a basic elderly centre and the RCHD for disabilities. In response, Mr Kevin C.P. Ng said that there was no record of complaint regarding the use at the site. As for the provision of facilities, the subject RCHD was to provide service to people with mental disabilities and ex-mentally ill people who were in need of residential care, and the facilities would be similar to those of a basic elderly centre.

Deliberation Session

66. The Secretary drew Members' attention to paragraph 9.1.2 of the Paper which stated that the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) had come into operation since 2011, providing control of RCHDs through a licensing scheme administered by the Director of Social Welfare. As the subject RCHD had been operated at the site before the commencement of the said ordinance, it was issued with a certificate of exemption with conditions of improvements for full compliance with the licensing requirements, including seeking planning permission from the TPB to use the site for operating an RCHD. Since the last approved planning application was revoked, shorter compliance periods for the approval conditions were recommended to monitor the progress of compliance should the Committee decided to approve the application.

67. 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 was subject to the following conditions:

- “(a) the submission of a 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 6.2.2016;
- (b) in relation to (a) above, the implementation of the 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 6.5.2016;
- (c) the submission of proposals for fire service installations and water supplies for firefighting within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.2.2016;
- (d) in relation to (c) above, the provision of fire service installations and water supplies for firefighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.5.2016;

- (e) the submission of a landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.2.2016; and
- (f) in relation to (e) above, the implementation of the landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.5.2016; and
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the development on the site;
- (b) shorter compliance periods for approval conditions are granted in order to monitor the progress of compliance with approval conditions. 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;
- (c) to resolve any land issues relating to the development with the concerned owner of the site;
- (d) the planning permission is given to the structures under application. It does not condone any other structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to remove such structures not covered by the permission;
- (e) to note the comments of the District Lands Officer/North, Lands

Department (LandsD) as follows:

- (i) there are unauthorised structures erected on the lots and adjoining government land (GL) concerned without prior approval from his department. Since the aforesaid structures are not acceptable under the concerned lease, his department reserves the right to take lease enforcement actions against the irregularities found on private land. For the unauthorised occupation and/or erection of structures on the GL, his department will consider taking appropriate land control actions against the irregularities concerned; and
  - (ii) the owners of the lots/operators of the facility shall apply to his office for Short Term Waivers and Short Term Tenancies to cover those temporary structures. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such applications will be approved. If such applications are approved, they will be subject to such terms and conditions, including but not limited to payment of fees and premium, to be imposed by LandsD. If such applications are not approved, or the terms and conditions are not accepted, the owners/operators may be required to remove the temporary structures even if planning permission is granted;
- (f) to note the comments of the Commissioner for Transport that Ho Sheung Heung Pai Fung Road and the village track leading to the site are not managed by the Transport Department. The land status of Ho Sheung Heung Pai Fung Road and the village track should be checked with the lands authority. The management and maintenance responsibilities of the village track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road of Ho Sheung Heung Pai Fung Road leading from Ho Sheung Heung Road to the site is not



maintained by HyD;

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewage connection is available and the Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities of the development;
- (i) to note the comments of the Chief Engineer/Construction, Water Supplies Department that the site is located within the flooding pumping gathering ground;
- (j) to note the comments of the Director of Fire Services as follows:
  - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations will need to be installed;
  - (ii) in such circumstances, except where building plan is circulated to the Centralised Processing System of the Buildings Department (BD), the tenant is required to send the relevant layout plans to his department (Address: Planning Group, 9/F, Fire Services Headquarters Building, No. 1 Hong Chong Road, Kowloon) incorporated with the proposed fire service installations for approval. In doing so, the applicant should note that:
    - (1) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
    - (2) the location of the proposed fire service installations and the emergency vehicular access (EVA) should be clearly marked on the layout plans;
  - (iii) detailed fire safety requirements will be formulated upon receipt of

formal submission of the aforesaid plans. The applicant will need to subsequently provide such fire service installations according to the approved proposal; and

- (iv) for premises used as Residential Care Home for Persons with Disabilities (RCHD), fire service installations (including but not limited to Fire Hydrant/Hose Reel System) shall be provided. In addition, sprinkler system shall be required for all parts of the building if the total area exceeds 230m<sup>2</sup>;
  
- (k) 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 Buildings Ordinance (BO) and should not be designated for any approved use under the application;
  
  - (ii) before any new building works (including 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) if the applied use is subject to the licence, the applicant should be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety

and other relevant requirements as may be imposed by the licensing authority;

- (v) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
  - (vi) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
  - (vii) detailed comments under the BO will be provided at building plan submission stage; and
- (l) to liaise with the Sheung Shui District Rural Committee and the Rural Representatives of Ho Sheung Heung regarding the sewerage issue and management of the residents of the RCHD.”

**Agenda Item 21**

**Section 16 Application**

[Open Meeting]

A/NE-KTS/390

Proposed School (International School) and Access Road in “Agriculture” and “Village Type Development” Zones, Lots 257 (Part), 258 (Part), 259 (Part), 334, 336, 337, 338, 340, 341, 342, 344, 345, 346, 347, 348, 349, 351 S.B (Part), 352, 353, 354, 355 (Part), 356, 357, 378 S.A (Part), 379 (Part), 403 (Part), 405 (Part), 406 (Part), 408 (Part), 411 (Part), 412 (Part), 415 (Part), 416 (Part), 417 (Part), 430 (Part), 590 RP (Part), 590 S.A (Part), 591 (Part), 598 S.A ss.3 (Part), 598 S.A ss.7 (Part), 598 S.A ss.13 (Part), 598 S.B ss.10 (Part) and 693 (Part) in D.D. 100 and adjoining Government land, Kwu Tung South  
(RNTPC Paper No. A/NE-KTS/390)

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69. The Secretary reported that Environ Hong Kong Ltd. (Environ), MVA Hong Kong Ltd. (MVA) and AECOM Asia Co. Ltd. (AECOM) were three of the consultants of the applicant. The following Members had declared interests in the item:

- Mr Ivan C.S. Fu - having current business dealings with Environ, MVA and AECOM;
- Ms Janice W.M. Lai - having current business dealings with Environ and AECOM; and
- Professor S.C. Wong - having current business dealings with AECOM; and being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where AECOM had sponsored some activities of the Department before.

70. The Committee noted that the applicant had requested for deferment of consideration of the application, and agreed that Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Professor S.C. Wong could stay in the meeting.

71. The Committee noted that on 28.10.2015, the applicant had requested for deferment of the consideration of the application for two months in order to prepare further information to address the comments of the Environmental Protection Department and the Agriculture, Fisheries and Conservation Department. It was the second time that the applicant requested for deferment of the application. Since the last deferment, the applicant submitted various further information to address departmental comments on 9.6.2015, 30.7.2015 and 11.9.2015 respectively.

72. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. 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 it 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 22**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/478      Proposed Animal Boarding Establishment (Kennel) in "Agriculture"  
Zone, Lots 1143 S.D and 1143 S.E in D.D. 109, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/478A)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed animal boarding establishment (kennel);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Major departmental comments were summarised as follows:
  - (i) the Director of Environmental Protection had reservation on the application as there were noise sensitive receivers in the vicinity of the proposed kennel, and there was doubt on the implementation of the applicant’s proposals, including no outdoor training activity and no dog barking in the open space;
  - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application from the landscape planning perspective as the proposed kennel was not quite compatible with the existing rural village and farmland landscape in the vicinity. Approval of the application would set an undesirable precedent for similar incompatible commercial use in the “Agriculture” (“AGR”) zone and the cumulative effect of which would change the existing rural village landscape character of the area;
  - (iii) the Director of Agriculture, Fisheries and Conservation did not support the application as the agricultural activity in the vicinity of the site was very active, and the site could be used for agricultural uses such as greenhouse or plant nursery; and
  - (iv) other concerned government department 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 general public objecting to the application on the grounds that the majority of the site was covered by structures which would adversely affect the soil quality; the development was not in line with the planning intention of the “AGR” zone; and no strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis; 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 as the agricultural activity in the vicinity of the site was very active and the site could be used for agricultural uses such as greenhouse or plant nursery. No strong planning justification had been given in the submission for a departure from the planning intention. Moreover, the proposed development was considered not compatible with the surrounding land uses. Although the applicants had proposed not to carry out dog training in the outdoor area of the site and air-conditioned kennels would be provided to the dogs, there was insufficient information in the submission to demonstrate that the proposed measures were effective and implementable to avoid dog barking noise in the outdoor area within the site. Approval of the application would set an undesirable precedent for other similar applications in that part of the “AGR” zone and the cumulative effect of which would result in a general degradation of the rural environment of the area.

74. Members had no question on the application.

#### Deliberation Session

75. Noting that the proposed kennel would only accommodate not more than 30 dogs and would be fully enclosed and air-conditioned to avoid nuisance, the Chairman considered the use not incompatible with the existing rural landscape. A Member concurred with the Chairman’s view. Another Member said that the reasons stated in paragraph 12.1 of the Paper were not justified to reject the application.

76. Members noted that to the northwest of the site, two applications for similar animal boarding establishment (kennel) were approved in early in 2005 and 2006 mainly on the ground that there were no adverse departmental comments and local objection to the application. Although both applications sought for permanent permission for an animal boarding establishment, temporary approval periods for 2 or 3 years were granted by the Committee in order to monitor the situation on the site. Apart from the two approved applications located to the northwest of the site, there were about 2 to 3 kennels in the Kam Tin South and Shek Kong area. The planning assessments for the subject application were conducted on the basis of a permanent animal boarding establishment and the relevant government departments were concerned that the approval of the application would cause irreversible adverse environmental, drainage and landscape impacts. Should the Committee decide to approve the subject application, it was recommended in paragraph 12.2 of the Paper that the application be approved on a temporary basis for 3 years in order to monitor the situation on the site. .

77. A Member asked about the background of the applicants and enquired whether the proposed use was to provide animal boarding facilities for stray dogs or for a dog breeding mill. Members noted that the applicants were two individuals, and according to their submission, only dog training and boarding services would be provided on site. The applicants were also required to apply for animal establishment licence from the Agriculture, Fisheries and Conservation Department.

78. Members generally had no objection to the application which could be approved on a temporary basis for a period of 3 years in order to monitor the situation on the site.

79. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.11.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 5:00 p.m. and 9:00 a.m., except for the overnight dog kennel, as proposed by the applicants, is allowed on the site during the planning approval period;



- (b) no activity that would generate dog barking noise shall be carried out in the outdoor area of the site at any time during the planning approval period;
- (c) the boundary fencing on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a landscaping and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.5.2016;
- (e) in relation to (d) above, the implementation of the landscaping and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.8.2016;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.5.2016;
- (g) in relation to (f) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.8.2016;
- (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 6.5.2016;
- (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 6.8.2016;
- (j) 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;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease

to have effect and shall on the same date be revoked without further notice;  
and

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

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicants should obtain the Building Authority (BA)’s prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicants should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (c) to note the comments of the District Lands Officer, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval of the Government. The lot owner will need to apply to LandsD to permit structures to be erected or regularise any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (d) to note the comments of the Chief Highways Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting

the site and Chi Ho Road;

- (e) to adopt environmental mitigation measures as set out in the revised “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection (DEP) and minimise any noise that would cause nuisance to nearby sensitive receivers;
- (f) to note the comments of DEP that all wastewaters from the site shall comply with the requirements of the Water Pollution Control Ordinance;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicants have to apply for the boarding establishment licence from his department, and all the facilities within the premises must be up to their licensing standards;
- (h) to note the comments of the Chief Engineer/Planning, Water Services Department (WSD) that existing water mains will be affected. 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 1.5 metres from the centreline of the water mains (Plan A-2 of the Paper) shall be provided to WSD. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorise. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (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 emergency vehicular access (EVA) provision at the site shall comply with the standard as stipulated in Section

6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulations (B(P)R) 41D which is administered by the Buildings Department (BD);

- (j) to note the comments of the Chief Building Surveyor/New Territories West, BD that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted House), they are unauthorised under the BO and should not be designated for any use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, prior approval and consent of the BA should be obtained. Otherwise, they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. In this connection, the site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41D of the B(P)R respectively. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. If the applied use is subject to the issuance of a licence, the applicants should be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. The proposed structures may be considered as temporary buildings and are subject to control under the B(P)R Pt. VII; and
  
- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicants shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings) to find out whether there is any underground cable (and/or overhead line) within or in the

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

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/485      Temporary Public Vehicle Park (excluding container vehicle) for a Period of 5 Years in “Village Type Development” Zone, Lot 225 RP (Part) in D.D. 109, Tai Hong Wai , Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/485)

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

81.            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 public vehicle park (excluding container vehicle) for a period

of 5 years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received objecting to the application on the grounds that car parking in the “Village Type Development” (“V”) zone would aggravate the limited land supply for village houses; parking spaces should be provided by conversion of the ground floor of New Territories Exempted Houses; the site could accommodate a dozen Small Houses; and approval of the application was not in line with the planning intention of the “V” zone and would set an undesirable precedent; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary public vehicle park (excluding container vehicle) could be tolerated for a period of 5 years. Since the last planning approval under application No. A/YL-KTN/439 was revoked due to non-compliance with approval condition regarding the submission of drainage records, shorter compliance periods were recommended to closely monitor the progress on compliance with conditions. Regarding the adverse public comments received, the District Lands Officer/Yuen Long of the Lands Department advised that no Small House application had been received at the site and temporary permission would not frustrate the long-term planning intention of the “V” zone.

82. A Member asked why the application was recommended to be approved on a temporary basis for a period of 5 years instead of 3 years. In response, Mr Kelper S.Y. Yuen, STP/FSYLE, said that the public vehicle park under application was a Column 2 use under the “V” zone of the approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9. While there was provision for application for a permanent public vehicle park, the applicant sought temporary permission for a period of 5 years only. He further said that for areas covered by the rural OZPs, there was provision for applications for

temporary uses, which were neither Column 1 uses always permitted nor Column 2 uses which required planning permission from the Town Planning Board, for a maximum period of 3 years.

### Deliberation Session

83. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 6.11.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time 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 stored/parked at or enter/exit the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (f) the existing boundary fencing along the site shall be maintained at all times during the planning approval period;

- (g) the existing measures for mitigation of possible nuisance of noise and artificial lighting on the site implemented under application No. A/YL-KTN/335 shall be maintained at all times during the planning approval period;
- (h) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a 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 6.2.2016;
- (j) in relation to (i) above, the implementation of the 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 6.5.2016;
- (k) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.2.2016;
- (l) in relation to (k) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.5.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and



- (o) upon 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods are imposed to monitor the progress of the compliance. 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;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lot held under Block Government Lease under which no structure is allowed to be erected without prior approval from his office. The site is accessible from Kam Tin Road via government land and his office does not provide maintenance works on this access nor guarantee any right-of-way. The Short Term Waiver (STW) holder will need to apply to his office for modification of the STW conditions to regularise any irregularities on the site. Such application will be considered by his office 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 his office;
- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any possible environmental nuisances;
- (e) to note the comments of the Commissioner for Transport that the site is

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

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works 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)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

## **Agenda Item 24**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/486      Temporary Open Storage of Vehicles (Lorries, Vans and Private Cars)  
for Sale for a Period of 3 Years in “Residential (Group D)” Zone, Lot  
667 (Part) in D.D. 110, Kam Tin Road, Yuen Long  
(RNTPC Paper No. A/YL-KTN/486)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of vehicles (lorries, vans and private cars) for sale for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received objecting to the application on the grounds that car parking in rural areas would aggravate the limited land supply for residential use; car parking should be provided by elsewhere; the site could accommodate residences up to three units; and approval of the application would set an undesirable precedent; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of vehicles (lorries, vans and private cars) for sale could be tolerated for a period of 3 years. The application was generally in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there were previous planning approvals for the same open storage use. The applicant had also complied with approval conditions in relation to the submission of landscape, drainage and fire service installations proposals under the last planning approval. There had been no major change in planning circumstances since the previous approvals were granted. Although DEP did not support the application, no environmental complaint was received in the past three years and the environmental concern could be addressed by the imposition of relevant approval condition. Regarding the adverse public comment received, the application was for temporary open storage use and there was no known programme for any permanent development at the site. Therefore, approval of the application on a temporary basis would not frustrate the long-term planning intention.

86. Members had no question on the application.

#### Deliberation Session

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.11.2018, 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 dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (f) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (h) the submission of 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 6.2.2016;
- (i) the provision of fire extinguisher(s) with 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 18.12.2015;
- (j) the submission of a fire services 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 6.5.2016;

- (k) in relation to (j) above, the provision of fire services installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.8.2016;
- (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 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.”

88. 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) the site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lot within the site is Old Schedule Agricultural Lot held under Block Government Lease under which no structure is allowed to be erected without prior approval from LandsD. The site is accessible to Kam Tin Road via government land (GL). LandsD provides no maintenance works for the GL involved and does not guarantee right-of-way. The lot owner concerned will need to apply to LandsD to permit structures to be erected or regularise any irregularities

on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (e) to note the comments of the Commissioner for 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 (TD). The land status of the local access road should be checked with LandsD. Moreover, consent from the relevant lands and maintenance authorities on using the road for accessing the site should be sought;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that if the proposed run-in is agreed by TD, the applicant should construct a run-in/out at the access point at Kam Tin 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;
- (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 his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Besides,

the good practice guidelines for open storage sites in Appendix V of the Paper should be adhered to. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorised under BO and should not be designated for any use under the subject 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 coordinator for the proposed building works in accordance with the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. 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. 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.”

89. As the Chairman had to attend another meeting, the Vice-chairman took over the chairmanship of the meeting at this point.



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

**Agenda Item 25**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/487      Temporary Open Storage of Construction Materials for a Period of 2  
Years in “Agriculture” Zone, Lots 778, 779, 780, 781, 918 S.A RP, 918  
S.B and 918 S.C RP in D.D. 107, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/487)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of construction materials for a period of 2 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Major departmental comments were summarised as follows:
  - (i) the Director of Agriculture, Fisheries and Conservation did not support the application from the agricultural development point of view as agricultural activities in the vicinity of the site were active and the site could be used as plant nursery and greenhouse;
  - (ii) the Director of Environmental Protection did not support the application as there were sensitive receivers in the vicinity of the site, and environmental nuisance was expected;

- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had some reservation on the application from the landscape planning point of view as approval of the application would set an undesirable precedent encouraging similar site modification prior to application, thus leading to further degradation of existing landscape resources in the “Agriculture” (“AGR”) zone and the cumulative impact of the developments could be significant; and
- (iv) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received from a general public, Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited. They objected to the application mainly on the grounds that the applied use was not in line with the “AGR” zone; agricultural land supported a high diversity of birds and thus should be protected; approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone; and the cumulative effect of approving similar applications would have adverse impacts on the environment and infrastructure provision of the area; the site was changed to open storage use without planning permission; and it was a suspected “Destroy First and Build Later” case; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the “AGR” zone. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The development was not compatible with the surrounding land uses which were rural in character. Although there were open storage/storage yards and parking lots in the vicinity, they were all suspected unauthorised developments

subject to enforcement action taken by the Planning Authority. The application did not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there was no previous approval for open storage use granted at the site. There were also adverse departmental comments and public objections against the application. Moreover, the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas. Approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in general degradation of the rural environment of the area.

91. Members had no question on the application.

#### Deliberation Session

92. A Member said that agricultural activities were quite active in Fung Kat Heung and there was no previous planning approval for open storage use within the same “AGR” zone. Since the area had good potential for agricultural rehabilitation, sympathetic consideration should not be given to similar applications even if the sites were subject to previous planning approvals so as to retain agricultural use in the area.

93. 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 to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;

(b) the application does not comply with the Town Planning Board Guidelines

No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that the development is not compatible with the surrounding land uses which are rural in character predominated by residential dwellings/structures and agricultural land. There is also no previous approval granted at the site and there are adverse departmental comments and public objections against the application;

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

[Mr Martin W.C. Kwan left the meeting temporarily at this point.]

## **Agenda Item 26**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/210            Proposed Utility Installation for Private Project (Electricity Transformer Room) in “Village Type Development” Zone, Lot 692 S.B (Part), 692 S.C (Part), 692 S.D, 692 RP (Part) in D.D. 112, Lin Fa Tei, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-SK/210A)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity transformer room);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received. The District Officer (Yuen Long), Home Affairs Department reported that a comment from an individual was received objecting to the application on the grounds that the proposed development would affect the drainage capacity of the rural drainage network which would lead to flooding on heavy rainy days and result in leakage of electricity; and the proposed development would obstruct pedestrian sightline causing traffic accidents; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. Regarding the adverse comment received, relevant government departments had no objection or no adverse comment on the application.

95. Members had no question on the application.

#### Deliberation Session

96. 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 6.11.2019, 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:

“- the submission and implementation of fire service installations and

provision of water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.”

97. 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 (DLO/YL, LandsD) that the private lots within the site are 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 site is accessible to Kam Sheung Road via government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lots owners concerned will need to apply to his office to permit structures and excessive/additional structures to be erected or regularise any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(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;
- (b) to note the comments of the Commissioner for Transport that as the subject lot may block an existing run-in, the applicant should liaise with those who may be affected by this proposal;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that if adjacent land is available (i.e. provided that the applicant has consent from LandsD or lot owner), landscape treatment should be provided to screen the proposed transformer room;
- (d) to note the comments of the Chief Architect/Central Management Division

2, Architectural Services Department that the location of the proposed transformer room should be integrated into the Master Layout Plan of the proposed village house development and away from the prominent view. Safety railing should be provided at the accessible roof of the transformer room. The proposed external light fittings at the rear and side of elevations should be removed to avoid glare to nearby residential units. The fittings are recommended to be concealed and vandal-proof type, and the light diffuses downward. The external tiles may be laid in strategic way in order to break down the scale of the building;

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, 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). The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access (EVA) in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may be taken by 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. 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;
- (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 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 and relevant

drawings obtained, if there is an underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures: (1) 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; (2) 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 (3) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant is reminded to provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact on the adjacent areas and existing drainage facilities. The applicant is also reminded to consult DLO/YL, LandsD and seek consent from the relevant owners of any works to be carried out outside his lot boundary before commencement of the drainage works;
- (h) to note the comments of the Director of Health that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. As such, the project proponent must ensure that the installation complies with the relevant ICNIRP guidelines or other established international standards. WHO also encourages effective and open communication with stakeholders in the



planning of new electrical facilities; and

- (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 EVA provision in the site should comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the B(P)R 41D which is administered by BD.”

### **Agenda Item 27**

#### **Section 16 Application**

[Open Meeting]

A/YL-MP/245 Proposed School (Kindergarten) in “Village Type Development” zone, Lots 2261 S.S RP (Part), 2261 S.S ss.8 (Part), 2262 RP (Part), 2265 S.A, 2265 S.B, 2265 S.C, 2265 S.D and 2265 S.E RP (Part) in D.D. 104, Ha San Wai, Yuen Long  
(RNTPC Paper No. A/YL-MP/245)

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98. The Committee noted that on 20.10.2015, the applicant had requested for deferment of the consideration of the application for one month in order to prepare responses to address comments from the Environmental Protection Department (EPD). It was the second time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted further information including sewage treatment and noise mitigation proposals, and responses to address the comments from EPD. The applicant indicated that more time was required to prepare further information to address departmental comments.

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

could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information. Since it 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 28**

**Section 16 Application**

[Open Meeting]

A/YL-NSW/241 Proposed Comprehensive Development of an Outlet Mall with Commercial Uses (Including 'Shop and Services' and 'Eating Place'), 'Agricultural Use' (Commercial Fish Ponds), 'Excavation of Land' and 'Filling of Land' in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" Zone, Lots 8 RP (Part), 14 S.B RP (Part), 45 and 1740 S.A RP in D.D.107 and adjoining Government land, to the south of Pok Wai and Wing Kei Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-NSW/241)

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100. The Secretary reported that the application was submitted by King Garden Ltd., which was related to Sun Hung Kai Properties Ltd. (SHK). AECOM Asia Co. Ltd. (AECOM), AGC Design Ltd. (AGC), Environ Hong Kong Ltd. (Environ) and Urbis Ltd. (Urbis) were four of the consultants of the applicant. The following Members had declared interests in the item:

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

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

- Professor S.C. Wong - having current business dealings with AECOM; and being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where SHK and AECOM had sponsored some activities of the Department before;
- Dr W.K. Yau - being an operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK before; and
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK before.

101. The Committee noted that Dr W.K. Yau had tendered apologies for being able to attend the meeting. The Committee also noted that the applicant had requested for deferment of consideration of the application and agreed that Professor S.C. Wong and Ms Christina M. Lee could stay in the meeting. As the interests of Mr Ivan C.S. Fu and Ms Janice W.M. Lai were direct, the Committee agreed that they could stay in the meeting but should refrain from participating in the discussion.

102. The Committee noted that on 20.10.2015, the applicant had requested for deferment of the consideration of the application for two months in order to improve the development scheme especially on the design, operation and maintenance of the proposed commercial fishponds within the proposed development so as to address the concerns of the Agriculture, Fisheries and Conservation Development (AFCD). It was the second time that the applicant requested for deferment of the application. Since the last deferment, the applicant had not submitted any further information to support the application, but stated that they had consulted AFCD in late September. In order to address AFCD's concerns, more time was needed to improve the proposed scheme.

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. Since it 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.

[The Chairman thanked Mr Kevin C.P. Ng and Mr Kepler S.Y. Yuen, STPs/FSYLE, for their attendance to answer Members' enquiries. Messrs Ng and Yuen left the meeting at this point.

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

#### **Agenda Item 29**

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

[Open Meeting]

Y/YL-PS/2

Application for Amendment to the Approved Ping Shan Outline Zoning Plan No. S/YL-PS/16, Proposed Rezoning from "Green Belt" zone to "Residential (Group A) 5" zone , Lots 878 (Part), 879 (Part), 880 (Part), 881 (Part), 882 (Part), 886 (Part), 890, 907 RP, 908 RP (Part), 909 RP, 910 RP, 911 RP, 912, 913 RP and 937 RP in D.D. 122 and adjoining Government Land, Wing Ning Tsuen, Ping Shan, Yuen Long  
(RNTPC Paper No. Y/YL-PS/2)

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104. The Secretary reported that the application was submitted by Busy Firm Investment Ltd., which was related to New World Development Co. Ltd. (NWD). Ove Arup & Partners Hong Kong Ltd. (ARUP) was the consultant of the applicant. The following Members had declared interests in the item:

Mr Ivan C.S. Fu - having current business dealings with NWD and Arup; and

Professor S.C. Wong - being a traffic consultant of Arup.

105. The Committee noted that the applicant had requested for deferment of consideration of the application and agreed that Professor S.C. Wong could stay in the meeting. Since the interest of Mr Ivan C.S. Fu was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion.

106. The Committee noted that on 19.10.2015, the applicant had requested for deferment of the consideration of the application for two months in order to liaise with various government departments to resolve the comments. It was the first time that the applicant requested for deferment of the application.

107. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 30**

Section 12A Application

[Open Meeting]

Y/YL-LFS/7

Application for Amendment to the Approved Lau Fau Shan & Tsim Bei Tsui Outline Zoning Plan No. S/YL-LFS/7, To rezone the application site from “Recreation” to “Government , Institution or Community (1)”, Lots 1966 S.A, 1966 R.P., 1968, 1969, 1970 and 1975 R.P. in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. Y/YL-LFS/7)

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108. The Committee noted that on 29.10.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to address the comments of the Urban Design and Landscape Section of the Planning Department, to consult the Hong Kong Police Force, and to respond to public comments. It was the first time that the applicant requested for deferment of the application.

109. 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, and no further deferment would be granted unless under very special circumstances.

[Mr K.C. Kan, Senior Town Planner/Tuen Mun and Yuen Long West (STP/TMYLW), Mr Edmond S.P. Chiu and Miss Karmin Tong, Town Planners/Tuen Mun and Yuen Long West (TPs/TMYLW), were invited to the meeting at this point.]

**Agenda Item 31**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/498            Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” Zone, Lots 406 RP (Part), 407 (Part) and 408 (Part) in D.D. 122, Sheung Cheung Wai, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/498)

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**Presentation and Question Sessions**

110.            Mr K.C. Kan, STP/TMYLW, drew Members’ attention that there was a typographical error on the approval condition (o) of the Paper. The compliance date of the approval condition (o) should be revised and read as 6.2.2016 instead of 6.2.2015. He then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary public vehicle park (private cars and light good vehicles) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary public vehicle park (private cars and light goods vehicles) could be tolerated for a period of 3 years.

111.            Members had no question on the application.

Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.11.2018, 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) 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;
- (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) a notice shall be posted at a prominent location of the site to remind drivers on pedestrian safety on the access road to the site at all times during the planning approval period;
- (e) 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;
- (f) 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;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;



- (h) a minimum of 3.5m set back from the northern, eastern and southern boundaries to minimise noise impacts on the nearby residential dwellings shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of a record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.2.2016;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.5.2016;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.8.2016;
- (m) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.5.2016;
- (n) in relation to (m) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.8.2016;
- (o) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.2.2016;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately

without further notice;

- (q) if any of the above planning conditions (j), (k), (l), (m), (n) or (o) 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
- (r) 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.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority (BA)’s prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The site is accessible through an informal village track on both government land (GL) and private lots extended from Tsui Sing Road. His office does not provide maintenance works for the GL involved nor guarantee any right-of-way. The site does not fall within any Airfield Height Restriction Area. However, it falls within the Sheung Cheung Wai Site of Archaeological Interest. 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;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the BA for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorised under the BO and should not be designated for any approved use under the application. Before any new building works (including containers 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)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (e) to 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 potential environmental

nuisance to the surrounding area;

- (f) 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;
- (g) to 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 Tsui Sing Road. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority; and
- (i) to note the comments of the Director of Food and Environmental Hygiene that the no facilities of the Food and Environmental Hygiene Department should be affected and the work shall not cause any environmental nuisance to the surroundings.”

**Agenda Item 32**

**Section 16 Application**

[Open Meeting]

A/YL-PS/500

Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Residential (Group C)” and “Residential (Group D)” and “Village Type Development” Zones, Lots 1809 RP (Part), 1810 RP (Part), 1813 RP (Part), 1814 (Part), 1815, 1816 and 1817 (Part) in D.D. 124, and adjoining Government land, San Lee Uk Tsuen, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/500)

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114. The Committee noted that on 27.10.2015, the applicant had requested for deferment of the consideration of the application for two months in order to address the concern of the Transport Department and the Hong Kong Police Force. It was the first time that the applicant requested for deferment of the application.

115. 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 33**

**Section 16 Application**

[Open Meeting]

A/TM/483                      Proposed Shop and Services, Office and Eating Place (Wholesale Conversion of an Existing Building Only) in “Industrial” Zone, Tuen Mun Town Lot No. 105, No. 19 San On Street, Tuen Mun  
(RNTPC Paper No. A/TM/483)

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

Mr Ivan C.S. Fu                      -    having current business dealings with Arup; and

Professor S.C. Wong                      -    being a traffic consultant of Arup.

117.            The Committee noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Ivan C.S. Fu and Professor S.C. Wong could stay in the meeting.

118.            The Committee noted that on 22.10.2015, the applicant had requested for deferment of the consideration of the application for two months in order to address the comments of relevant government departments.    It was the first time that the applicant requested for deferment of the application.

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 34**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/979            Renewal of Planning Approval for Temporary Open Storage of Vehicle Parts for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 2949 (Part), 2950 RP (Part) and 2956 (Part) in D.D. 129, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/979)

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120.            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 that owned two pieces of land in Ha Tsuen. The Committee noted that the concerned properties had no direct view on the site and agreed that Ms Janice W.M. Lai could stay in the meeting.

Presentation and Question Sessions

121.            Mr Edmond S.P. Chiu, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of vehicle parts for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and along the access road, and environmental nuisance was expected. Other concerned government departments had no objection

to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of vehicle parts could be tolerated for a period of 3 years. The development was generally in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there was no adverse comment from concerned government departments. Although DEP did not support the application and environmental nuisance was expected, there was no substantiated environmental complaint against the site over the past 3 years, and the environmental concern could be addressed by the imposition of relevant approval conditions.

122. Members had no question on the application.

#### Deliberation Session

123. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 21.11.2015 to 20.11.2018, 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. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, repairing, melting, compaction, unpacking, re-packing, cleansing and workshop activity is allowed at any time on the site during the planning approval period;



- (d) the existing boundary fencing on the site shall be maintained at all times during the planning approval period;
- (e) no vehicle is allowed to queue back or reverse onto/from the public road at any time during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of existing drainage facilities within 3 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.2.2016;
- (h) the submission of a tree preservation and landscape proposal within 6 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Planning or of the TPB by 21.5.2016;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Planning or of the TPB by 21.8.2016 ;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.1.2016;
- (k) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.5.2016;

- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.8.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j) (k) or (l) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. Lot 2950RP in D.D. 129 is covered by Short Term Waiver (STW) No. 2368 which permit structures for the purpose of vehicle repair workshop. The site is accessible to Lau Fau Shan Road through private land. His office does not guarantee right-of-way. The STW holder would need to apply to his office for modification of the STW conditions.

Besides, the lots owner(s) of the lots without STW would need to apply to his office for permitting the structures to be erected or regularising any irregularities on site. Furthermore, the applicant has to either exclude the government land (GL) portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) would be considered by LandsD acting in the capacity as landlord at its sole discretion and 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;

- (d) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisance;
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories that sufficient manoeuvring spaces shall be provided within the site and the local track leading to the site is not under the Transport Department’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;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and the road near Fung Kong Tsuen Road;
- (g) to note the comments of the Director of Fire Services that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations (FSIs) are to be installed should be clearly marked on the layout plans. The location of where the proposed FSIs to be installed should be clearly

marked on the layout plans. The Fire Services Department's 'Good Practice Guidelines for Open Storage Sites' (Appendix VI of the Paper) should be adhered to; and

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

**Agenda Item 35**

**Section 16 Application**

[Open Meeting]

A/YL-HT/980            Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lot 650 RP (Part) in D.D. 125 and adjoining Government land, Sik Kong Tsuen, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/980)

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125.            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 that owned two pieces of land in Ha Tsuen. The Committee noted that the applicant had requested for deferment of consideration of the application and agreed that Ms Janice W.M. Lai could stay in the meeting.

126.            The Committee noted that on 16.10.2015, the applicant had requested for deferment of the consideration of the application for two months in order to address the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department. It was the first time that the applicant requested for deferment of the application.

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, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 36**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/362            Proposed Temporary Shop and Services (Grocery Store) for a Period of  
3 Years in “Other Specified Uses” annotated “Rural Use” Zone, Lot  
1018 (Part) in D.D. 118, Yau Cha Po, Yuen Long  
(RNTPC Paper No. A/YL-TT/362)

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**Presentation and Question Sessions**

128.            Miss Karmin Tong, TP/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 (grocery store) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view as approval of the application would likely encourage similar site modification prior to planning application, the cumulative impact of which would lead to general degradation of existing landscape resources and landscape character. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a general public objecting to the application on the grounds that the proposed development deviated from the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone, and would set an desirable precedent; and

- (e) PlanD's views – PlanD considered that the temporary shop and services (grocery store) could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. Although CTP/UD&L, PlanD had reservation on the application, the site zoned “OU(RU)” was intended for upgrading or improving the area or providing support to the local communities, and the concerns on landscape aspect could be addressed by imposing relevant approval conditions. The application was also generally in line with the Town Planning Board Guidelines No. 38 for Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone. Regarding the adverse public comment received, relevant government departments had no adverse comment on the application, and the above assessments 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 6.11.2018, 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 vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is 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 open storage activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at

any time during the planning approval period;

- (e) the provision of a waterworks reserve within 1.5m from the centerline of the affected water mains within the site at all times during the planning approval period to the satisfaction of the Director of Water Supplies or of the TPB;
- (f) 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 6.2.2016;
- (g) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.5.2016;
- (h) in relation to (g) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.8.2016;
- (i) 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 6.5.2016;
- (j) in relation to (i) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.8.2016;
- (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 water supplies for firefighting and 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 6.5.2016;



- (m) in relation to (l) above, the implementation of water supplies for firefighting and 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 6.8.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) 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 (f), (g), (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.”

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

Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. 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 village track on both government land (GL) and private lot extended from Tai Shu Ha Road East. His office does not provide maintenance works for the GL involved nor guarantee any right-of-way;

- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Tai Shu Ha Road East 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 on public road is allowed;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the site and nearby public 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) that the invert levels of the proposed catchpits should be shown on the drainage plan for reference. The existing drainage facilities, to which the stormwater of the development from the site would discharge, should be indicated on plan. The relevant connection details should be provided for comment. The existing manhole, to which the stormwater of the development from the site would discharge, is not maintained by his office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a local village drain, the District Officer/Yuen Long should be consulted. The applicant should check and ensure the hydraulic capacity of the existing drainage facilities would not be adversely affected by the captioned development. The location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan. Cross-sections showing the existing and proposed ground levels of the site with respect to the adjacent area should be given. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit. The location of the proposed sand trap or provision alike should be indicated on the drainage proposal. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (h) to note the comments of the Chief Engineer/Construction, Water Supplies Department 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. No structure shall be erected over the Waterworks Reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with

necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorise. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of public water mains within and in close vicinity of the site. 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 detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. Furthermore, the emergency vehicular access (EVA) provision in the site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 under the Building (Planning) Regulation (B(P)R) 41D which is administered by the Buildings Department (BD); and
  
- (j) to note the comments of the Chief Building Surveyor/New Territories West, BD that there is no record of approval by the 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 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 EVA in accordance with Regulations 5 and 41D of the 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.”

[Mr Martin W.C. Kwan returned to join the meeting at this point.]

### **Agenda Item 37**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/762      Temporary Warehouse for Storage of Provisions with Ancillary Workshop and Logistics Centre for a Period of 3 Years in “Industrial (Group D)” Zone, Lots 1092 S.A, 1819 (Part) and 2008 S.H RP (Part) in D.D. 121 and adjoining Government land, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/762)

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

132.      Miss Karmin Tong, 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 storage of provisions with ancillary workshop and logistics centre for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received objecting to the application on the grounds that there would be adverse environmental and traffic impacts; the long operation hours would affect the livelihood of the nearby residents; the operator of the site was currently using Tong Yan San Tsuen Road instead of Tong Tai Road to access the site; and the applied uses could be accommodated in industrial buildings; and
  
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary warehouse for storage of provisions with ancillary workshop and logistics centre could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses, and the concerns of relevant government departments were technical in nature which could be addressed through the implementation of approval conditions. Although DEP did not support the application and environmental nuisance was expected, there had been no environmental complaint received against the site in the past 3 years, and the environmental concerns should be addressed by the imposition of relevant approval conditions. Since the last planning approval under application No. A/YL-TYST/612 submitted by the same applicant for the similar warehouse and logistics uses was revoked due to non-compliance with approval conditions on the drainage aspect, shorter compliance periods for the approval conditions were recommended to monitor the progress of compliance. Regarding the adverse public comment received, concerned government departments had no adverse comment on the application, and the assessments above were relevant. In particular for the concern on the use of vehicular access leading to Tong Yan San Tsuen Road, an approval condition requiring the provision of boundary fence on site was recommended to prohibit any vehicular access from Tong Yan San Tsuen

Road.

133. Members had no question on the application.

Deliberation Session

134. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.11.2018, 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 operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicles exceeding 16 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 vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the provision of boundary fence 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 6.2.2016;
- (f) the implementation of the accepted 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 6.2.2016;
- (g) the submission of a revised 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 6.2.2016;

- (h) in relation to (g) above, the implementation of the 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 6.5.2016;
- (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 a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.2.2016;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.5.2016;
- (l) if any of the above planning conditions (a), (b), (c), (d) 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; and
- (m) if any of the above planning conditions (e), (f), (g), (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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods are granted to monitor the fulfillment of approval conditions. Should the applicant fail to comply with the



approval conditions resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;

- (c) to resolve any land issues relating to the development with the concerned owner(s) at the site;
- (d) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority (BA)'s prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises New Grant Lots for the purpose of orchard use and Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lot No. 1092 S.A in D.D. 121 is covered by Short Term Waiver (STW) No. 431 which permits the structure(s) erected thereon for the purpose of "Cotton Factory". Likewise, Lot No. 2008 S.H RP is covered by STW No. 1806 which permits the structure(s) erected thereon for the purpose of "Animal Feeds Production Factory". The government land (GL) within the site is covered by Short Term Tenancy (STT) which permits the tenant to use the GL for the purpose of 'Cotton Factory'. The STW holder(s) will need to apply to his office for modification of the STW conditions to regularise any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for STT modification to suit the proposed use prior to the actual use of the GL portion as proposed. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s)

is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on both GL and private lots extended from Tong Tai Road. His office does not provide maintenance work for the track nor guarantee any right-of-way;

- (f) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Tong Tai 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;
- (g) 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 flowing from the site to the nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the site and Tong Tai Road;
- (h) 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;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) on the submitted drainage proposal (Drawing A-4 of the Paper): (i) the applicant should check and ensure that the hydraulic capacity of the existing drainage facilities would not be adversely affected by the subject development. The relevant connection details should be provided for comments; (ii) it is noted that u-channel is proposed for discharging runoff from the site to the public drainage system. The said u-channel may also collect runoff from the adjoining footpath and area. The applicant should review the catchment area and design; (iii) the design

and construction of drainage facilities at GL should be carried out in accordance with the Stormwater Design Manual and DSD's standard drawings; (iv) the location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan; (v) cross-sections showing the existing and proposed ground levels of the site with respect to the adjacent area should be given; (vi) standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit. Comment from the Transport Department and HyD should be sought for the drainage facilities at public area/footpath; (vii) terminal manhole should be provided before the collected runoff is discharged to the public drainage facilities; (viii) the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; (ix) 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; and (x) the applicant should submit Form HBP1 to the Mainland North Division for application of technical audit for any proposed connection to DSD's drainage facilities;

- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The applicant is also reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the BA for the existing structures at the site. If the existing structures (not being

New Territories Exempted Houses) are erected on leased land without approval of BD, they are Unauthorised Building Works (UBW) under the BO and should not be designated for any approved use under the captioned application. 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. 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 UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. 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 38**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/216                      Proposed Educational Institution in “Other Specified Uses” annotated “Public Car Park with Ground Floor Retail Shops” Zone, Shop No. 22, Ground Floor, Golden Plaza, 28 Shui Che Kwun Street, Yuen Long  
(RNTPC Paper No. A/YL/216)

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

136.            Miss Karmin Tong, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed educational institution;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper.

137. Members had no question on the application.

#### Deliberation Session

138. 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 6.11.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition:

“- the submission and implementation of a fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.”

139. 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 applicant/owner is reminded to ensure that the proposed use of the premises for educational institution use shall comply with all aspects, including but not limited to fire and building

planning requirements, under the prevailing ordinances and regulations;

- (b) 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 or referral from the licensing authority;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the proposed educational institution is subject to the issue of a licence/registration. The applicant is reminded that the premises intended to be used for such purpose is required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. Adequate provision of sanitary fittings should be available resulting from the change of use; and
- (d) to note the comments of the Secretary for Education that approval will be granted to the application for registration of a proposed educational institution subject to the approval of planning permission from the TPB and modification/temporary waivers of lease conditions/no objection from LandsD in respect of the premises; provision of safety certificates/notice in respect of the premises issued by the Fire Services Department and BD; and documentary proof of the right to use the relevant premises, such as tenancy agreement, rental receipts, etc.”

[The Chairman thanked Mr K.C. Kan, STP/TMYLW, Mr Edmond S.P. Chiu and Miss Karmin Tong, TPs/TMYLW, for their attendance to answer Members’ enquiries. Mr Kan, Mr Chiu and Miss Tong left the meeting at this point.]

### **Agenda Item 39**

#### **Any Other Business**

140. There being no other business, the meeting closed at 4:35 p.m..