

TOWN PLANNING BOARD

Minutes of 441st Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 20.5.2011

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Dr. C.P. Lau

Dr. W.K. Lo

Ms. Anita W.T. Ma

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Chief Traffic Engineer/New Territories West,
Transport Department
Mr. T.K. Choi

Assistant Director (2), Home Affairs Department
Mr. Andrew Y.T. Tsang

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

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

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

Absent with Apologies

Mr. Y.K. Cheng

Dr. James C. W. Lau

In Attendance

Assistant Director of Planning/Board
Mr. C.T. Ling

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse

Town Planner/Town Planning Board
Mr. Terence Leung

Agenda Item 1

Confirmation of the Draft Minutes of the 440th RNTPC Meeting held on 6.5.2011

[Open Meeting]

1. The Secretary reported that to allow more time for the Director of Agriculture and Fisheries and Conservation to provide comments on the proposed Small House developments under Applications No. A/DPA/NE-HH/5 and 6, paragraphs 18 and 19 of the draft minutes were proposed to be revised as follows :

18. The Secretary said that the Director of Agriculture, Fisheries and Conservation (DAFC) had recently advised that “any Small House applications should be considered by the Board at this juncture before CE in C’s decision in deciding whether the area should be designated as part of the Country Park.” DAFC also advised that he would provide comments on the Small House applications from the country park point of view, if needed. As DAFC’s comments on the subject Small House applications from the country park point of view would be necessary, the Planning Department recommended to defer the consideration of the two applications ~~to the next meeting~~ pending the comments of DAFC on the proposed Small House development.

19. After deliberation, the Committee decided to defer a decision on the two applications ~~to the next meeting pending the comments of DAFC on the proposed Small House development.~~

2. The Committee agreed to the proposed amendments and confirmed the minutes of the 440th RNTPC meeting held on 6.5.2011 subject to the incorporation of the amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

3. No matters arising to be reported.

Sai Kung and Islands District

[Mr. Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs), was invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TLS/38 Temporary Warehouse (Excluding Dangerous Goods Godown)
for a Period of 3 Years
in “Residential (Group D)” zone,
9 Tan Shan, Tseng Lan Shue, Sai Kung
(RNTPC Paper No. A/SK-TLS/38)

Presentation and Question Sessions

4. Mr. Ivan M.K. Chung, DPO/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse (excluding dangerous goods godown) for a period of three years;
- (c) departmental comments – the District Lands Officer/Sai Kung, Lands Department (DLO/SK, Lands D) commented that the previous Short Term Tenancy (STT) was terminated on 1.8.1990 due to a breach of the tenancy condition on pollution control. Should planning permission be given by the Board, the occupier was required to apply to the New Territories Action Team (NTAT) of Lands Department for a STT to regularize the illegal occupation. The Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site;

[Ms. Anna Kwong and Mr. Paul Lam arrived to join the meeting at this point.]

- (d) during the first three weeks of the statutory publication period, one public comment against the application from Designing Hong Kong Limited (DHK) was received. DHK commented that (i) the use of the Site for open storage was a blight on the environment; (ii) the use was not in line with the planning intention of the “R(D)” zone; and (iii) in case the Board approved the application, a condition requiring a plan for quality landscaping and well-designed fencing of the perimeter for approval by the Board should be stipulated to mitigate the blight; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in Paragraph 11 of the Paper. The temporary warehouse (excluding dangerous goods godown) was not in line with the planning intention of the “R(D)” zone. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. The development would generate adverse environmental impact on the surrounding areas as there were residential dwellings in its close proximity within 30m of the site. The site had to be accessed via Tan Shan Road where there were many residential dwellings on both sides of the road. There was no detailed information to demonstrate that the development would not create adverse impact in the residential dwellings nearby. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)” zone.

5. Members had no question on the application.

Deliberation Session

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

- (a) the temporary warehouse (excluding dangerous goods godown) was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent low-rise, low-density residential developments subject to planning permission from the Board. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the temporary warehouse under application would generate adverse environmental impact on the surrounding development as there were residential dwellings in its close proximity; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)”. The cumulative effect of approving such application would result in general degradation of the environment of the area.

[The Chairman thanked Mr. Ivan M.K. Chung, DPO/SKIs, for his attendance to answer Members’ enquires. Mr. Chung left the meeting at this point.]

Sha Tin, Tai Po and North District

[Ms. Doris S.Y. Ting, Mr. Anthony K.O. Luk and Ms. Lisa L.S. Cheng, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/TP/14

Application for Amendment to the Draft Tai Po
Outline Zoning Plan No. S/TP/22
from “Village Type Development” to
“Other Specified Uses” annotated “Columbarium”,
Lots 738 S.C, 738 S.C s.s.1 in D.D. 6, 74-75 Kam Shan Road, Tai Po
(RNTPC Paper No. Y/TP/14)

7. The Committee noted that on 5.5.2011, the applicant requested for a deferment of the consideration of the application for two months in order to allow sufficient time to address the comments raised by relevant government departments on the application.

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/103

Temporary Open Storage of Construction Materials
for a Period of 3 Years in “Agriculture” zone,
Lots 184 RP and 187 RP (Part) in D.D. 52,
Sheung Shui Wah Shan Village, Sheung Shui
(RNTPC Paper No. A/NE-FTA/103)

Presentation and Question Sessions

9. Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were domestic structures in the vicinity of the site and the access road and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, two public comments were received. One comment from a member of the public indicated no comment on the application, while the other comment from the Chairman of 上水紅橋新村福利會 objected to the application for the reasons that the existing uneven muddy track with aqueduct underneath was the main pedestrian access of the local villagers and should not be used by vehicles using the open storage site. Approval of the application would endanger pedestrian safety and severely affect the daily life of local villagers. The District Officer (North) reported that he had received the same comment from the Chairman of 上水紅橋新村福利會; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments given in paragraph 11 of the Paper. According to TPB PG-No. 13E, the application site fell within Category 3 areas. The application generally complied with the TPB PG-No. 13E in that there was a previous planning approval. The applicant had submitted landscape proposal and layout plan on existing/proposed drainage channels in the vicinity of the application site to demonstrate that the proposed development would not have adverse impacts to the surrounding area. The proposed use was considered not incompatible with the uses of logistics companies and container trailer parks in close proximity to the

application site. The proposed development should not have significant adverse impacts on the surrounding areas. Regarding the adverse public comment, the relevant approval conditions could be imposed to address the commenter's concerns. Noting that the Town Planning Appeal Board had approved the previous application No. A/NE-FTA/76 for a shorter period of 2 years and given that there were environmental and traffic concerns, it was suggested that a shorter approval period of 2 years be granted in order to monitor the situation.

10. In response to a question from the Vice-Chairman, Ms. Ting said that the vehicular access to the site was a maintenance access of the Water Supplies Department for the Nam Chung Aqueduct.

11. Referring to Plans A-3 (aerial photo) and A-4 (site photo), a Member asked whether the applicant had cleared the vegetation in the western portion of the site. Ms. Ting said that according to a recent site inspection, there was no vegetation in the western portion of the site. However, she was not sure if the vegetation was cleared because of the proposed development. She told Members that although the previous application No. A/NE-FTA/76 was approved by the Town Planning Appeal Board on 15.2.2008, according to the applicant, the application site was not used for open storage purpose then because of the poor economic situation at that time.

Deliberation Session

12. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 20.5.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:30 p.m. to 8:30 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;

- (c) only concrete pipes, as proposed by the applicant, could be stored on the application site at any time during the planning approval period;
- (d) no medium/heavy goods vehicles exceeding 5.5 tons, including container tractor/trailers, as defined in the Road Traffic Ordinance, were allowed for transportation of goods to and from the application site during the planning approval period;
- (e) a maximum of 3 vehicle trips per day for transportation of concrete pipes to and from the application site, as proposed by the applicant, was allowed during the planning approval period;
- (f) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.11.2011;
- (g) in relation to (f) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.2.2012;
- (h) the submission of proposals for fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.11.2011;
- (i) in relation to (h) above, the provision of fire service installations and water supplies for fire-fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.2.2012;
- (j) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.11.2011;
- (k) in relation to (j) above, the implementation of the approved landscape

proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.2.2012;

- (l) the submission of proposal for mitigation measures to the ecological sensitive receivers in the vicinity of the application site within 6 months from the date of approval to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB by 20.11.2011;
- (m) in relation to (l) above, the implementation of proposal for mitigation measures to the ecological sensitive receivers in the vicinity of the application site within 9 months from the date of approval to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB by 20.2.2012;
- (n) if any of the above planning conditions (a), (b), (c) (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note the District Lands Officer/North, Lands Department's advice that the owner of the lots should apply to his office for a Short Term Waiver (STW) for the proposed structure. There was no guarantee that STW would be granted to the applicant. If the STW was granted, the grant would be made subject to such terms and conditions to be imposed as the government should deem fit to do so including the payment of STW fee;
- (b) to note the Director of Fire Services' advice that in preparing the

submission for fire services installations for his approval:

- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
 - (ii) the location of the proposed fire services installations and the access for emergency vehicles should be clearly indicated on the layout plans; and
 - (iii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (c) to note the Commissioner of Transport's comments that the vehicular access to the application site was via a village track connecting with Man Kam To Road. The unnamed village track was not under Transport Department's management. In this regard, the land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewerage treatment/disposal facilities for the proposed development;
- (e) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that:
- (i) the provision of free vehicular access at all times for Water Supplies Department staff and his contractor to carry out inspection and maintenance of the Nam Chung Aqueduct underneath the access road leading to the application site;

- (ii) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
 - (iii) the site was located within the flood pumping gathering ground; and
 - (iv) water mains in the vicinity of the application site could not provide the standard pedestal hydrant; and
- (f) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the weed trees within the application site should be replaced by other landscape tree species in order to enhance the landscape character of the site.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/142 Proposed House
in "Comprehensive Development Area" zone,
Lot 714 RP in D.D. 92, Kwu Tung North, Sheung Shui
(RNTPC Paper No. A/NE-KTN/142)

Presentation and Question Sessions

14. Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house;
- (c) departmental comments – the District Lands Officer/North, Lands Department (DLO/N, LandsD) commented that to uphold the Small House Policy, and maintain consistency from the planning and land administrative perspectives, he objected to the application for a non-Small House development on a lot falling within the village ‘environs’ (‘VE’). The Director of Environmental Protection had no objection to the application but advised that some facades of the proposed development would likely exceed the traffic noise standard of 70dB(A) (L10(1 hour)) stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG);
- (d) public consultation –
 - (i) during the first statutory publication period, one public comment from the village representatives (VRs) of Yin Kong Village was received. They objected to the application for the reasons that the proposed development would affect the tranquil environment and create adverse impact on traffic, sewerage, air quality and ‘fung shui’; the feasibility of using the existing track to the east of the site as vehicular access to the proposed development was uncertain; and the proposed swimming pool might create sewerage and drainage problem;
 - (ii) during the second statutory publication period, 4 public comments were received. A member of the North District Council considered that the proposed development would adversely affect the natural landscape and ‘fung-shui’, the proposed informal access road might pose danger to the villagers and the development might create more wastewater and rubbish. The VR of Yin Kong Village pointed out that villagers had environmental, traffic, public safety, hygienic and ‘fung shui’ concerns and objected to the application. Designing

Hong Kong Limited objected to the application which appeared to promote a haphazard development. The remaining public comment indicated that there was no comment on the application; and

- (iii) the District Officer (North) reported that the Chairman of Sheung Shui District Rural Committee, the concerned North District Council member, VRs of Yin Kong raised objections to the application mainly on the grounds of adverse drainage, air quality, traffic, affect tranquil environment of village, pedestrian safety, security, sewerage and 'fung shui' impacts.
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in Paragraph 11 of the Paper. The application, albeit provided with a Master Layout Plan, had no submission on environmental, drainage, sewerage and traffic impact assessment as required under the Notes of the Kwu Tung North OZP to demonstrate that the proposed development would not cause adverse impacts on the surrounding area and was environmentally acceptable.

15. Members had no question on the application.

Deliberation Session

16. After deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 12.1 of the Paper and considered that it was appropriate. The reason was :

- the application, albeit providing a Master Layout Plan, had no submission on environmental, drainage, sewerage and traffic impact assessment as required under the Notes of the Kwu Tung North Outline Zoning Plan.

Agenda Items 7 to 10

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/64 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 1492 S.B ss.1 in D.D. 39, Ma Tseuk Leng, Sha Tau Kok
(RNTPC Paper No. A/NE-LK/64 to 67)

A/NE-LK/65 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 1492 S.B ss.2 in D.D. 39, Ma Tseuk Leng, Sha Tau Kok
(RNTPC Paper No. A/NE-LK/64 to 67)

A/NE-LK/66 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 1492 S.B ss.3 in D.D. 39, Ma Tseuk Leng, Sha Tau Kok
(RNTPC Paper No. A/NE-LK/64 to 67)

A/NE-LK/67 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 1492 S.B RP in D.D. 39, Ma Tseuk Leng, Sha Tau Kok
(RNTPC Paper No. A/NE-LK/64 to 67)

17. Noting that the four applications were similar in nature and the application sites were close to each other and within the same zone, Members agreed that the applications could be considered together.

Presentation and Question Sessions

18. Ms. Doris S.Y. Ting, STP/STN, said that a replacement page (page No. 10) updating an advisory clause had been tabled at the meeting for Members’ consideration. She presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;

- (b) the four proposed houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not support the applications as there were active agricultural activities in the vicinity of the application sites. The application sites of Applications No. A/NE-LK/64 to 66 were close to a mature Camphor Tree worthy of preservation. From a tree preservation perspective, significant trimming of branches/root system of a mature tree should be avoided as far as possible;

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

- (d) during the first three weeks of the statutory publication period, one public comment each for Applications No. A/NE-LK/65 to 67 was received from the same person. The commenter supported the applications without giving any reason; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments given in paragraph 11 of the Paper. The four applications generally met the “Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories” (Interim Criteria) in that the footprints of each of the four proposed Small Houses fell entirely within the village ‘environs’ of Ma Tseuk Leng Village and there was insufficient land within the “V” zone to meet the Small House demand. Sympathetic consideration could be given to the applications. Although the applications were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications, it was considered that the proposed developments were not incompatible with the surrounding land uses. A previous application (No. A/NE-LK/22) and 10 similar applications in the vicinity of the application sites had also been approved with conditions by the Committee. It was anticipated that the proposed Small House developments would not have

significant adverse traffic, environmental and drainage impacts on the surrounding area.

19. Members had no question on the application.

Deliberation Session

20. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 20.5.2015, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions :

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

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

- (a) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the sites were in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed developments;
- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application

referred by Lands Department;

Application No. A/NE-LK/64

- (c) to note the Commissioner for Transport's comments that according to the applicant, there was a vehicular access leading to the application site. Notwithstanding that the access was not under the Transport Department's management, the applicant was advised to check the land status of the access with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly; and
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the application site was close to a mature Camphor Tree which was worthy of preservation. From tree preservation perspective, significant trimming of branches/root system of a mature tree should be avoided as far as possible.

Application No. A/NE-LK/65

- (c) to note the Commissioner for Transport's comments that according to the applicant, there was a vehicular access leading to the application site. Notwithstanding that the access was not under the Transport Department's management, the applicant was advised to check the land status of the access with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly; and
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the application site was close to a mature Camphor Tree which was worthy of preservation. The applicant should be advised to explore alternative layout for the proposed development in order to minimize the extent of tree trimming as far as possible. Besides, good practice and necessary tree protection measures should also be adopted

during the construction works so as to avoid impacts on this tree.

Application No. A/NE-LK/66

- (c) to note the Commissioner for Transport's comments that according to the applicant, there was a vehicular access leading to the application site and the proposed small house may encroach on the access. Notwithstanding that the access was not under the Transport Department's management, the applicant was advised to check the land status of the access with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly and the proposed small house should avoid encroaching on the vehicular access;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the application site was close to a mature Camphor Tree which was worthy of preservation. The applicant should be advised to explore alternative layout for the proposed development in order to minimize the extent of tree trimming as far as possible. Besides, good practice and necessary tree protection measures should also be adopted during the construction works so as to avoid impacts on this tree; and
- (e) to note the Chief Engineer/Development(2), Water Supplies Department's comments that existing water mains were laid in the private lot of application site. Diversion of the water mains to the government lands (open ground) outside the lot was feasible and would be carried out upon request from the land owners.

Application No. A/NE-LK/67

- (c) to note the Commissioner for Transport's comments that according to the applicant, there was a vehicular access leading to the application site and the proposed small house might encroach on the access. Notwithstanding that the access was not under the Transport Department's management, the

applicant was advised to check the land status of the access with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly and the proposed small house should avoid encroaching on the vehicular access; and

- (d) to note the Chief Engineer/Development(2), Water Supplies Department's comments that existing water mains were laid in the private lot of application site. Diversion of the water mains to the government lands (open ground) outside the lot was feasible and would be carried out upon request from the land owners.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/440 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 1587 S.B ss.8 in D.D. 76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/440)

Presentation and Question Sessions

22. Ms. Doris S.Y. Ting, 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 – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were active agricultural activities in the vicinity of the application site and the

application site was of high potential for rehabilitation of agricultural activities. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as most of the existing mature trees within the application site would be removed due to the proposed development. Approval of the application would set an undesirable precedent of spreading village development and encourage removal of mature trees in the surrounding areas and deteriorate the rural landscape character of the area;

- (d) during the first three weeks of the statutory publication period, two public comments were received. One of them indicated “no comment” and the other (submitted by Designing Hong Kong Limited) objected to the application on the grounds that the application site was zoned “AGR” and the zoning intention and character of the area was incompatible with urban sprawl; the layout of existing and proposed infrastructure and development was haphazard and was incompatible with the current and proposed land uses; and the failure to provide a sustainable layout before approval would deteriorate the living environment in the village, impact the well being of residents and create health and social problems and future costs to the society; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in Paragraph 11 of the Paper. The application did not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH) / Small House in New Territories” (Interim Criteria) in that the footprint of the proposed Small House fell entirely outside the village ‘environs’ (‘VE’) and “Village Type Development” (“V”) zone of Kan Tau Tsuen, and there were no exceptional circumstances which warranted a sympathetic consideration of the application. The proposed development was not in line with the planning intention of the “AGR” zone. There was no strong planning justification in the submission for a departure from the planning intention. Approval of the application, which did not comply with the Interim Criteria, would set an undesirable precedent for other similar

applications within the “AGR” zone.

23. Members had no question on the application.

Deliberation Session

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

- (a) the application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories in that the footprint of the proposed Small House fell entirely outside the village ‘environs’ and “Village Type Development” zone of Kan Tau Tsuen; and
- (b) approval of the application, which did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, would set an undesirable precedent for other similar applications within the “Agriculture” zone. The cumulative effect of approving such similar applications would cause adverse landscape impacts to the area.

Agenda Items 12 to 14

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/359 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 659 S.A in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/359 to 361)

A/NE-TKL/360 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 659 S.B in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/359 to 361)

A/NE-TKL/361 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 659 S.C in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/359 to 361)

25. Noting that the three applications were similar in nature and the application sites were close to each other and within the same zone, Members agreed that the applications could be considered together.

Presentation and Question Sessions

26. Ms. Doris S.Y. Ting, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the three proposed houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites were of high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on Applications No. A/NE-TKL/359 and 361 and objected to Application No. A/NE-TKL/360 as the existing trees along the boundary of the former two applications might be affected by the proposed development and the existing trees within Application No. A/NE-TKL/360 would likely be removed;
- (d) during the first three weeks of the statutory publication period, four public

comments for each application were received from a member of the general public, Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation and Hong Kong Bird Watching Society. The member of the general public supported all the three applications without giving any reason, whereas the other three commenters objected to all three applications mainly on the grounds that the proposed development were not in line with the planning intention of the “AGR” zone; the layout of existing and proposed infrastructure and development was haphazard; failure to provide a sustainable layout before approval might deteriorate the living environment in the village; construction of small houses would degrade the habitat of a number of resident and migratory bird species and cause disturbance; Small Houses should be confined within “V” zone which had ample space; and the proposed developments would destroy the agricultural land and introduce negative ecological impacts to the area. It would also set as a bad precedent for the area, encouraging further developments on agricultural land in the area; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments given in paragraph 11 of the Paper. The three applications generally met the “Interim Criteria for assessing planning application for NTEH/Small House development” in that all the footprints of the three proposed Small Houses fell entirely within the village ‘environs’ (‘VE’) of Lei Uk Village and there was insufficient land in the “V” zone of Lei Uk Village to meet the Small House demand. Sympathetic consideration could be given to the applications. Although the proposed developments were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications, the application sites were located to the west of the “V” zone of Lei Uk Village and the footprints of the three proposed Small Houses fell entirely within the ‘VE’ of the same village. Besides, the proposed Small House developments were not incompatible with the adjacent rural environment. Regarding the public comments, it was considered that the proposed Small House developments were not incompatible with the adjacent rural environment and would not cause significant adverse traffic, environmental

and drainage impacts on the surrounding area. DAFC advised that although the proposed development would affect the habitats, the scale of proposed development was small and the bird species concerned were recorded in some other areas in Hong Kong.

27. Members had no question on the applications.

Deliberation Session

28. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 20.5.2015, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions :

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of firefighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to explore alternative layout for the proposed small house within the application site in order to avoid adverse impacts on the existing trees within/close to the application site;
- (b) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that:

- (i) the application site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment / disposal facilities for the proposed development; and
 - (ii) there would be a drainage improvement project in close proximity to the proposed Small House;
- (c) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal applications referred by Lands Department;
- (d) to note the Chief Engineer/Development(2), Water Supplies Department's comments as follows:
 - (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
 - (ii) the application site was within the flood pumping gathering ground;
- (e) to note the Director of Agriculture, Fisheries and Conservation's comments that the applicant should adopt good site practices and implement necessary measures to avoid causing disturbance and water pollution to the stream in the vicinity of the application site during the course of construction works;
- (f) to note the Commissioner for Transport's comment that according to the applicant, there was a vehicular access leading to the application site. Notwithstanding that the access was not under Transport Department's

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

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

[Dr. W.K. Lo returned to join the meeting at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/362 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 26 S.B (Part) in D.D. 46, Tai Tong Wu, Fanling
(RNTPC Paper No. A/NE-TKL/362)

Presentation and Question Sessions

30. Ms. Doris S.Y. Ting, 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 – the Director of Agriculture, Fisheries and Conservation (DAFC) had advised that the application site was well

vegetated in 2008 but site inspection conducted since 6.7.2009 revealed that extensive vegetation clearance and paving with asphalt had taken place within the application site, and the affected area had been further extended at the northern boundary of the site as revealed in the latest site inspection on 13.4.2011. Although it could not be confirmed that the application and the works were related, approval of the application might further encourage the malpractice. Moreover, removal or significant pruning of some trees in close proximity to the application site seemed unavoidable. CTP/UD&L, PlanD objected to the application as the proposed Small House was incompatible with the surrounding woodland environment and significant disturbance to the existing landscape resources had taken place as a result of felling of trees within the site. Moreover, construction works for the proposed Small House would likely affect the existing large mature trees close to the site;

(d) public consultation –

- (i) during the first three weeks of the statutory publication period, four public comments were received. One of them supported the application without stating any reason, while the other three public comments submitted by Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation and Hong Kong Bird Watching Society all objected to the application mainly on the grounds that the zoning intention and character of the area was incompatible with urban sprawl; there was a lack of plan for a sustainable village layout of infrastructure and development; the proposed development was not in line with the planning intention of the “GB” zone and small houses should be restricted to “V” zone; two previous applications at the same location were rejected for the reasons that they were not in line with the planning intention of “GB” zone and the proposed development would cause adverse landscape impacts on the surrounding area; removal of vegetation and asphaltting was reported in previous applications and new paving and minor dumping of construction and demolition wastes were

observed on the site. The ‘Destroy First, Develop Later’ approach should not be encouraged; and the approval of the application might set an undesirable precedent for future applications;

- (ii) the District Officer (North) reported that one village representative of Tai Tong Wu supported the application with the additional views that the “GB” zone was only stipulated by the Town Planning Board; the Government should be sympathetic towards the application as the land was owned by indigenous inhabitant; and the protection of the environment and livelihood of villagers should be balanced; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in Paragraph 12 of the Paper. The application site and the footprint of the proposed Small House fell entirely within the “GB” zone. The proposed development did not meet the “Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in the New Territories” as the proposed development was not in line with the planning intention of the “GB” zone and would cause adverse impacts on the surrounding areas. The application did not comply with the assessment criteria under TPB PG-10 in that there was a general presumption against development within “GB” zone and the proposed development would further affect the existing natural landscape, causing adverse landscape impacts on the surrounding area. There was no similar approved application within the same “GB” zone. The approval of the application would set an undesirable precedent for similar applications within the “GB” zone.

31. In response to a question from the Vice-Chairman, Ms. Ting said that there was no information on whether the extensive clearance of vegetation at the site was related to the current application. PlanD and other concerned departments had carried out site inspection to monitor the situation.

32. Referring to Plan A-2, a Member asked whether it was common for the village ‘environs’ (‘VE’) to encroach upon the “GB” zone. Ms. Ting said that the ‘VE’ boundary

was drawn up by Lands Department based on the 300-foot criterion measuring from the outermost village house of a recognised village, whereas the “GB” zoning boundary was drawn up having regard to, inter alia, the site characteristics and topography. There were other cases where the ‘VE’ had encroached upon the “GB” zone.

Deliberation Session

33. A Member asked whether planning applications for Small House developments within “GB” zone had been approved before. The Secretary explained that, assuming the applications met all other requirements set out in the Interim Criteria, such applications would normally be favourably considered if the site was not well-vegetated. However, if the site was well-vegetated and the Small House development would result in tree-felling and adverse landscape impacts, the applications would normally be rejected.

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there was a general presumption against development within this zone;
- (b) the proposed development was not in line with the Town Planning Board Guidelines for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance and Interim Criteria for Assessing Planning Applications for New Territories Exempted House/Small House Development in the New Territories in that it would cause adverse landscape impacts on the surrounding areas as the mature trees in close proximity to the application site were likely to be affected; and
- (c) the approval of the application would set an undesirable precedent for other

similar applications within the “GB” zone. The cumulative impacts of approving such application would affect the intactness of the “GB” zone and cause adverse landscape impacts on the surrounding areas.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/747 Proposed Hotel
in “Residential (Group A)” zone,
60-68 Chik Chuen Street, Tai Wai, Sha Tin
(RNTPC Paper No. A/ST/747)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments –
 - (i) the Director of Environmental Protection (DEP) did not support the application as the application site was about 8 m away from the newly built Road T3 which had noise barriers designed to mitigate road traffic noise impact for buildings at this “R(A)” site based on its existing height. The permitted increase in development for non-domestic buildings in terms of site coverage and plot ratio as compared with domestic buildings would put more future residents exposed to adverse traffic noise impact;

- (ii) the Commissioner for Transport did not support the application as the applicant should have explained fully in the Traffic Impact Assessment how the loading/unloading of goods and arrival/departure of customers by cars/taxis/coaches could be carried out on-street in order to support the application;
 - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department objected to the application as the proposed hotel development with 31 storeys (including 1 refuge floor) at a height of 119.9 mPD was totally out of context and was considered excessive in terms of the scale of development. Besides, there was no visual impact assessment in the submission to demonstrate that the proposed development would not have significant visual impact on the surroundings; and
 - (iv) the Commissioner for Tourism supported the application as the proposed development would increase the number of hotel rooms and broaden the range of accommodation for the visitors, and considered that suitability of the hotel development was subject to technical feasibility and compatibility of the proposed hotel with the surrounding environment;
- (d) during the first three weeks of the statutory publication period, ten public comments were received. A member of the Sha Tin District Council pointed out that the proposed hotel would provide commercial opportunity for the area, but was concerned about the capacity of the roads and glare from the signboards of the proposed hotel. The Sha Tin Rural Committee commented that the proposed hotel might cause traffic congestion and the demand for home for the aged in the area should also be evaluated. The Tai Wai Hing Wan Building/Kwai Sing Building Owners Committee stated that the construction of the proposed hotel would have impact on the structure of their building while the Kwai Wai Building Owners Committee objected to the application for the reasons of adverse noise, environmental, wind circulation and traffic impacts. There were also objections from

Designing Hong Kong Limited and 5 members of the public on the grounds that the proposed hotel was incompatible with the low-rise character of the area and there would be adverse traffic and environmental impacts. Approval of the application would set a bad precedent for similar applications in the area; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in Paragraph 12 of the Paper. The application site fell within an area zoned “R(A)” zone on the Sha Tin OZP. Although there was no plot ratio and building height restrictions under the “R(A)” zone, the proposed development intensity was considered excessive in the context of a new town setting and incompatible with the surrounding developments. The proposed hotel development was out of scale and incompatible with the character of the surrounding area. There was insufficient information in the submitted impact assessments to demonstrate that the proposed hotel development would not have adverse traffic impacts to the area. DEP did not support the application as he was concerned that the proposed development would be subject to traffic noise impact from Road T3. Although C for Tourism supported the application, his support was subject to technical and compatibility of the proposed hotel with the surrounding environment. The application site was the subject of a previous application No. A/ST/680 for a proposed 11-storey building for shop and services, eating place and school uses at a plot ratio 9.5 which was rejected by the Committee on 22.5.2009. One of the rejection reasons was that the proposed development was not compatible to the surrounding low-rise buildings. The scale of the proposed development was significantly larger than that of the previous application. Should the current application be approved, it would set an undesirable precedent for similar applications. The cumulative effect of approving these similar applications would destroy the character and environment of the area surrounding Tai Wai Village.

36. Members had no question on the application.

Deliberation Session

37. In response to a question from the Chairman on the existing building height of Grandeur Garden and Grandway Garden to the west of Tai Wai Road, Mr. Luk replied that their building height was around 20 storeys. A Member said that the application should not be approved as the building height of the proposed hotel was even greater than that of the previously rejected application.

38. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed 31-storey hotel development was not compatible with the surrounding area which was predominantly of low-rise in character of 4 to 6 storeys in height. The proposed plot ratio of the hotel was also excessive in a new town setting. There was no strong justification for a departure from the existing low-rise character of the area;
- (b) there was insufficient information in the submitted impact assessments to demonstrate that the proposed hotel development would not have adverse traffic impacts to the area;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not have significant visual impact to the surrounding area;
- (d) there was insufficient information in the submitted impact assessments to demonstrate that the proposed development would not cause adverse environmental and drainage impacts to the surrounding areas; and
- (e) the approval of the application would set an undesirable precedent for similar applications for high-rise development in the area near Tai Wai Village. The cumulative effect of approving similar applications would adversely affect the character and environment of the area.

[Mr. B.W. Chan left the meeting at this point.]

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/85 Proposed House (New Territories Exempted House – Small House)
 (Private Garden Ancillary to House)
 in “Green Belt” and “Village Type Development” zones,
 A Piece of Government Land adjoining House No. 155, Sai O Village
 (RNTPC Paper No. A/MOS/85)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House – Small House)
(private garden ancillary to house);

- (c) departmental comments – the Commissioner for Transport had reservation on the application in general as he considered that such development should be confined within the “V” zone as far as possible. Notwithstanding the above, as the application only involved construction of private garden ancillary to a small house, he considered that the application could be tolerated unless it was rejected on other grounds. The Chief Town Planner/Urban Design & Landscape, Planning Department had reservation on the application. There was a general presumption against development within “GB” zone, which should essentially be used for public purposes. No information was submitted to demonstrate the proposed private garden development was in compliance with the planning

intention;

- (d) during the first three weeks of the statutory publication period, one public comment from the villagers of Sai O Village was received. They objected to the application for the potential impacts on road access and emergency vehicular access; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in Paragraph 12 of the Paper. The application site fell within government land and should be used for the enjoyment of the general public. The conversion of the subject site into a private garden for private enjoyment was not in line with the planning intention of “GB” zone. There was a general presumption against development in “GB” zone. No strong planning justifications had been provided in the submission for a departure from this planning intention. The proposed development therefore did not comply with TPB Guidelines No. 10. Approval of the application would set an undesirable precedent for attracting similar applications. The cumulative effect of approving such proposals would result in a general degradation of the environment in the area.

40. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone and no strong

planning justifications had been provided in the submission for a departure from this planning intention;

- (b) the proposed development did not comply with the Town Planning Board Guidelines No.10 in that there was a general presumption against development in “GB” zone; and
- (c) approval of the subject application would set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative effect of approving such proposals would result in a general degradation of the environment in the area.

Agenda Item 18

Section 16 Application

[Open Meeting]

A/DPA/NE-TKP/1 Proposed Three Houses
(New Territories Exempted House – Small House)
in “Unspecified Use” area,
Lots 134 S.C, 135 RP and 140 RP, Lots 135 S.G and 140 S.C, and
Lots 111 S.A and 134 S.B in D.D. 255, Pak Tam Au, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/1)

42. The Secretary reported that on 7.1.2011, the draft To Kwa Peng and Pak Tam Au Development Permission Area (DPA) Plan No. DPA/NE-TKP/1, in which all land was designated as ‘Unspecified Use’ (‘U’), was exhibited for public inspection under section 5 of the Town Planning Ordinance for two months. During the exhibition period which ended on 7.3.2011, a total of 206 representations were received. Among them, one representation proposed to zone the entire Pak Tam Au area as “Conservation Area” and “Green Belt” (“GB”). Another representation suggested to zoning the central part of Pak Tam Au, including the application site, as “GB”. There were two representations objecting to the designation of “U” to cover the entire Pak Tam Au area and proposing to zone the area to specified zones, which included zoning the area surrounding and including the subject application site from “U” to “Village Type Development” (“V”). The representations were

tentatively scheduled for consideration by the Board in July 2011.

43. The Secretary continued to say that according to the TPB PG-No. 33, a decision on a section 16 application would be deferred if the zoning of the subject site was still subject to outstanding adverse representation yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representations was relevant to the subject application. Considering that the zoning of the application site was the subject of outstanding adverse representations, and they were yet to be considered by the Board, PlanD would normally recommend to defer a decision on the subject application pending the submission of the DPA Plan to the CE in C and CE in C's final decision on the representations in respect of the DPA Plan. However, in view of the fact that the subject Small Houses had already obtained Certificate of Exemption from Lands Department for Building Works, Site Formation Work and Drainage Work, they might warrant special consideration. Nevertheless, since the Director of Environmental Protection (DEP) and Director of Water Supplies (DWS) required more time to look into the application, PlanD requested that the application be deferred for not more than 2 months pending the advice of DEP and DWS.

44. After deliberation, the Committee decided to defer a decision on the application for not more than 2 months pending the advice of DEP and DWS on the proposed Small House application.

Agenda Item 19

Section 16 Application

[Open Meeting]

A/DPA/NE-TKP/2 Proposed Five Houses
(New Territories Exempted House – Small House)
in “Unspecified Use” area,
Lot Nos. 92 S.D, 94 S.C, 95 S.D, 118 S.B, 119 S.B and 120 S.F; Lot
Nos. 92 S.C, 94 S.B and 96 S.D; Lot Nos. 92 S.B, 93 RP, 94 S.A and
96 S.C; Lot Nos. 82 S.E, 83 S.C, 84 S.C and 87 S.A; Lot Nos. 82 S.D,
83 S.B and 84 S.B in D.D. 255, Pak Tam Au, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/2)

45. The Secretary reported that on 7.1.2011, the draft To Kwa Peng and Pak Tam Au Development Permission Area (DPA) Plan No. DPA/NE-TKP/1, in which all land was designated as 'Unspecified Use' ('U'), was exhibited for public inspection under section 5 of the Town Planning Ordinance for two months. During the exhibition period which ended on 7.3.2011, a total of 206 representations were received. Among them, one representation proposed to zone the entire Pak Tam Au area as "Conservation Area" and "Green Belt" ("GB"). Another representation suggested to zoning the central part of Pak Tam Au, including the application site, as "GB". There were two representations objecting to the designation of "U" to cover the entire Pak Tam Au area and proposing to zone the area to specified zones, which included zoning the area surrounding and including the subject application site from "U" to "Village Type Development" ("V"). The representations were tentatively scheduled for consideration by the Board in July 2011.

46. The Secretary continued to say that according to TPB PG-No. 33, a decision on a section 16 application would be deferred if the zoning of the subject site was still subject to outstanding adverse representation yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representations was relevant to the subject application. Considering that the zoning of the application site was the subject of outstanding adverse representations, and they were yet to be considered by the Board, PlanD recommended to defer a decision on the subject application pending the submission of the DPA Plan to the CE in C and CE in C's final decision on the representations in respect of the DPA Plan.

47. After deliberation, the Committee decided to defer a decision on the application pending the submission of the DPA Plan to the CE in C and CE in C's final decision on the representations in respect of the DPA Plan.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/427 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 973 S.A in D.D. 7, Wai Tau Tsuen, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/427)

Presentation and Question Sessions

48. Ms. Lisa L.S. Cheng, 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 – the Director of Agriculture, Fisheries and Conservation did not support the application as the application site had high potential of rehabilitation for agricultural activities. The Chief Town Planner, Urban Design and Landscape, Planning Department had some reservation on the application as the proposed house might be in conflict with some existing trees on site, although she considered that the proposed house was not incompatible with the surrounding landscape and village setting;

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

- (d) during the first three weeks of the statutory publication period, one public comment against the application from Hong Kong Bird Watching Society (HKBWS) was received. HKBWS objected to the application for the reason that the application was not in line with the planning intention of the “AGR” zone. HKBWS was concerned that the approval of the application

would set up a bad precedent for encouraging more developments on agricultural lands and the proposed development would cause adverse impact to the environment, in particular water quality of streams to the northeast of the site. Similar applications in the vicinity of the site (Nos. A/NE-KLH/302 and 405) were also rejected by the Committee; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in Paragraph 11 of the Paper. About 75.6% of the application site fell within the “AGR” zone. DAFC did not support the application as the site had high potential for rehabilitation of agricultural activities. The application site also fell within the water gathering ground. Notwithstanding the above, the proposed Small House was considered not incompatible with the surrounding landscape and village setting, and was generally in line with the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” (Interim Criteria) in that more than 50% of the proposed Small House footprint (i.e. 53.9%) fell within the “V” zone; there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Wai Tau Tsuen; and that the proposed Small House would be able to be connected to the planned sewage system in the area. Regarding the public comment that the proposed development would cause adverse impact on the environment, relevant government departments had no adverse comment on this aspect. As for the two applications No. A/NE-KLH/302 and 405 quoted in the HKBWS's comment, it should be noted that they were rejected by the Committee on 13.12.2002 and 11.6.2010 respectively on the grounds that they did not meet the Interim Criteria. Application No. A/NE-KLH/302 was mostly outside the ‘VE’ and the “V” zone and application No. A/NE-KLH/405 was an application submitted by a non-indigenous villager and the proposed house could not be connected to the planned sewerage system in the area.

49. Members had no question on the application.

Deliberation Session

50. 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 20.5.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the actual occupation of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant was required to register, before execution of Small House

grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);

- (d) the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that both public stormwater drainage system and public sewerage system were not available for connection in the vicinity of the application site. For public stormwater drainage system, the applicant was required to provide proper stormwater drainage facilities for the proposed development to the satisfaction of his Department. For public sewerage system, the Director of Environmental Protection should be consulted on the requirements on sewage treatment and disposal aspect of the proposed development and the Chief Engineer/Consultants Management, Drainage Services Department (CE/CM, DSD) should be consulted on availability of sewerage connection;
- (f) to note the CE/CM, DSD's comments that the applicant should ensure that the proposed development would not affect the proposed sewerage works along the government land and land to be resumed in the proximity and should complete the necessary sewerage works within the application site and adjacent private lots to connect the proposed house to the public sewerage provided near the proposed development;
- (g) to note the Chief Engineer/Development (2), Water Supplies Department's comments in paragraph 4 of Appendix IV of the Paper;
- (h) to note the Director of Electrical and Mechanical Services' (DEMS) comments on approaching the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site;

- (i) if there was underground cable (and/or overhead line) within or in the vicinity of the application site, note the DEMS's comments and 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 prior to establishing any structure within the application site; and to observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines;
- (j) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department; and
- (k) note that the permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

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

Agenda Item 21

Section 16 Application

[Open Meeting]

A/NE-LT/419 Proposed House (New Territories Exempted House – Small House)
in "Agriculture" zone,
Government Land in D.D. 19, She Shan Tsuen, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/419)

52. The Committee noted that on 17.5.2011, the applicant requested for a deferment

of the consideration of the application for one month as he needed time to consider whether he could adjust the footprint of the proposed house to avoid encroachment onto the proposed sewerage works of the Drainage Services Department.

53. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional 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 additional information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 22

Section 16 Application

A/NE-LT/420 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Government Land in D.D. 19, She Shan Tsuen, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/420)

54. The Committee noted that on 17.5.2011, the applicant requested for a deferment of the consideration of the application for one month as he needed time to consider whether he could adjust the footprint of the proposed house to avoid encroachment onto the proposed sewerage works of the Drainage Services Department.

55. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional 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 additional information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/421 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Government Land in D.D. 19, She Shan Tsuen, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/421)

Presentation and Question Sessions

56. Ms. Lisa L.S. Cheng, 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 – no objection from concerned government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in Paragraph 11 of the Paper. Part of the application site fell within the “AGR” zone. Considering that it was unlikely that the site would have high potential of rehabilitation for agricultural activities, DAFC had no strong view against the application. The proposed Small House was generally in line with the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” in that more than 50% of the proposed Small House footprint was within the “V” zone and the ‘VE’ of She Shan Tsuen; there

was a general shortage of land in meeting the demand for Small House development in the concerned “V” zone and the proposed Small House would be able to be connected to the planned sewerage system in the area. The proposed Small House development was considered not incompatible with the surrounding character and adverse impact on existing landscape resources was expected to be minimal.

57. Members had no question on the application.

Deliberation Session

58. 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 20.5.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the actual occupation of the proposed Small House should only begin after

the completion of the public sewerage network;

- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (d) the applicant should obtain prior written consent and agreement from the District Lands Officer/Tai Po before commencing work as the proposed sewerage connection to future public sewerage system might affect government land;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that both public stormwater drainage system and public sewerage system were not available for connection in the vicinity of the application site. For public stormwater drainage system, the applicant was required to provide proper stormwater drainage facilities for the proposed development to the satisfaction of his Department. The applicant was also required to maintain the drainage system properly, to rectify the system if it was found inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system. For public sewerage system, the Chief Engineer/Project Management, Drainage Services Department (CE/PM, DSD) should be consulted on availability of sewerage connection and the Director of Environmental Protection should be consulted on the requirements on sewage treatment and disposal aspects of the proposed development;
- (f) to note the CE/PM, DSD's comments and to be vigilant on the latest situation of the sewerage project works, for which the Village Representatives would be kept informed by Drainage Services Department;
- (g) to note the Chief Engineer/Development (2), Water Supplies Department's

comments in paragraph 4 of Appendix IV of the Paper;

- (h) to note the Commissioner for Transport's comments that the existing nearby village access was not under his jurisdiction and check with the Lands Authority on the land status of the existing village access nearby and clarify with the relevant lands and maintenance authorities on the management and maintenance responsibilities of the village access accordingly;
- (i) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department; and
- (j) to note that the permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Mr. Andrew Tsang left the meeting at this point.]

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/353 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” and “Village Type Development” zones,
Government Land in D.D. 27, Sha Lan Village, Tai Po
(RNTPC Paper No. A/NE-TK/353)

Presentation and Question Sessions

60. Ms. Lisa L.S. Cheng, 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 – the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application. The site was located at the fringe of woodland and covered with some trees. Development of the proposed Small House would require felling of trees in the “GB” zone. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application and advised that the site was located on a wooded slope at the lower foothill to the northwest of Sha Lan Village. There were several large *Macaranga tanarius* (血桐) trees in good condition within the site. It was likely that the proposed development would require slope cutting, foundation works, site formation, vegetation clearance and tree removal, which might affect an area larger than the site. Significant adverse impacts on the existing landscape resources were highly anticipated. The approval of this application would set an undesirable precedent for other similar applications in the area;

[Mr. Rock Chen arrived to join the meeting at this point.]

- (d) during the first three weeks of the statutory publication period, 20 public comments were received. One of the comments, submitted by the Indigenous Inhabitant Representative of Sha Lan Tsuen, was in support of the application. The other commenters, including the Designing Hong Kong Limited, the Chairlady of Sha Lan Villas Residents Association and the residents of Sha Lan Villas, objected to the application for the reasons that the proposed house was incompatible with the “GB” zone and the rural character of the area. Construction of the proposed development would likely affect the geotechnical stability of houses in Sha Lan Villas. There had been a number of Small Houses approved or to be built in the area to

the east of the site. If the subject application was approved, the resulting cumulative adverse traffic and safety impacts could be substantial; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in Paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone. Although the application site fell entirely within the ‘VE’ and there was a general shortage of land in meeting the Small House demand, the proposed NTEH/Small House development did not meet the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” (Interim Criteria) and did not comply with the TPB-PG No. 10 for development within “GB” zone. The site was situated on a wooded slope at the foothill covered with trees. The construction of the proposed Small House would require site formation involving cutting of slopes and felling of trees and natural vegetation. Development of the site would further erode the integrity of this strip of vegetated slope, which was a major green feature for Shan Lan Village. It was likely that construction of the proposed development would affect an area larger than the site and significant adverse impacts on the existing landscape resources were highly anticipated. The approval of this application would set an undesirable precedent for other similar applications in the Sha Lan area.

61. Referring to Plan A-2, a Member asked whether there were any differences between the subject application and applications No. A/NE-TK/300 and 320 which were approved by the Committee. Ms. Cheng said that there were a number of similar applications for proposed Small House developments along the concerned slope. Those applications that involved cutting of slopes and felling of trees were rejected by the Committee. For applications No. A/NE-TK/300 and 320, the terrain at the application sites was relatively gentle and no tree felling was required for the two applications.

Deliberation Session

62. After deliberation, the Committee decided to reject the application. Members

then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development was not in line with the planning intention of the “Green Belt” zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (b) the application did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories and the Town Planning Board Guidelines for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve cutting of slopes and felling of trees and natural vegetation that could cause adverse landscape impacts on the surrounding area; and
- (c) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/354 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Government Land in D.D. 15, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/354)

Presentation and Question Sessions

63. Ms. Lisa L.S. Cheng, 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 – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site was outside the ‘VE’ of Shan Liu. The Director of Water Supplies (DWS) objected to the application as the site was within the lower indirect Water Gathering Ground (WGG) and fell outside the “V” zone and the ‘VE’ of Shan Liu. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application. The site was located in a vegetated area with some scattered young trees and development of the proposed Small House would require felling of trees. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the site was separated from the built-up area. There were signs of extensive recent vegetation clearance within and surrounding the site. These disturbances had already disrupted the high value landscape resources in the area and left unattractive scars therein. If the application was approved, it would set an undesirable precedent for similar Small House applications in the subject “GB” zone;
- (d) during the first three weeks of the statutory publication period, one public comment from Designing Hong Kong Limited was received. The commenter objected to the application on the grounds that the area was zoned “GB”; the zoning intention and character of the area was incompatible with urban sprawl; and the area lacked a plan for a sustainable layout of infrastructure and development; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in Paragraph 12 of the Paper. The proposed development was not in line with the planning

intention of the “GB” zone. Although there was a general shortage of land in meeting the future Small House demand in Shan Liu Village, the proposed development did not comply with the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” (Interim Criteria) as the site was entirely outside the “V” zone and the ‘VE’ of any recognised villages. While a trunk sewer would be constructed to serve the Small House developments within “V” zone of Shan Liu, the DWS objected to the application as the site was within the lower indirect WGG and fell outside the “V” zone and the ‘VE’ of Shan Liu. The DAFC had reservation on the application and pointed out that development of the proposed Small House would require felling of trees. The CTP/UD&L, PlanD objected to the application as there were signs of extensive recent vegetation clearance within and surrounding the site.

64. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (b) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories as the site was entirely outside the “Village Type Development” zone and the ‘environs’ of any recognised villages;
- (c) the applicant failed to demonstrate that the proposed development located

within the lower indirect water gathering ground would not cause adverse impact on the water quality in the area; and

- (d) the approval of the application would set an undesirable precedent for other similar applications in the area.

[Mr. Timothy Ma left the meeting temporarily at this point.]

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/355 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 644 S.M in D.D. 15, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/355)

Presentation and Question Sessions

66. Ms. Lisa L.S. Cheng, 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 – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the site was separated from the built-up area. While there seemed to be no significant vegetation currently within the site boundary, there were signs of extensive site formation and vegetation clearance in the surrounding area since 2004. Disturbances such as site

clearance and land filling had already disrupted the high value landscape resources and left unattractive scars therein. Approval of the application would encourage more village house developments in the area resulting in an extension of the village landscape character well beyond the existing “V” zone boundary and further degradation of the existing landscape quality of the area;

- (d) during the first three weeks of the statutory publication period, one public comment from Designing Hong Kong Limited was received. The commenter objected to the application on the grounds that the area was zoned “AGR”; the zoning intention and character of the area was incompatible with urban sprawl; and the area lacked a plan for a sustainable layout of infrastructure and development; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in Paragraph 11 of the Paper. The proposed Small House development could be considered as complying with the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” (Interim Criteria) in that more than 50% of the footprint of the proposed Small House fell within the ‘VE’; there was a general shortage of land in meeting the demand for Small House development in the “V” zone, and the proposed Small House located within the Water Gathering Ground could be connected to the planned sewerage system. As suggested by the Director of Environmental Protection and Director of Water Supplies, an advisory clause requiring the actual construction of the proposed Small House should only begin after the completion of the public sewerage system was recommended to be imposed. Although the CTP/UD&L, PlanD and the DAFC did not support the application and there was an adverse public comment, sympathetic consideration could be given to the application as the site was currently vacant with no significant vegetation and the proposed Small House could be connected to the planned sewerage system.

[Mr. Timothy Ma returned to join the meeting at this point.]

67. Members had no question on the application.

Deliberation Session

68. 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 20.5.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the occupation of the proposed Small House should only begin after the completion of the public sewerage system;
- (b) adequate space should be provided for the proposed Small House to be

connected to the public sewerage system;

- (c) the trunk sewers would be laid along Shan Liu Road under the “Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C” project. Upon completion of the trunk sewers, the applicant should extend his sewer, at his own cost, to the nearest connection point of the planned sewerage system in the area;
- (d) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (e) to note the comments of the Commissioner for Transport that the existing nearby village access was not under management of the Transport Department. The land status of the village access should be checked with the lands authority. The management and maintenance responsibilities of the village access 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 site was close to the adjoining Shan Liu Road, the applicant was reminded to provide mitigation measures at his own cost against any nuisance (e.g. noise, dust, etc) from the road;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and the CE/CM, DSD that there were no public drains in the vicinity of the site. The applicant was required to submit and implement a drainage proposal for the site to ensure that it would not cause adverse drainage impact to the adjacent area. The applicant was also required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify

claims and demands arising out of damage or nuisance caused by failure of the systems. There was no existing public sewerage in the vicinity of the site currently. Nevertheless, sewerage connection might be available when proposed village sewerage works under the project “Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C” was completed in around 2013. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development. The trunk sewer was to serve the potential Small House development within the “Village Type Development” zone of Shan Liu Village. No branch sewer was planned. The proposed development should maintain a clear distance of 3.5m from the top of the embankment of existing natural stream course; and

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

[The Chairman thanked Ms. Doris S.Y. Ting, Mr. Anthony K.O. Luk and Ms. Lisa L.S. Cheng, STPs/STN, for their attendance to answer Members’ enquires. Ms. Ting, Mr. Luk and Ms. Cheng left the meeting at this point.]

[Dr. W.K. Yau arrived to join the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. C.C. Lau, Ms. S.H. Lam, Mr. Ernest C.M. Fung and Mr. Kepler S.Y. Yuen, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

Agenda Item 27

Section 16 Application

[Open Meeting]

A/TM/398 Columbarium in “Government, Institution or Community” zone,
Portions of Blocks 1, 2 and 3 within Fat Yuen Ching Shea at
Lots No. 759 (Part), 791 (Part) and 830 (Part) in D.D. 131,
Tsing Shan Tsuen, Tuen Mun
(RNTPC Paper No. A/TM/398)

Presentation and Question Sessions

70. The Secretary reported that on 16.5.2011, the applicant wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer making a decision on the application for one month so as to allow sufficient time to discuss and agree with Buildings Department (BD) on the sequence and logistics of submission of building plans. The Chief Building Surveyor/NT West (CBS/NTW), BD was consulted on the request for deferment and commented that retrospective approval on strengthening or Alteration or Addition works to the unauthorized structures would not be considered by BD unless the applicant could provide further evidence to substantiate that the concerned buildings for columbarium use were erected at pre-war time.

71. The Secretary went on to say that PlanD did not support the request for deferment. BD’s comments were first conveyed to the applicant in May 2010 and the applicant had attempted to address the concerns. However, after about one year’s time in exchanging correspondences and having meetings between the applicant and BD, the applicant still could not provide proof of the pre-war building status of the existing structures. It was doubtful whether the issue could be addressed within one month. Furthermore, as indicated by the applicant, about 3,000 out of the total 9,160 niches had been occupied. Given the fact that the applicant could not demonstrate structural safety of the existing buildings and had not provided adequate means of escape for the development, further deferment of the case would affect the interests of the niche owners. The application had been deferred three times at the request of the applicant and it had been nearly 14 months since the application was first received. The applicant had been advised repeatedly that no further deferment would be

granted unless under very special circumstances. Hence, there was no strong justification to further delay the consideration and decision on the case. The Secretary invited Members to consider whether to accede to the applicant's request for deferment.

72. A Member considered the request for deferment could be allowed as the applicant had requested to defer consideration of the application for only one month.

73. Noting that about 3,000 niches had already been sold, another Member had reservation on the request for deferment as more niches might be sold, which might not be in the public interest, if the application was deferred again. That Member had doubt whether the applicant could resolve the problem with BD in one month's time. One other Member shared the same view.

74. After further deliberation, the Committee decided not to agree to the request for deferment and agree to consider the application at the meeting as scheduled. The Chairman then invited Mr. C.C. Lau, STP/TMYL, to present the application.

75. Mr. Lau presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed columbarium with 9,160 niches in three building blocks;
- (c) departmental comments –
 - (i) the CBS/NTW, BD commented that substantial building works had been completed without approval and consent from the Building Authority and they were regarded as unauthorized works. Retrospective approval for the said works would not be given. The means of escape of the buildings for columbarium use and the provisions of access for persons with a disability were also not satisfactory. Further justification/verification was required in order to establish that the concerned buildings were erected in the pre-war

period. The s.24 order served against the unauthorized retaining walls should be complied with by the applicant;

- (ii) the District Lands Officer/Tuen Mun commented that the existing access to the site, which was the local track leading from San Shek Wan North Road to the southern side of the site, fell within the boundary of a proposed land grant TMTL 472. If the proposed land grant was completed, the access road would need to be closed and be incorporated in the site area of TMTL 472; and
 - (iii) the Secretary for Food and Health (SFH) commented that the proposed columbarium development was, in principle, in line with his policy objective to increase the supply of authorized columbarium niches in both public and private sectors to meet the increasing public demand. Subject to all statutory requirements and lease conditions being fulfilled, he had no objection to the application;
- (d) public consultation –
- (i) during the first three weeks of the first statutory publication period, 6 public comments were received. Three of them objected to the application on the grounds that the columbarium use would generate adverse environmental, traffic, psychological and health impacts on the residents and students. The approval of the application, which involved illegal occupation of government land and illegal operation of columbarium use, would be viewed as a rationalization of the unlawful undertakings. Two public comments supported the application for the reasons that it could improve the quality of environment, enrich its landscape and also relieve shortage in columbarium facilities. One other public comment stated that the intention of the application was positive, but the applicant should duly address the possible traffic and environmental issues; and

- (ii) during the first three weeks of the second statutory publication period, a total of four public comments were received. One of them supported the application as it could improve the quality of environment and also enrich its landscape. The other three commenters objected to the application because there were already two columbaria in Tsing Shan Tsuen. An additional columbarium would aggravate the environmental and traffic impacts. The application also involved illegal occupation of government land, illegal operation of columbarium use and unauthorised building works. Approval of the application would confer the columbarium operators the right to run a private business despite the contravention of the government regulations and procedures. The approval of the application would set an undesirable precedent to unauthorised columbaria; and
- (iii) the District Officer (Tuen Mun) commented that the residents nearby might worry about environmental nuisance and traffic congestion caused by the columbarium operation in future. He noted that the applicant stated that he had obtained support from members of the Tuen Mun District Council (TMDC). However, support from individual TMDC members might not represent the view of TMDC. In fact, some TMDC members had expressed concerns on the development of private columbaria in Tuen Mun. He also received a public comment on 16.6.2010 objecting to the application for the reasons that Tsing Shan Tsuen, with many temples and nunneries, could not support the further establishment of more than 10,000 columbarium niches. The potential environmental and traffic impacts to residents and students nearby were unacceptable;
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in Paragraph 10 of the Paper. The columbarium use was generally in line with the planning intention of the “G/IC” zone. The premises fell within an area which was predominantly occupied by religious uses and other GIC facilities. It was

considered that the columbarium was not incompatible with the surrounding area. Notwithstanding the above, the major issue of the application related to structural safety of the buildings and the means of escape (MOE) as advised by CBS/NTW, BD. Although the applicant had indicated that a submission would be made to the BD for approval after the application was approved, CBS/NTW, BD said that unless the proposed remedial works were approved and completed to his satisfaction, his comments that the existing premises for columbarium use was not satisfactory were still valid. In the absence of clear proof of structural safety and adequate MOE, approval of the application would subject the visitors and other users to undue risks. While D of FS had no objection in-principle to the application subject to fire services installations (FSIs) being provided to his satisfaction, the visitors would still be exposed to fire risks before the FSIs were implemented, as some of niches had already been occupied.

76. A Member asked whether the applicant had indicated that he would implement the proposed remedial works if the planning application was approved. Mr Lau said that the applicant had indicated that he would submit a set of building plans to BD if the application was approved. However, according to BD, unless the applicant could prove that the concerned buildings were pre-war buildings, BD would not be prepared to accept any retrospective strengthening or A & A works to the structures.

77. The same Member said that it was the duty of the applicant to prove whether the concerned buildings were pre-war buildings and asked whether the applicant would improve the MOE if the application was not approved. Mr. Lau said that he had no information on that aspect. Mr. Lau added that if the application was rejected, relevant government departments would take appropriate action under their respective purview.

Deliberation Session

78. A Member asked whether the proposed rejection reasons on structural safety and fire safety in paragraph 11.1(a) and (b) of the Paper were valid planning reasons. The Chairman said that safety was a valid concern as there would be many visitors to the

columbarium during Ching Ming and Chung Yeung Festivals. It should also be noted that to promote safety of the community was included in the preamble of the Town Planning Ordinance. The Secretary said that if BD had fundamental concern/objection to the proposal under application, the Committee would normally not approve the applications as planning approval was granted on the terms as submitted by the applicant. The Secretary added that if BD's concern was minor, the Committee might consider approving the application subject to relevant conditions to rectify the building matters.

79. A Member had reservation on the application as the applicant had failed to convince the Committee that the proposal was technically feasible. That Member considered that delaying resolution of the technical problems would not be desirable as the premises were in use.

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

80. A Member asked whether enforcement action could be taken against the columbarium use. The Chairman said that as the subject site was not previously covered by a Development Permission Area Plan, there was no provision under the Town Planning Ordinance for the Planning Authority to carry out planning enforcement action.

81. A Member asked whether the application could be approved if the structural safety and fire safety problems were resolved. The Secretary said that if these were Members' main concern, then the application could be approved if the issues were resolved.

82. In response to a question from another Member, the Secretary said that if the application was rejected at this meeting and the applicant was able to demonstrate how the structural safety and fire safety issues could be resolved at a later stage, the applicant could submit further justifications during the s17 review, or submit a fresh s16 application if the information was not yet ready at the s17 review stage.

83. The Vice-Chairman said that he was concerned about the fire safety problem as the applicant had only provided fire fighting facilities such as fire extinguishers at the site. A Member shared the same view and suggested that the applicant should be advised that no more niches at the columbarium should be sold until the statutory and lease requirements

were complied with. Members agreed to the suggestion.

84. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the applicant failed to demonstrate in the submission that the premises were structurally safe; and
- (b) the means of escape of the premises for columbarium use were not satisfactory in that the width of the escape routes was found inadequate and the required staircases had not been protected with adequate fire resisting construction and therefore would impose fire safety concerns to the visitors.

85. The Committee also agreed to advise the applicant not to sell any more niches at the columbarium until the statutory and lease requirements were complied with.

[Ms. Anna Kwong and Mr. Stephen Yip left the meeting at this point.]

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/413 Proposed Wholesale Conversion for Office,
Eating Place, and Shop and Services
in “Industrial” zone,
Tuen Mun Town Lot No. 155, No. 4 Kin Fung Circuit, Tuen Mun
(RNTPC Paper No. A/TM/413)

Presentation and Question Sessions

86. Mr. C.C. Lau, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed wholesale conversion for office, eating place, and shop and services;
- (c) departmental comments – no objection from concerned government departments was received;
- (d) during the first three weeks of the statutory publication period, two public comments supporting the application were received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in Paragraph 12 of the Paper. The proposed wholesale conversion of the building for office, eating place and shop and services would not be incompatible with the adjacent land uses. Although the proposed car parking spaces could only meet about 36% of the minimum number of parking space as recommended in the HKPSG, it should be noted that the site was well served by public transport and there were also surplus car parking spaces in the vicinity of the site. In this regard, the Commissioner for Transport had no comment on the application. The site fell within the proposed "CDA" zone in the Area Assessment 2009 which was endorsed in-principle by the Board on 17.9.2011. In order not to jeopardize the potential long-term planning intention of the site, should the Committee decide to approve the application, it was recommended that the applicant should be advised that the approval would be for the lifetime of the building. Upon redevelopment, the site would need to conform to the zoning and development restrictions on the OZP in force at the time of redevelopment.

87. Members had no question on the application.

Deliberation Session

88. In response to a question from the Chairman, Mr Lau said that a similar

application involving an adjacent site had recently been received by the Board. The Chairman said that in view of these recent applications, consideration could be given to reviewing the boundary of the proposed “CDA” zone in future.

89. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.5.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of an assessment on the public sewerage system and implementation of proposed mitigation measures identified in the assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) the approval should be for the lifetime of the building. Upon redevelopment, the subject site would need to conform with zoning and development restrictions on the Outline Zoning Plan in force at the time of redevelopment which might not be the same as those of the existing building;
- (b) to note the District Lands Officer/Tuen Mun’s comments that after securing the Board’s approval, the applicant should apply for lease modification or temporary waiver for the proposed uses. The proposal would only be

considered upon the receipt of formal application from the applicant. There was no guarantee that the application, if received by him, would be approved and he reserved comment on such. The applicant would be considered by him acting in the capacity as the landlord at its sole discretion. In the event that the application was approved, it would be subject to such terms and conditions as the Government should deem fit to do so, including, among others, charging of premium, waiver fee and administrative fee;

- (c) to note the Chief Engineer/Mainland North, Drainage Services Department's (DSD) comments that, as stated in Appendix Ic of the Paper, the applicant was willing and prepared to accept an approval condition on the submission of sewerage assessment to the satisfaction of DSD. Should the application be approved, a condition should be stipulated requiring the applicant to submit a sewerage assessment on the existing public sewerage system in the local area for the conversion to DSD's satisfaction;
- (d) to note the Director of Environmental Protection's comments that the applicant was reminded to observe the relevant pollution control ordinances in implementing the proposal;
- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that the proposed conversion involved change in use of the building. In this respect, the applicant was required to upgrade the building to current safety and health standard including compliance with Means of Escape, Means of Access and Fire Resisting Construction Codes. The resultant site coverage and plot ratio should comply with Building (Planning) Regulations (B(P)R) 20 and 21. Provision of lighting and ventilation should comply with B(P)R 30. Disabled provisions should comply with B(P)R 72. Fire compartmentation and means of escape should comply with of emergency vehicular access (EVA) under B(P)R 41D. Formal submission by an authorized person for the proposed conversion was required under the

Buildings Ordinance (BO). Detailed comments would be given upon formal building plans submission stage;

- (f) the granting of planning approval should not be construed as condoning to any authorized structure on existing site under the BO and the allied regulations; and
- (g) to note the Director of Fire Services' comments on fire services installations and water supplies for fire fighting to his satisfaction. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and the EVA provision should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administrated by the BD.

Agenda Item 29

Section 16 Application

[Open Meeting]

A/TM/416

Proposed House

in "Green Belt" zone,

432 Castle Peak Road, Tuen Mun (Lots 975 and 976 RP in D.D. 131)

(RNTPC Paper No. A/TM/416)

91. The Committee noted that on 5.5.2011, the applicant requested for a deferment of the consideration of the application for two months so as to allow sufficient time to address departmental comments on the application.

92. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional 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 additional information from the applicant. The Committee also agreed to advise that the Committee had allowed a

maximum period of two months for preparation of submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 30

Section 16 Application

[Open Meeting]

A/TM/417

Proposed House

in “Green Belt” zone and area shown as ‘Road’,

430 Castle Peak Road, Tuen Mun (Ping Shan Inland Lot 6)

(RNTPC Paper No. A/TM/417)

93. The Committee noted that on 5.5.2011, the applicant requested for a deferment of the consideration of the application for two months so as to allow sufficient time to address departmental comments on the application.

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

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TSW/49 Proposed Comprehensive Residential and Commercial Development with Flat (Elderly Accommodation), Hotel, Shop and Services (including Privately-Operated Clinic), Eating Place, Residential Institution, Training Centre, Educational Institution, School, Private Club and Place of Recreation, Sports or Culture in “Comprehensive Development Area” and “Road” zones, Government Land in Tin Shui Wai Area 115
(RNTPC Paper No. A/TSW/49)

95. The Secretary reported that the application was submitted by the Hong Kong Housing Society (HKHS) with Environ Hong Kong Ltd. as a consultant. The following Members had declared interests on this application:

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|---|--|
| Mr. Jimmy Leung
as Director of Planning | being a member of the Supervisory Board of HKHS |
| Ms. Anita Lam
as Assistant Director/New
Territories, Lands Department | being an alternate member for the Director of Lands who
was a member of the Supervisory Board of HKHS |
| Mr. Walter Chan | being a member of the Executive Committee of HKHS |
| Mr. B.W. Chan | being a member of the Supervisory Board of HKHS |
| Mr. Y.K. Cheng | being a member of HKHS |
| Mr. Timothy Ma | being a member of HKHS |
| Mr. Stephen Yip | currently engaged by HKHS in premium settlement for a
project in North Point |

privately-operated clinic), eating place, school, private club and place of recreation, sports or culture;

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had no further comment on the application and commented that should the application be approved, approval conditions on the following were suggested for the consideration of the Committee: (i) full implementation of the ecological mitigation measures and noise monitoring requirements as suggested in the submitted Ecological Assessment; (ii) restrictions on piling works; (iii) the submission of an ecological monitoring and audit plan; (iv) the submission of a detailed planting plan; and (v) the submission of a plan of the building colours of the development;

- (d) public comments -
 - (i) during the first three weeks of the first statutory publication period, 7 public comments were received. Three of them objected to the application for the reasons that the proposed development would lead to adverse ecological and environmental impacts and would affect the ecotourism at the HKWP. One of them also considered the proposed development would not be affordable and convenient to the elderly. The remaining commenters proposed that the development be restricted to 5 storeys in height or a clubhouse/resort be developed instead. A commenter suggested that consideration should be given to avoid incompatibility and disconnection of the proposed elderly housing with the Tin Shui Wai community where residents mostly live in public housing or HOS;

 - (ii) during the first three weeks of the second statutory publication period, 4 additional comments were received from Designing Hong Kong Limited (DHK) and members of the public. DHK objected to the application mainly on the grounds that the site was close to HKWP and Deep Bay Wetland; tree compensation proposal was

lacking; and an EIA should have been carried out. The three members of the public all objected to the application mainly on the grounds of adverse conservation, traffic and environmental impacts. There was a suggestion that the site should be used for conservation, greening and open space purposes and the HKWP should be expanded;

- (iii) during the first three weeks of the third statutory publication period, 14 additional comments were received from green groups and members of the public, all objecting to the application. They objected to the application mainly on ecological grounds. They were especially concerned about the potential impacts on the birds and the wetlands; and

(e) the Planning Department (PlanD)'s views –

- (i) PlanD had no objection to the application based on the assessments as detailed in Paragraph 13 of the Paper. The site was located between the high-rise high-density developments to the southwest and the ecologically sensitive HKWP at the northern edge of Tin Shui Wai. The subject “CDA” zone was intended for comprehensive development for residential and/or commercial uses with restrictions on plot ratio of 1.5 and building height of 10 storeys over one-storey of car park. In this regard, the proposed development was in line with the planning intention and complied with the statutory plot ratio and building height restrictions;
- (ii) the site was subject to an endorsed planning brief. The proposed development generally complied with the design criteria adopted in the planning brief. To minimize the adverse impacts to the HKWP, it was proposed that a 30m-wide NBA with dense vegetation be designated along the northeastern edge of the site abutting the HKWP. A building height profile stepping down from Wetland Park Road towards the HKWP from 11 storeys to 3 storeys was also

adopted. A 35m-wide breezeway was designated along a proposed lagoon which was located at the central part of the site. Greening ratio of about 43.8% at grade and on landscape deck and about 22.8% on rooftops, as well as about 33,715m² of landscape area at grade and on landscape deck and 18,400m² on rooftops, were proposed for the development. Relevant government departments consulted had no adverse comment on the proposal; and

(iii) Main responses to the public comments -

- Environmental and ecological concerns

the development was not a designated project under the Environmental Impact Assessment Ordinance (EIAO) and therefore a EIA was not required. DAFC considered that the ecological disturbance mentioned by the green groups and the public were insignificant which could be addressed by the proposed mitigation measures;

- Development intensity and compatibility with HKWP

the proposed building height and development intensity complied with the requirements of OZP and endorsed planning brief. Measures had been adopted to minimize adverse impacts to the HKWP and allowed a smooth transition from high-rise developments in New Town to the HKWP;

- Use of the site for conservation-related purposes, open space, extension of HKWP or low-density private resort

there was no strong justification for using the site which had low ecological value for conservation purposes. Adequate open space had been provided/planned in Tin Shui Wai in accordance with HKPSG. As compared with private resort, the proposed development would provide community facilities for public use and have positive impacts to local residents;

- Disconnection of the proposed development with Tin Shui Wai community

according to the applicant, a number of facilities (including wellness centre, recreational, educational, training and commercial facilities) were available to the public and local job opportunities (including 50 to 400 jobs per annum during the construction phase and 730 direct jobs during the operation phase) would be created; and

- Other concerns

an advisory clause had been suggested to remind the applicant to take note of the public concerns when implementing the proposed development.

98. Members had no question on the application. They then examined the physical model submitted by the applicant displayed at the meeting room.

Deliberation Session

99. A Member asked whether the proposed development was allowed in the Wetland Buffer Area (WBA). Ms. Lam said that the intention of the WBA was to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area. Developments were allowed but for those developments that required planning permission, an ecological impact assessment would need to be submitted for consideration by the Committee. For the subject application, the DAFC considered the submitted ecological impact assessment satisfactory.

100. The same Member asked whether the DAFC had any comment on a public commenter's claim that the proposed development would affect the newly discovered species of firefly at the HKWP. Ms. Lam said that the DAFC's response to public comments could be found at Appendix VII of the Paper. According to DAFC, the potentially new species of firefly recently discovered in HKWP was primarily a mangrove-dependent firefly group. The proposed development was not anticipated to affect the concerned species of firefly as the mangroves stands were at some distance away from the application site.

101. A Member said that in the Powerpoint presentation by Ms. Lam, the Chinese translation of the statement that "the ecological assessment can demonstrate (證明) that the ecological disturbance is insignificant" was not correct. That Member said that it was more appropriate to say that "ecological assessment can 'indicate' (顯示) that the ecological disturbance is insignificant."

102. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The

permission should be valid until 20.5.2015, 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), taking into account the approval conditions (b), (d), (e), (k) to (p) 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 the tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (c) no construction works including site formation works should commence before obtaining agreement on the methodology and programme of the construction works from the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (d) the design and provision of a 30m wide non-building area along site boundary with the Hong Kong Wetland Park to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (e) the submission of detailed planting (including transplanting) plan at the proposed 30m-wide non-building area along site boundary with the Hong Kong Wetland Park at least three months before the commencement of any planting works at the site, and implementation of the planting proposal to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (f) the implementation of the ecological mitigation measures and noise monitoring requirements identified in the ecological assessment to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (g) the submission of an ecological monitoring and audit plan at least three

months before the commencement of any construction works at the site, as proposed by the applicant, and the implementation of the proposed ecological monitoring during the construction phase to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;

- (h) the submission of proposal on colour and materials of the building surface of the proposed development before the commencement of any construction works at the site, and implementation of the aforesaid proposal to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (i) the implementation of the mitigation measures identified in the environmental assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (j) the implementation of the mitigation measures identified in the air ventilation assessment to the satisfaction of the Director of Planning or of the TPB;
- (k) the submission of a revised drainage impact assessment and the implementation and maintenance of the drainage mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (l) the design and provision of the footbridge ramp at the south-western boundary of the site, as proposed by the applicant, to the satisfaction of the Director of Highways or of the TPB;
- (m) the design and provision of vehicular ingress and egress points to the application site to the satisfaction of the Director of Highways or of the TPB;
- (n) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the

Commissioner for Transport or of the TPB;

- (o) the design and provision of the proposed residential care home for the elderly and day care centre for the elderly to the satisfaction of the Director of Social Welfare or of the TPB;
- (p) the design and provision of emergency vehicular access to the satisfaction of the Director of Fire Services and the Director of Agriculture, Fisheries and Conservation or of the TPB; and
- (q) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4(A)(3) of the Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) the approval of the application did not imply that the proposed building design elements could fulfill the requirements under the Sustainable Building Design Guidelines, and that the proposed gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (c) to note District Lands Officer/Yuen Long's comments that the existing footbridge ramp was under maintenance by Highways Department (HyD). If the re-oriented footbridge ramp was constructed by the applicant and

handed over to HyD subsequently, it should be excluded from the future lot boundary and designated as Green Area. The existing footbridge ramp would be included into the future lot boundary and designated as NBA subject to deferred possession in order to keep it for public access until the completion of the re-oriented footbridge ramp. The area required for the proposed re-oriented footbridge would be subject to detailed design to be agreed by relevant departments. If planning approval was given, the applicant would need to apply to his department for a land grant by way of private treaty. Land grant application would only be considered upon receipt of formal application to his office by the applicant but there was no guarantee that the application for a private treaty grant would be approved. Such application, if received by his department, would be considered by his department acting in the capacity as the landlord at its sole discretion. In the event any such application was approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as might be imposed by his department. Furthermore, the proposed land grant by private treaty required policy approval. In view that the proposed land grant would require policy approval and the proposed footbridge re-orientation works might need to be dealt with under the Roads (Works, Use and Compensation) Ordinance (Cap. 370), there was no guarantee that the land grant documents could be completed to accord with the applicant's intended development programme.

- (d) to note Chief Highway Engineer/New Territories West, Highways Department's comments that he noted that the applicant would submit detailed proposal of the modification of existing footbridge ramp and staircase for his further comment in later stage of the Project. Similarly, the applicant should submit detailed proposals for the primary ingress/egress and secondary egresses, in particular, the related modifications to the existing road features such as footpath, cycle tracks and planter walls etc, for his further comment in later stage of the development. The applicant should also further clarify the boundary line in relation to the existing footbridge ramp and staircase in later stage of the Project;

- (e) to note Chief Engineer/Mainland North, Drainage Services Department's detailed comments on the drainage impact assessment in paragraphs 11.1.4(b) and (c) of the Paper;

- (f) to note Director of Agriculture, Fisheries and Conservation's comments that no percussive piling works in dry season (from November to March) was allowed at the site. Whether jack-piling works (or other piling methods with disturbance level lower than percussive piling) would be allowed to continue in dry season should be subject to the compliance of the piling method with action / limit levels as recorded in the ecological monitoring programme conducted in the wet season, and to the agreement with his department. An ecological monitoring and audit plan should be submitted with appropriate action / limit levels and action(s) to be taken subject to the agreement with his department at least three months before the commencement of any construction works as proposed in paragraph 7 of the ecological assessment. The ecological monitoring should be carried out in accordance with the agreed plan during the construction phase of the project. Planting and transplanting of non-native species with invasive potential in the non-building area (NBA) should be avoided as far as possible to prevent them from colonizing the Hong Kong Wetland Park (HKWP) and prejudicing the native ecology of HKWP. The emergency vehicular access (EVA) within the 30m-wide NBA should be restricted from daily access (e.g. as a pedestrian passage or footpath) of the residents and could only be used for maintenance or emergency use. Building colours with a high albedo such as white, pink or yellow, would not be appropriate to the natural rural character of the HKWP. More muted colours such as greys, brown, beige, greens as well as recessive colours such as muted shades of blue, would blend in more with the HKWP;

- (g) to note Chief Architect/Advisory & Statutory Compliance of Architectural Services Department's comments that the issues/concerns raised by him previously (see item 5 in Appendix Ib of the Paper) should be duly addressed at the design stage as indicated by the applicant;

- (h) to note Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In addition, the applicant should be advised that the provision of EVA should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administrated by Buildings Department. Detailed design and layout for member's club and residential care home for the elderly should be provided in future building plans submission to prove there was no undue fire risk if there was a co-existence of the aforesaid premises;

- (i) to note Chief Building Surveyor/New Territories West of Buildings Department's comments that the site was abutting and accessible from a street of not less than 4.5m wide, otherwise, the development intensity would be determined under Building (Planning) Regulations (B(P)R) 19(3). In view of the size of the site and the various types of development involved (elderly flats, wellness centre, hotel/guesthouse and other comprehensive facilities), area of any internal streets/roads required under section 16(1)(p) of the Buildings Ordinance (BO) should be deducted from the site area for the purpose of site coverage and plot ratio calculation under the BO. Recreational facilities unless exempted, were accountable for GFA calculation under the BO. The applicant should also note the provision of EVA to the buildings under B(P)R 41D and the disabled facilities under B(P)R72 to the development. Detailed consideration would be made at building plan submission stage. Based on the available information, it was noted that the proposed development parameter was generally below the limit of 1st schedule of B(P)R;

- (j) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the site was located within the Scheduled Area No. 2 and might be underlain by cavernous marble. For any development of the site, extensive geotechnical investigation would be required. Such investigations might reveal the need for a high level of involvement of an experienced geotechnical engineer both in the

design and in the supervision of geotechnical aspects of the works required to be carried out on the site;

- (k) to note the Secretary for Food and Health's comments that regarding the proposed Wellness Centre providing healthcare services, he should be consulted in advance before working out the details of service provision in order to avoid overlapping of services with the other healthcare facilities in Tin Shui Wai;
- (l) to note the Director of Social Welfare's comment that the proposed residential care home for the elderly would have to follow the licensing requirements of all related Ordinances and requirements from the Director of Social Welfare;
- (m) to note the Director of Social Welfare's comment that the proposed day care centre for the elderly would have to follow the requirements from the Director of Social Welfare;
- (n) to note Chief Officer (Licensing Authority) of Home Affairs Department's comments on the requirements of the proposed hotel/guesthouse and Member's private club at Appendix IIIb of the Paper; and
- (o) to note public concerns on the convenience, accessibility, affordability and effectiveness of the proposed development as mentioned in paragraph 12 of the Paper when implementing the proposed development.

[Mr. Timothy Ma returned to join the meeting at this point.]

Agenda Item 32

Section 16 Application

[Open Meeting]

A/YL-HT/729

Temporary Open Storage of Construction Materials and Vehicles Not Yet Licenced to Run on the Road for a Period of 1 Year in “Government, Institution or Community” and “Recreation” zones, Lots No. 515 RP (Part), 518 (Part), 521 (Part), 522, 523, 524 (Part), 525 (Part), 526 (Part), 1247 RP (Part), 1249 (Part), 1250 (Part), 1251 RP, 1252, 1253, 1254, 1255 (Part), 1256 (Part), 1257, 1258 RP, 1259 (Part), 1260, 1261 and 1262 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/729)

104. The Committee noted that on 5.5.2011, the applicant requested for a deferment of the consideration of the application for two months in order to allow more time for him to prepare a Drainage Impact Assessment to address the comments of Drainage Services Department.

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/731 Temporary Open Storage of Construction Materials and Containers with Container Vehicle Park, Logistics Yard and Ancillary Workshop (Including Compaction and Unpacking Workshop) for a Period of 3 Years in “Comprehensive Development Area” and “Green Belt” zones, Lots No. 70 (Part), 72 (Part), 73 (Part), 74 (Part), 75 (Part), 76 S.A (Part), 77 (Part), 122 (Part), 124 (Part), 125, 126, 127 (Part), 128, 129 (Part), 136 (Part), 137 (Part), 138 (Part), 139, 140 (Part), 141 (Part), 142 (Part), 143 (Part), 150 (Part), 152 (Part), 153 (Part), 154, 155, 156, 157 (Part), 158 (Part), 159 (Part), 161 (Part), 261 (Part), 265 (Part) and 267 (Part), in D.D. 125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/731)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction materials and containers with container vehicle park, logistics yard and ancillary workshop (including compaction and unpacking workshop) for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site (the closest being about 60 m away) and the access road (Ping Ha Road) and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period

and no local objection/view was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of construction materials and containers with container vehicle park, logistics yard and ancillary workshop (including compaction and unpacking workshop) could be tolerated for a period of 3 years based on the assessments as detailed in Paragraph 12 of the Paper. A large part of the site (about 68%) in the north was zoned “CDA”. It was considered that approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone since there was not yet any programme/known intention to implement the zoned use. The subject “CDA” zone fell within Category 1 area under the TPB PG-No. 13E and was currently mainly occupied by open storage uses. Although part of the site fell within the “GB” zone (about 32%), it was generally not vegetated. The areas surrounding the site were predominantly occupied for open storage yards, logistics yards and warehouses operating under valid planning permissions. The “GB” portion of the site fell within Category 2 area under the TPB PG-No. 13E. The “GB” zoning would be revised under the upcoming Hung Shui Kiu New Development Area Planning and Engineering Study due to commence in the third quarter of 2011. The development was in line with the TPB PG-No. 13E as DEP's concerns could be addressed by way of approval conditions, and there was no adverse comment from the concerned government departments. As the site was in close proximity to other similar applications approved by the Committee and there was no change in planning circumstances since the approval of these similar applications, approval of the subject application was in line with the Committee's previous decisions.

107. Members had no question on the application.

Deliberation Session

108. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.5.2014, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no handling/storage of recyclable materials was allowed on the site, as proposed by the applicant, during the planning approval period;
- (d) the stacking height of containers stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (e) the stacking height of containers stored on the site should not exceed 8 units during the planning approval period;
- (f) no material was allowed to be stored/dumped within 1m of any tree on the site during the planning approval period;
- (g) the submission of a Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.11.2011;
- (h) in relation to (g) above, the implementation and maintenance of the drainage mitigation measures identified in the Drainage Impact Assessment within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.2.2012;
- (i) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.11.2011;

- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.2.2012;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.11.2011;
- (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 20.2.2012;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) 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.

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

- (a) prior planning permission should have been obtained before continuing the development on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the site was situated on Old Schedule Agricultural Lots held under the Block Government Lease upon which no structure was allowed to be erected without the his prior approval. The lot owner was required to apply to him for his approval to allow erection of any structure. He might, acting in the capacity as landlord, approve such application at his discretion and if such approval was granted, it would be subject to such terms and conditions including the payment of premium or fees as he might impose. The site was accessible from Ping Ha Road via an informal track on other private land. He did not guarantee right-of-way to the site;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that only a brief drainage proposal and statement, without supporting assessment or calculation that the development would not have adverse drainage impact. As the area of the site was substantial (approx. 23,000 m²), a Drainage Impact Assessment was required;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Director of Fire Services on the requirements of formulating the fire service installations proposals as stated in Appendix V of the Paper. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations

(FSIs) were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to him for consideration;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the Buildings Ordinance (BO). Enforcement action might be taken to effect the removal of all unauthorized works should circumstances require. The applicant should remove the existing structures that apparently had not obtained approval under the BO. The shelters and offices were considered as temporary buildings which were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage; and

- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the proposed water mains under the project 'Water Supply to Hung Shui Kiu New Town' would be affected by the application. As the programme of the proposed works was not ascertained at this moment, he had no objection to the application. However, WSD should reserve the right to enter the site for carrying out investigation works in the vicinity of the proposed water mains.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/733 Temporary Recycling Centre and Open Storage Area for Recycled Plastics, Paper and Scrap Metal, New Private Cars, Light, Medium and Heavy Goods Vehicles for a Period of 3 Years in “Undetermined” zone,
Lots No. 1824 S.A RP (Part), 1824 S.B RP (Part), 1824 S.C (Part), 1827 S.B (Part), 1827 S.B ss.1, 1828 (Part), 1838 (Part), 1843 (Part), 1844 (Part), 1845 (Part), 1846 (Part), 1848 and 1849 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/733)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary recycling centre and open storage area for recycled plastics, paper and scrap metal, new private cars, light, medium and heavy goods vehicles for a period of 3 years;
- (c) departmental comments – no objection from concerned government departments was received;
- (d) during the first three weeks of the statutory publication period, three public comments against the application from three members of the Yuen Long District Council were received. They objected to the application mainly on the grounds of adverse environmental, traffic, drainage, fire safety, and visual impacts. They considered that the revocation of the previous applications reflected the lack of sincerity for the applicant/user of the site

to comply with the approval conditions. Piecemeal development of the area would also jeopardize the long-term planning intention of the “U” zone;

- (e) the District Officer (Yuen Long) reported that a resident strongly opposed to the application on the grounds that the temporary development had created great disturbances to the nearby residents. The illegal activities had been on-site for more than one year since the revocation of the previous application and he had made complaints to Environmental Protection Department, PlanD and the Police. He also questioned how the noises generated at the site could be avoided; how the pollution from heavy metal and toxic material could be prevented; and how public health/hygiene could be secured when recycled plastics and paper were uncovered on-site; and

- (f) the Planning Department (PlanD)’s views – PlanD considered that the temporary recycling centre and open storage area for recycled plastics, paper and scrap metal, new private cars, light, medium and heavy goods vehicles could be tolerated for a period of 1 year based on the assessments as detailed in Paragraph 12 of the Paper. The site fell within Category 1 areas under the TPB PG-No. 13E. The application was in line with the TPB PG-No. 13E in that there was no adverse comment from the concerned government departments. The uses under application were not incompatible with the surrounding uses in the subject “U” zone which were predominantly occupied for open storage yards. Although there were 5 pollution complaints against the site over the past 3 years and there were public comments objecting to the application, there was no sensitive receiver in the immediate vicinity and the nearest residential development was over 150 m away. Nevertheless, in view of the complaints/concerns, it was recommended that a shorter approval period of 1 year be granted should the Committee approve the application. The Committee had approved 10 previous applications for similar temporary open storage uses. As the site was in close proximity to these similar applications, approval of the subject application was in line with the Committee’s previous decisions.

Although 5 previous planning permissions were revoked due to non-compliance with the approval conditions, it should be noted that these applications were submitted by another applicant for a different use.

111. Members had no question on the application.

Deliberation Session

112. Noting the comments of the Director of Fire Services in paragraph 10.1.7 of the Paper, a Member asked whether it was common for the open storage yards to store dangerous goods at the site, and how the applicant could meet the fire safety requirements of the Fire Services Department. Mr. Fung said that dangerous goods such as fuel tanks were commonly found in open storage yards and vehicle parks. For the subject application, the applicant would be required to submit and implement fire service installations proposals within 3 months and 6 months from the date of planning approval respectively.

113. The same Member said that the temporary approval of one year might be too short for the operator to run his business and asked whether it was possible for the applicant to comply with the approval conditions within the short time allowed. Mr. Fung said that a shorter approval period of one year was recommended as five previous planning permissions at the subject site were revoked, although they were submitted by another applicant for a different use. Mr. Fung added that if the applicant required more time to comply with the approval conditions, he could submit a s16A application to extend the time limit for compliance. This would allow the Board to assess whether the applicant had made genuine effort to comply with the approval conditions. If the applicant failed to comply with the conditions, the planning permission could be revoked and enforcement action could be taken against the development. No sympathetic consideration might be given by the Committee to any further application if the planning permission was revoked.

114. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, instead of 3 years sought, until 20.5.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, welding and major dismantling works was allowed on the site during the planning approval period;
- (d) no handling (including loading, unloading and storage) of electrical/electronic appliances/components, including cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment was allowed on the site during the planning approval period;
- (e) no stacking of materials within 5m of the periphery of the site, as proposed by the applicant, was allowed on the site during the planning approval period;
- (f) the existing drainage facilities implemented under the previous approved applications No. A/YL-HT/662 should be maintained during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.8.2011;
- (h) the submission of a 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 20.8.2011;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.11.2011;

- (j) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.8.2011;
- (k) in relation to (j) above, the implementation of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.11.2011;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) a shorter approval period was granted in order to monitor the situation of the site and shorter compliance periods were granted correspondingly;
- (b) should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) the permission was given to the recycling centre and open storage of recycled plastics, paper and scrap metal, new private cars, light, medium and heavy goods vehicles under application. It did not condone to the open storage of used electrical/electronic appliances or any other use/development which might currently exist on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;

- (d) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office. No approval had been given for the specified structures for recycling activities and storage, ancillary office, canteen and toilets. The site also included government land (GL) for which no permission from his Office had been given for its occupation. The lot owner occupier was required to apply to him for his approval to allow erection of any structure and the occupier was required to apply to him for occupation of the GL involved. He might, acting in the capacity as landlord, approve such application at his discretion and if such approval was granted, it would be subject to such terms and conditions including the payment of premium or fees as he might impose. The site was accessible from Ping Ha Road via an informal track on other private land. The site was accessible to Ping Ha Road via a road on other private land. Access to the site also requires traversing through GL Allocation No. TYL 825 granted to the Chief Engineer/Land Works, Civil Engineering and Development Department for Ping Ha Road Improvement – Remaining Works. He did not guarantee right-of-way to the site;
- (f) to follow the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ issued by the Director of Environmental Protection to minimize the possible environmental impacts on the nearby sensitive receivers;
- (g) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and

maintenance authorities accordingly;

- (h) to note the comments of the Director of Fire Services on the requirements of formulating the fire service installations (FSI) proposals as stated in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to him for consideration. It was noted that the site was proposed to be used as temporary recycling centre and open storage area in which activities involving storage/use of Dangerous Goods were likely. As such, the applicant/operator of the subject site was advised to approach his Dangerous Goods Division for advice on licensing of the premises for the above purposes where necessary; and

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the Buildings Ordinance (BO). Enforcement action might be taken to effect the removal of all unauthorized works should circumstances require. The applicant should remove the existing structures that apparently had not obtained approval under the BO. The structures for office and storage use were considered as temporary buildings which were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage.

Agenda Item 35

Section 16 Application

[Open Meeting]

A/YL-LFS/216

Proposed Pond Filling (by about 2m)
for Permitted New Territories Exempted House
in “Village Type Development” zone,
Lots No. 1531 S.A (Part) and 1531 S.B (Part) in D.D. 129,
Mong Tseng Tsuen, Ping Shan Heung, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/216)

116. The Committee noted that on 3.5.2011, the applicant requested for a deferment of the consideration of the application for two months in order to allow more time for him to prepare supplementary information to address the comments of the Director of Agriculture, Fisheries and Conservation.

117. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional 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 additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the second deferment of the application and the Committee had allowed a total of four months for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

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

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/363 Temporary Open Storage of Construction Materials with
Ancillary Office and Storage for a Period of 3 Years
in “Agriculture” zone,
Lots 126 S.B and 126 RP in D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/363)

Presentation and Question Sessions

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

- (a) background to the application – the site was part of a larger site which was the subject of a temporary planning permission (No. A/YL-KTN/343) for the same uses approved by the Committee on 27.8.2010 for a period of three years up to 27.8.2013;
- (b) the temporary open storage of construction materials with ancillary office and storage for a period of 3 years;
- (c) departmental comments – no objection from concerned government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of construction materials with ancillary office and storage could be tolerated for a period of 3 years based on the assessments as detailed in Paragraph 12 of the Paper. The site fell within Category 3 areas under the TPB PG-No. 13E. Though the development was not in

line with the planning intention of the “AGR” zone, there were existing open storage/storage yards, residential dwellings/structures, orchards/agricultural land and vacant/unused land in the surrounding areas. The application was considered generally in line with TPB PG-No. 13E in that it related to an application to continue similar open storage use approved under the previous Application No. A/YL-KTN/343. According to the applicant, the current application was submitted because he could not reach a compromise with the other land owners on the tenancy issue regarding the use of the eastern portion of the application site. Though the applicant had not yet complied with the approval conditions related to the provision of fencing, landscape, drainage and fire safety aspects, he had implemented the landscape, drainage and fire safety facilities for the western portion (which was similar to the site under the current application) of the application site under the previous application to the satisfaction of the relevant departments. As there was no major change in the planning circumstances since the previous planning approval, and that the applicant had demonstrated efforts to meet the requirements under the approval conditions, sympathetic consideration could be given to the application.

119. Members had no question on the application.

Deliberation Session

120. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.5.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 8:00 a.m. from Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and statutory holidays was allowed on the site during the planning approval period;

- (c) no heavy goods vehicles exceeding 24 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (e) all landscape plantings within the site should be maintained at all times during the planning approval period;
- (f) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.11.2011;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.11.2011;
- (h) in relation to (g) above, the implementation 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 20.2.2012;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.11.2011;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.2.2012;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby

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

- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to the original state prior to the temporary open storage use to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issue relating to the development with other concerned owners of the application site;
- (b) to note the District Lands Officer/Yuen Long's comments that the land comprised Old Schedule Agricultural Lots held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the government. Approval for the specified structures for storage use had to be sought from Lands Department (LandsD). The site was accessible to Kam Tai Road via a track of government land (GL). LandsD did not provide maintenance work on this GL nor guarantee right of way. Should the application be approved, the lot owner still needed to apply to his office to permit any structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions including among others the payment of premium or fee, as imposed by LandsD;
- (c) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open

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

- (d) to note the Director of Agriculture, Fisheries and Conservation’s comments that there were few large trees in fair conditions in close vicinity of the site, and a watercourse was immediately adjacent to the site. The applicant should adopt good site practice and implement necessary measures to prevent adversely affecting the nearby trees and watercourse;
- (e) to note the Commissioner for Transport’s comments that the site was connected to public road network via a section of local access road which was not managed by the Transport Department (TD). The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department’s comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tai Road;
- (g) to note the Director of Fire Services’ comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was 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 usage of the open ground, the number, layout and size of open sheds, the type of construction material and combustibles or non-combustibles to be stored and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSI as prescribed by his department, the applicant was required to provide justifications to his department for consideration.

Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;

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

- (i) to note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the site. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

[Dr. C.P. Lau and Mr. H.M. Wong returned to join the meeting at this point.]

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/535 Temporary Open Storage of Miscellaneous Items
for a Period of 3 Years in “Village Type Development” zone,
Lots 363 RP (Part), 364 S.A RP (Part), 376 RP (Part) and
378 RP (Part) in D.D. 106 and Adjoining Government Land,
Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/535)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of miscellaneous items for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection did not support the application as existing residential dwellings/structures were located to the immediate south (about 15m away from the site) and in the vicinity of the site, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment against the application from a member of the Yuen Long District Council was received. The commenter considered that the Committee should evaluate the potential land use, environmental and traffic impacts arising from the development. The District Officer (Yuen Long) reported that he had received the same comment from the member of the Yuen Long District Council; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application based on the assessments as detailed in Paragraph 12 of the Paper. According to TPB PG-No. 13E, the site fell within Category 4 areas. The development was not in line with the planning intention of the “V” zone and was not in line with the TPB Guidelines No. 13E as there was no previous planning approval for similar open storage use granted at the site and there were adverse departmental comments against the application. In this regard, DEP did not support the application as there were existing residential dwellings/structures located to the immediate south (about 15m away from the site) and in the vicinity of the site and environmental nuisance was expected. There was also no information in the submission to demonstrate that the development would not cause adverse landscape and drainage impacts. No similar application for open storage use within the same “V” zone had been granted by the Committee before. The approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

123. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone on the Outline Zoning Plan, which was to reflect the existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within the zone for a more orderly development pattern, efficient use of

land and provision of infrastructures and services. The development was incompatible with the surroundings which were predominated by residential structures/dwellings, shops and restaurant/canteen. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the development did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) in that there was no exceptional circumstance that warranted sympathetic consideration, and that there was adverse departmental comment against the development;
- (c) the applicant failed to demonstrate in the submission that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/536 Temporary Car Breaking Workshop and Open Storage of Vehicles and Vehicle Parts with Ancillary Office for a Period of 3 Years in “Residential (Group D)” zone,
Lot 597 (Part) in D.D. 106, Ng Ka Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/536)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary car breaking workshop and open storage of vehicles and vehicle parts with ancillary office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were residential structures located to the immediate south (about 35m away from the site) and in the vicinity of the site, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, five public comments were received from two Yuen Long District Councillors, Ng Ka Tsuen Village Affair Committee, a member of the public and Designing Hong Kong Limited. All the commenters objected/strongly objected to or express concerns on the application as the development was not in line with the planning intention and was a blight on the environment. Besides, the development was located close to residential dwellings. The heavy vehicles and workshop activities generated noise and dust nuisances to the nearby residents. The site was also subject to flooding and its access road was subsided causing inconvenience to the locals. There was also concern on whether a consent from Tso/Tong had been obtained. If the application was approved, a plan for quality landscaping and well-designed fencing should be provided to mitigate the impacts. The District Officer (Yuen Long) reported that he had received the same comment from a member of the Yuen Long District Council; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in Paragraph 12 of the Paper. The site fell within Category 3 areas under the TPB PG-No. 13E. The development was considered not in line with the planning intention of the “R(D)” zone. The application did not comply with the TPB PG-No.

13E in that there was no previous approval for similar open storage or workshop use granted at the site and that the existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable. DEP did not support the application as there were residential dwellings/structures located to the immediate south and in the vicinity of the site and environmental nuisance was expected. The applicant had not included relevant technical assessments to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas. The development was considered not compatible with the surrounding areas with residential dwellings/structures and agricultural land. While there were warehouses, open storage/storage yards and workshops in the vicinity, they were all suspected unauthorized developments subject to enforcement action. The approval of the application with no previous approval for similar open storage use would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

126. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. The development was also not compatible with the surrounding areas with

residential dwellings/structures and agricultural land. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the application did not comply with the Town Planning Board PG-No. 13E in that there was no previous approval for workshop and open storage use granted at the site and there were adverse departmental comment and local objections against the application, and that the applicant had not included in the submission technical assessments to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/620 Proposed Utility Installation for Private Project
(Electricity Package Transformer) and Excavation of Land
in “Village Type Development” zone,
Lot 1039 RP (Part) in D.D. 111, Ha Che, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/620)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed utility installation for private project (electricity package transformer) and excavation of land;
- (c) departmental comments – no objection from concerned government departments was received;
- (d) during the first three weeks of the statutory publication period, one public comment against the application from a villager of Ha Che Tsuen was received. The commenter objected to the application as the site was located near a busy and narrow local road junction and the site was required to provide manoeuvring space for heavy vehicles or cars using the road. The site was also located close to the houses and there was uncertainty on the possible hazardous incident and uncomfortable feeling caused to the nearby residents. Besides, the proposed development would generate disturbances, interferences, mechanical noises, exhaust/hot air and additional traffic/site inspections which would affect the nearby villagers. Since the proposed development would serve the proposed residential development of 23 new houses nearby, it should be provided within that residential development; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in Paragraph 11 of the Paper. The proposed electricity package transformer was required for the provision of necessary electricity supply to a proposed development of about 20 village houses. According to the applicant, the proposed transformer was used to replace the existing electricity poles and its location was decided and agreed with China Light & Power Company Limited. It involved excavation of land of about 1m in depth and was of a small scale. The development was considered not incompatible with the surrounding areas which were of a rural character predominated by residential dwellings. Regarding the public comment, it should be noted that the concerned departments had no adverse comment on the application. It was anticipated that the proposed package transformer would not

generate any significant traffic, health and environmental impacts.

129. Members had no question on the application.

Deliberation Session

130. 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 20.5.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to screen the development from the surroundings to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the design and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.

131. The Committee also agreed to advise the applicant:

- (a) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) comments that the site comprised Old Schedule Agricultural Lot held under Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the government. The site was accessible via government land (GL) and private land to Fan Kam Road. LandsD did not provide maintenance works on this GL nor guarantee right-of-way. The lot owner needed to apply to LandsD to permit structure to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application

was approved, it would be subject to such terms and conditions including among others the payment of premium or fee, as might be imposed by LandsD;

- (b) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the development should neither obstruct the 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 works to be carried out outside the lot boundary before commencement of the drainage works;
- (c) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should also 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. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his department, the applicant was required to provide justifications to his department for consideration;
- (d) to note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works including any temporary structure for approval under the Buildings Ordinance was required. If the site did not abut on a specified street

having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The applicant's attention should also be drawn to the requirements on provision of emergency vehicular access to all buildings under B(P)R 41D;

- (f) to note the Director of Health's comments that according to the World Health Organization (WHO), compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities;
- (g) upon commissioning of the electricity package substation, the applicant should verify the actual compliance with the ICNIRP guidelines with direct on-site measurements and submit the report for consideration by the Director of Electrical and Mechanical Services;
- (h) to note the Director of Agriculture, Fisheries and Conservation's comments that the applicant should adopt good site practice to prevent disturbing the vegetation adjacent to the site; and
- (i) to note the Commissioner for Transport's comments that the site was connected to public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/285 Temporary Warehouse for Storage of Household Materials
for a Period of 1 Year
in “Other Specified Uses” annotated “Rural Use” zone,
Lots 1020 RP (Part) and 1021 (Part) in D.D. 117 and
Adjoining Government Land, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TT/285)

Presentation and Question Sessions

132. Mr. Kepler S.Y. Yuen, STP/TMYL, 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 household materials for a period of 1 year;
- (c) departmental comments – Director of Environmental Protection did not support the application as there were residential dwellings in the vicinity of the site, the nearest one of which was about 20m to the southeast. As traffic of heavy vehicles was anticipated, the proposed use might cause environmental nuisance to the sensitive receivers in the vicinity;
- (d) during the first three weeks of the statutory publication period, 3 public comments were received. The first comment was from Designing Hong Kong Limited which objected to the application as the use of the site was a blight to the environment and the use under application was not in line with the planning intention of the “OU(RU)” zone. The Committee should impose a condition on landscaping and peripheral fencing should the application be approved. The second comment was from the Resident

Representative of Pak Sha Tsuen, who objected to the application as the access road leading to the site was a single-lane, two-way track, the use of the road by the vehicles of the development would cause inconvenience to the nearby villagers. Besides, the heavy goods vehicles would endanger the safety of the villagers. The information provided by the applicant in the application did not reflect the actual site situation. The third comment was from the Shap Pak Heung District Resident Association, which objected to the application as it considered the use under application was not in line with the planning intention of the “OU(RU)” zone and did not comply with TPB PG-No.38. Approval of the application would set an undesirable precedent and induce further degradation of the rural environment; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in Paragraph 12 of the Paper. The development was not in line with the planning intention of the “OU(RU)” zone. The development was considered not compatible with the surrounding rural setting with fallow/cultivated agricultural land, orchard and scattered residential dwellings. Although there were warehouses and open storage yards located in the vicinity of the site, all of them within the same “OU(RU)” zone were suspected unauthorized developments subject to enforcement action. The development was not in line with TPB PG-No. 38 in that DEP did not support the application as there were residential dwellings in the vicinity of the site. There was no previous approval granted for the applied use on the site and no similar application for temporary warehouse/storage use had been approved in the subject “OU(RU)” zone on the OZP. Approval of the application would set an undesirable precedent for other similar uses to proliferate into the “OU(RU)” zone.

133. Members had no question on the application.

Deliberation Session

134. A Member said that the application should be rejected and enforcement action against the unauthorized use should be undertaken to address the concern on fire risk.

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

- (a) the development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which was intended primarily for the preservation of the character of the rural area. It was also not compatible with the surrounding areas with fallow/cultivated agricultural land, orchard and scattered residential dwellings. No strong planning justifications had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applied use was not in line with the Town Planning Board Guidelines for ‘Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone’ (TPB PG-No. 38). The applicant failed to demonstrate in the submission that the development would not generate adverse environmental impact on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for other similar uses to proliferate into the “OU(RU)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/286 Renewal of Planning Approval for Temporary
 “Public Vehicle Park (Excluding Container Vehicle)” Use
 under Application No. A/YL-TT/223 for a Period of 3 Years
 in “Village Type Development” zone,
 Lot 3563 S.C RP (Part) in D.D. 116, Tong Tau Po Tsuen, Yuen Long
 (RNTPC Paper No. A/YL-TT/286)

Presentation and Question Sessions

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

- (a) background to the application – the site was the subject of a previous application (No. A/YL-TT/223) for the same use which was approved with conditions by the Committee on 4.7.2008 for 3 years up to 4.7.2011;
- (b) the renewal of planning approval for temporary public vehicle park (excluding container vehicle) use under application No. A/YL-TT/223 for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection did not support the application as there were residential dwellings located immediately next to the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary public vehicle park (excluding container vehicle) use could be

tolerated for a further period of 3 years based on the assessments as detailed in Paragraph 12 of the Paper. The development was not incompatible with the surrounding land uses, which included mostly residential settlements, vehicle parks, fallow agricultural/vacant land and storage yards. According to DLO/YL, there was no Small House (SH) application received for the site but only one SH application under processing within 50m in the vicinity of the site. Renewal of the approval for the vehicle park to meet the parking need of the local residents on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The application was in line with the TPB PG-No. 34B. As there was no major change in the planning circumstances since the last approval and the applicant had complied with the relevant approval conditions, sympathetic consideration could be given to the current application. Although DEP did not support the application, it should be noted that the public vehicle park did not include parking of container vehicles or goods vehicles exceeding 5.5 tonnes. No workshop activities would be involved on the site. There was no local objection during the statutory publication period and there was no complaint received by DEP in the past three years. The development would unlikely generate adverse traffic, drainage and landscape impacts on the surrounding areas.

137. Members had no question on the application.

Deliberation Session

138. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 5.7.2011 to 4.7.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations, as proposed by the applicant, was allowed to be parked/stored on the application site at any time during the planning approval period;

- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the application 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 good vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the application site at any time during the planning approval period;
- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) the existing vegetation on the application site should be maintained at all times during the approval period;
- (f) the existing drainage facilities implemented under Application No. A/YL-TT/223 should be maintained at all times during the approval period;
- (g) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.1.2012;
- (h) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if the above planning condition (g) was not complied with by the specified

date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

139. The Committee also agreed to advise the applicant:

- (a) to note the District Lands Officer/Yuen Long's comments that the site was accessible to Tai Shu Ha Road East via an informal village track on government land (GL) and other private lot. Lands Department (LandsD) would not provide maintenance works on this GL nor guarantee the right-of-way. The information provided in the application indicated that no structure was proposed within the site. The applicant was required to apply to LandsD for approval to allow the erection of any structure. LandsD acting in the capacity as landlord might approve such applications at its discretion and if such approval was granted, it would be subject to such terms and conditions, including the payment of premium or fees, as might be imposed by his office;
- (b) to note the Commissioner for Transport's comments that the land status of the road/path/track leading to the site should be checked with the lands authority and the management and maintenance responsibilities of the same road/path/track should be clarified. The relevant lands and maintenance authorities should be consulted accordingly;
- (c) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Tai Shu Ha Road East; and
- (d) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by

Environmental Protection Department to adopt environmental mitigation measures to minimise any possible environmental nuisances.

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/531 Proposed Temporary Plant Nursery with Ancillary Greenhouse and Office for a Period of 3 Years in “Residential (Group D)” zone, Lots 2678 (Part), 2679 (Part) and 2683 (Part) in D.D. 124 and Adjoining Government Land, Hung Shui Kiu, Yuen Long (RNTPC Paper No. A/YL-TYST/531)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary plant nursery with ancillary greenhouse and office for a period of 3 years;
- (c) departmental comments – no objection from concerned government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary plant nursery with ancillary greenhouse and office

could be tolerated for a period of 3 years based on the assessments as detailed in Paragraph 11 of the Paper. The proposed temporary plant nursery with ancillary greenhouse and office structures of about 430 m² and 100 m² in floor area respectively was considered not excessive in scale and not incompatible with the surrounding environment which was predominantly low-rise residential in character mixed with warehouses and open storage yards. In fact, the proposed plant nursery use, including the greenhouse, was always permitted in the “R(D)” zone. As there was no current programme for residential development at the site, the proposed development on a temporary basis for 3 years would not frustrate the long-term planning intention of the subject “R(D)” zone. Although the site was surrounded by residential uses to its immediate north, west and south, it was anticipated that the proposed development would not generate adverse environmental impact on the surrounding areas.

141. Members had no question on the application.

Deliberation Session

142. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.5.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 8:30 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed on the application site during the planning approval period;
- (c) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to enter/exit the application site at any time during the planning approval period;

- (d) no retailing activity, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) the existing vegetation on the application site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.11.2011;
- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.11.2011;
- (i) in relation to (h) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.2.2012;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of

Planning or of the TPB.

143. The Committee also agreed to advise the applicant:

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the lot owner would need to apply to his office to permit any structure to be erected or regularize any irregularities on-site. The occupier would also need to apply to his office for occupation of the government land involved or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible via a track on government land and other private land. His office provided no maintenance works for the government land and did not guarantee right-of-way;
- (c) to note the Commissioner for Transport's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Department should not be responsible for the maintenance of any access connecting the site and Tan Kwai Tsuen Road;
- (e) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental

nuisances;

- (f) to note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (g) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating the FSIs proposal for the site, the applicant should clarify the type of construction for the greenhouse and whether it was an open or enclosed structure. The applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration; and
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized building works/structures should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). An Authorized Person had to be appointed to coordinate all building works. The granting of the planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

[The Chairman thanked Mr. C.C. Lau, Ms. S.H. Lam, Mr. Ernest C.M. Fung and Mr. Kepler S.Y. Yuen, STPs/TMYL, for their attendance to answer Members' enquires. Mr. Lau, Ms. Lam, Mr. Fung and Mr. Yuen left the meeting at this point.]

Agenda Item 43

Any Other Business

144. There being no other business, the meeting was closed at 5:30 p.m.