

TOWN PLANNING BOARD

**Minutes of 457th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 6.1.2012**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Mr. Timothy K.W. Ma

Dr. C.P. Lau

Ms. Anita W.T. Ma

Dr. W.K. Yau

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

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

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

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

Secretary

Absent with Apologies

Mr. Walter K.L. Chan

Vice-chairman

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Dr. James C. W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Dr. W.K. Lo

Mr. Stephen M.W. Yip

Assistant Director (2), Home Affairs Department
Mr. Eric K.S. Hui

In Attendance

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

Chief Town Planner/Town Planning Board
Miss H.Y. Chu

Town Planner/Town Planning Board
Ms. Kathy C.L. Chan

4. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Vision Planning Consultants Limited, one of the consultants of the application. The Committee noted that Ms. Kwong had not yet arrived to join the meeting.

Presentation and Question Sessions

5. Mrs. Margaret W.F. Lam, STP/SKIs, 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 (a 35m long drainage pipe) – the proposed drainage pipe covered a total area of about 85m², which included a drainage pipe connecting the southwestern corner of a permitted residential development under construction at Lot 245 in D.D. 331 and a nearby stream. The proposed drainage pipe was about 35m long and supported by some concrete plinths of 300mm wide. A 500mm wide footpath on each side of the drainage pipe was proposed for maintenance purpose;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Islands); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) although the proposed drainage pipe was not in line with the planning intention of the “Green Belt” (“GB”) zone, it was a needed

and essential ancillary facility for discharging storm-water from the permitted residential development. According to the applicant, without the proposed drainage pipe, extensive upgrading works to the existing government storm-water pipe of about 300m in length along Cheung Fu Street and South Lantau Road would be required. Normal operation of these two roads would be adversely affected by the upgrading works. Besides, without the proposed drainage pipe, the permitted residential development and the road system nearby would be susceptible to flooding. The proposed drainage pipe would help resolve the potential flooding and drainage problems in the area and was therefore considered as an essential installation for the permitted residential development. In this regard, the Drainage Services Department had no objection to the proposed drainage works;

- (ii) the proposed drainage pipe was small in scale and situated in an inconspicuous location screened by existing vegetation. It was anticipated that the proposed utility installation would have insignificant visual impact on the surrounding areas. There were no existing trees within the application site, which was only covered with some shrubs and vegetation. According to the applicant, no substantial excavation works or felling of trees would be involved in the proposed utility installation. The Agriculture, Fisheries and Conservation Department had no adverse comments on the application. The Urban Design and Landscape Section of PlanD commented that there were some trees close to the site boundary, and adverse impact on adjacent tree roots could be minimized by minor adjustment of the anchor blocks along the drainage pipe during detailed design or construction stage. Landscape treatment was also recommended to improve the compatibility with the surrounding rocky stream environment. Other government departments consulted including the Civil Engineering and Development Department, the Water Supplies Department and the Environmental Protection Department had no adverse comments on

the application. Hence, sympathetic consideration could be given to the application; and

- (iii) the proposed utility installation was generally in line with the Town Planning Board Guidelines No. 10 on developments within “GB” zone in that the proposed drainage pipe would not involve any extensive clearance of existing natural vegetation or cause any disruption to the existing landscape features and the character of the area, and that the proposed utility installation itself was not a source of pollution and would not have adverse impacts on drainage, existing roads and slope stability.

6. Members had no question on the application.

Deliberation Session

7. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.1.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

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

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

- (a) to note the recommendations of the Chief Town Planner/Urban Design and Landscape, Planning Department that landscape treatment be provided at the discharge apron to improve the compatibility with the surrounding rocky stream environment, and the location of anchor blocks along the drainage pipe be adjusted to minimize the impact on adjacent tree roots during the construction stage;

- (b) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the proposed drainage works on government land together with its site formation should be submitted to the Building Authority for approval/consent with respect to the relevant lease conditions; and
- (c) to note the comments of the Chief Building Surveyor/New Territories East (1) and Licensing, Buildings Department (BD) that should a lease or Short Term Tenancy be granted, the proposed drainage works should be submitted to BD for approval and Authorized Person should be appointed to coordinate the works.

[The Chairman thanked Mrs. Margaret W.F. Lam, STP/SKIs, for her attendance to answer Members' enquires. Mrs. Lam left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr. Anthony K.O. Luk, Ms. Doris S.Y. Ting 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 16 Application

[Open Meeting]

A/DPA/NE-TKP/12 Proposed 16 Houses (New Territories Exempted Houses – Small Houses) and Utility Installation for Private Project (Sewage Treatment Plant) in “Unspecified Use” zone, Various Lots in D.D. 293 and Adjoining Government Land, To Kwa Peng, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/12)

9. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she was one of the consultants (i.e. Anna Kwong Architects and Associates) of the

application. The Committee noted that Ms. Kwong had not yet arrived to join the meeting.

10. The Secretary said that on 14.12.2011, the applicants' representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicants to prepare further information to address the comments of relevant government departments.

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

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/88 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” and “Village Type Development” zones,
Lots 146 S.A, 146 S.B ss.1, 146 S.B RP and 147 S.A ss.1 in D.D.167,
Cheung Muk Tau, Ma On Shan
(RNTPC Paper No. A/MOS/88)

Presentation and Question Sessions

12. 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);
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application from the noise perspective as the proposed Small House would be subject to adverse traffic noise impact from Sai Sha Road. However, there was no information in the application to demonstrate how the traffic noise standard stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG) could be met. DEP also advised that there would be planned public sewer next to the application site with no definite programme. The Chief Town Planner/ Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view as approval of the application would set an undesirable precedent, which would encourage more houses in the “Green Belt” (“GB”) zone. This would adversely affect the integrity of the green belt, which was a buffer between the village and Sai Sha Road. In this regard, no landscape proposal was submitted to mitigate the loss of the buffer zone;
- (d) during the first three weeks of the statutory publication period, 25 public comments were received mainly from the residents of Cheung Muk Tau Village. All the comments objected to the application as the house would affect the tranquil and scenic nature of the village; there was insufficient provision of transport and community facilities; and it would occupy the adjacent pedestrian passage; and
- (e) the PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) while the application site was entirely within the village ‘environs’ (‘VE’) of Cheung Muk Tau Village, the application did not meet the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ (‘Interim Criteria’) in that land was

available within the “Village Type Development” (“V”) zone of Cheung Muk Tau Village to meet future Small House demand;

- (ii) a similar application (No. A/MOS/72) within the same “GB” zone was approved in 2008. However, there was a general shortage of land for Small House development in Cheung Muk Tau when the application was considered by the Committee. Subsequently, the “V” zone covering Cheung Muk Tau had been enlarged in 2009 after a land use review conducted for the Ma On Shan Outline Zoning Plan (OZP). As there was now sufficient land for Small House development in Cheung Muk Tau, it was considered that the proposed Small House should be developed within the “V” zone first so as to ensure a more orderly development pattern and to facilitate efficient use of land and provision of infrastructures/services in the “V” zone. The applicant failed to demonstrate that there were no other suitable sites within the “V” zone for the proposed Small House development; and
- (iii) DEP did not support the application from the noise perspective as the proposed Small House would be subject to adverse traffic noise impact from Sai Sha Road. However, there was no information in the submission to demonstrate that the proposal could meet the traffic noise standard stipulated in the HKPSG. CTP/UD&L also had reservation on the application from the landscape planning point of view as approval of the application would set an undesirable precedent to encourage more houses to be built in the “GB” zone. The cumulative impact would adversely affect the integrity of the green belt as a buffer between the village and Sai Sha Road.

13. Members had no question on the application.

Deliberation Session

14. The Chairman said that the application was a marginal case because the majority

of the footprint of the proposed Small House fell within the “V” zone with only a small portion of the footprint falling within the “GB” zone. In response to the Chairman’s enquiry, Mr. Anthony K.O. Luk said that he had approached the applicant and asked whether he would revise the layout of the proposed Small House so that its entire footprint would fall within the “V” zone. The applicant advised that he would not adopt such revision as the proposed Small House would become too close to an existing house at its back and there would be inadequate space within the site to accommodate necessary facilities such as the septic tank.

15. Given the application site had already been hard paved, a Member considered that approval to the application could be given with the stipulation of an approval condition requiring tree planting so as to improve the environment. However, another Member held a different view. This Member did not support the application taking into account that there was no shortage of land within the “V” zone to meet Small House demand, the proposed development was not in line with the planning intention of the “GB” zone and it would be subject to adverse traffic noise impact from Sai Sha Road. The above views were shared by other Members.

16. The Secretary pointed out that, according to the ‘Interim Criteria’, if only a very minor portion of the site (5% or 10m², whichever was the less) fell outside the “V” zone (regardless of the other zoning(s) involved), it would be regarded as minor boundary adjustment always permitted under the covering Notes of the relevant OZP provided that no tree felling was involved and no adverse impacts were envisaged.

17. After further 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 did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories’ in that there was no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Cheung Muk Tau;

- (b) Small Houses should be developed within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructures and services;
- (c) 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. The “GB” zone was to provide an environmental and visual buffer between the residential developments to the south and Sai Sha Road to the north. There was no strong planning justification in the current submission for a departure from the planning intention; and
- (d) there was insufficient information to demonstrate that the proposed development would not be subject to adverse traffic noise impact from Sai Sha Road.

[The Chairman thanked Mr. Anthony K.O. Luk, STP/STN, for his attendance to answer Members’ enquires. Mr. Luk left the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/107 Temporary Public Vehicle Park (Container Vehicle)
for a Period of 3 Years
in “Other Specified Uses” annotated “Port Back-up Uses” zone,
Lots 152 (Part), 153 RP (Part) and 154 S.B RP (Part) in D.D. 52,
Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/107A)

Presentation and Question Sessions

18. Ms. Doris S.Y. Ting, STP/STN, reported that the replacement page for Plan A-1 of the Paper had been tabled at the meeting for Members' reference. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park (container vehicle) for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. The application site was near to the boundary of Sheung Shui Water Treatment Works consultation zone. In this regard, DEP had no objection to the application from the risk perspective. The Project Manager/New Territories North and West, Civil Engineering and Development Department advised that the application site fell within the Fanling North New Development Area (NDA) Preliminary Outline Development Plan. As site formation works for the NDA development were tentatively scheduled to commence in 2017, the effective period of permission for the application was suggested to be not later than the year of 2016;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council member stating that he had no comment on the application;
- (e) the District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee, the Indigenous Inhabitant Representatives of Sheung Shui Heung and Wa Shan Tsuen, and the Resident Representative of Wah Shan had no comment on the application; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:

- (i) the temporary public vehicle park (container vehicle) under application was considered in line with the planning intention of the “Other Specified Uses” annotated “Port Back-up Uses” (“OU(PBU)”) zone which was primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicles, including container trailers and tractors, and other port back-up uses. It was also compatible with the surrounding land uses which comprised mainly container vehicle parks, vehicle repairing workshop and open storage yards. It was anticipated that the applied use would not cause significant adverse impacts on the traffic, drainage and landscape of the surrounding areas. Concerned government departments including the Transport Department, the Drainage Services Department and the Urban Design and Landscape Section of PlanD had no objection to or adverse comments on the application;

- (ii) the application generally complied with the Town Planning Board Guidelines No. 13E in that the application site fell within an area zoned “OU(PBU)” (i.e. Category 1 area) and there were previous planning approvals for similar open storage of container tractors/trailers and public vehicle park (including container vehicle) granted for the site. Besides, no major adverse departmental comments and no local objection/public comments against the application were received. Although DEP did not support the application on the grounds that there were some domestic structures scattered in the areas to the east and north-west of the application site, the potential adverse impacts on the domestic structures could be alleviated by imposing an approval condition to restrict the operation hours as proposed by the applicant; and

- (iii) the application site was the subject of five previous applications for similar open storage of container tractors/trailers and public vehicle park (including container vehicle) uses approved by the Committee.

As compared with the last approval (Application No. A/NE-FTA/86) for temporary public vehicle park (including container vehicle and goods distribution and storage use) on a much larger site, there had been no material change in the planning circumstances for the area and approval of the subject application was in line with the Committee's previous decisions. It was considered that the use of the site for public vehicle park for container vehicle under the current application was similar in nature and should not have significant adverse impact on the surrounding areas, in particular the number of container vehicle parking spaces had been reduced from ten to two.

19. Members had no question on the application.

Deliberation Session

20. In response to the Chairman's enquiry, Ms. Doris S.Y. Ting said that as compared with the last approval (Application No. A/NE-FTA/86) for the site, the current application was submitted by a different applicant and the site area was much smaller.

21. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.1.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 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, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) 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 6.7.2012;

- (d) in relation to (c) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.10.2012;
- (e) 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 6.7.2012;
- (f) in relation to (e) 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 6.10.2012;
- (g) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.7.2012;
- (h) in relation to (g) above, the implementation of the landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.10.2012;
- (i) if any of the above planning conditions (a) or (b) 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
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) 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.

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

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

- (b) to note the comments of the District Lands Officer/North that the lot owners should apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) for regularization of the structures erected on the lots and the unauthorized occupation of government land. There was no guarantee that STW and STT would be granted to the applicant. If the STW and STT were granted, the grants would be made subject to such terms and conditions including the payment of STW/STT fee;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) if the existing structures were erected on leased land without BD's approval, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;

 - (ii) before any new building works were to be carried out on the application site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

 - (iii) for UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;

 - (iv) if the proposed use under application was subject to the issue of a licence, the applicant should note that any existing structures on the application site intended to be used for such purposes were required to comply with the building safety and other relevant requirements

as might be imposed by the licensing authority;

- (v) formal submission of any proposed new works, including temporary structure, for approval under the BO was required. If the site did not abut on a street of not less than 4.5m wide, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The applicant should also note B(P)R 41D regarding the provision of emergency vehicular access to the proposed development; and
 - (vi) use of container as offices and storerooms were considered as temporary structures and were subject to control under B(P)R Part VII;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant 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. Besides, the site was located within the flood pumping gathering ground and fell within the consultation zone of Sheung Shui Water Treatment Works, which was a potentially hazardous installation;
- (e) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department (EPD) in order to minimize the potential environmental impacts on the adjacent area;
- (f) to note the comments of the Commissioner of Police that CCTV should be installed and security should be employed to enhance the safety of the location. Sufficient space should be provided within the application site

for parking, waiting and manoeuvring of vehicles so as to avoid queuing of vehicles onto adjacent public roads or government land and manoeuvring of vehicles when loading/unloading goods. No parking on the access road outside the site was allowed;

- (g) to note the comments of the Director of Fire Services that if building plan submission was not required and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the application site, the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval and provide the FSIs in accordance with the approved proposal. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (h) to note the comments of the Commissioner for Transport that the land status of the access leading to the site should be checked with the lands authority, and the management and maintenance responsibilities of the same access should be clarified with the relevant lands and maintenance authorities accordingly;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that at least 1m space between the trees and the stored materials or parked vehicles should be provided, and the damaged trees and any tree found dead within the site should be replaced; and
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. EPD should be consulted regarding the sewage treatment/disposal facilities for the proposed development.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/109 Temporary Goods Distribution and Storage Use for a Period of 3 Years
in “Other Specified Uses” annotated “Port Back-up Uses” zone,
Lots 152 (Part), 153 RP (Part) and 154 S.B RP (Part) in D.D. 52,
Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/109A)

Presentation and Question Sessions

23. Ms. Doris S.Y. Ting, STP/STN, reported that the replacement page for Plan A-1 of the Paper had been tabled at the meeting for Members’ reference. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary goods distribution and storage use for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. The application site was near to the boundary of Sheung Shui Water Treatment Works consultation zone. In this regard, DEP had no objection to the application from the risk perspective. The Project Manager/New Territories North and West, Civil Engineering and Development Department advised that the application site fell within the Fanling North New Development Area (NDA) Preliminary Outline Development Plan. As site formation works for the NDA development were tentatively scheduled to commence in 2017, the effective period of permission for the application was suggested to be not later than the year of 2016;
- (d) during the first three weeks of the statutory publication period, three public

comments were received. The one from a North District Council member stated that he had no comment on the application. The other two were received from the land administrator of Lot 153 RP in D.D. 52 who was entrusted by the landowner to manage the land. He stated that the landowner had not submitted any application and there were unauthorized structures within the application site;

- (e) the District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee, the Indigenous Inhabitant Representatives of Sheung Shui Heung and Wa Shan Tsuen, and the Resident Representative of Wah Shan had no comment on the application; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the temporary goods distribution and storage use under application was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Port Back-up Uses” zone which was primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicles, including container trailers and tractors, and other port back-up uses. It was also compatible with the surrounding land uses which comprised mainly container vehicle parks, vehicle repair workshops, open storage yards and vacant land. It was anticipated that the applied use would not cause significant adverse impacts on traffic, drainage and landscape aspects of the surrounding areas. Concerned government departments including the Transport Department, the Drainage Services Department and the Urban Design and Landscape Section of PlanD had no objection to or adverse comments on the application;
 - (ii) the application was in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas and favourable

consideration would normally be given as there were no major adverse departmental comments and local objections received for the application. Although DEP did not support the application on the grounds that there were some domestic structures scattered in the areas to the east and north-west of the application site, the potential adverse impacts on the domestic structures could be alleviated by imposing relevant approval conditions restricting the operation hours and types of vehicles used and requiring the maintenance of peripheral fencing;

- (iii) the application site was the subject of five previously approved applications for similar uses, while the last two applications were approved for goods distribution and storage uses at part of the application site. As compared with the last approval (Application No. A/NE-FTA/86) on a much larger site, it was considered that the current use of the site for goods distribution and storage use was similar in nature and should not have significant adverse impacts on the surrounding areas. There had been no material change in the planning circumstances for the area and approval of the subject application was in line with the Committee's previous decisions; and
- (iv) regarding the concern raised by the land administrator of Lot 153 RP in D.D. 52 that the application was not submitted by the landowner and there were unauthorized structures within the application site, it was noted that the applicant had complied with the requirements of taking reasonable steps to notify the landowner. Should the application be approved by the Committee, the applicant would be advised to liaise with concerned landowner(s) to resolve the land issue. For the unauthorized structures within the application site, the Buildings Department had no in-principle objection to the application. The applicant would be advised that approval of the application did not condone to the approval of any unauthorized structure under the Buildings Ordinance and the applicant was still required to comply with the provisions of any government

legislation and regulation.

24. Members had no question on the application.

Deliberation Session

25. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.1.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 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, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) only lorries (under 3.3 tonnes) were allowed to transport goods to / from the application site, as proposed by the applicant, during the planning approval period;
- (d) the peripheral fencing of the site should be maintained at all times during the planning approval period;
- (e) 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 6.7.2012;
- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.10.2012;
- (g) 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 6.7.2012;

- (h) in relation to (g) 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 6.10.2012;
- (i) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.7.2012;
- (j) in relation to (i) above, the implementation of the landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.10.2012;
- (k) if any of the above planning conditions (a), (b), (c) or (d) 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
- (l) if any of the above planning conditions (e), (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.

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/North that the lot owners should apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) for regularization of the structures erected on the lots and the unauthorized occupation of government land. There was

no guarantee that STW and STT would be granted to the applicant. If the STW and STT were granted, the grants would be made subject to such terms and conditions including the payment of STW/STT fee;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- (i) if the existing structures were erected on leased land without BD's approval, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works were to be carried out on the application site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;
 - (iv) if the proposed use under application was subject to the issue of a licence, the applicant should note that any existing structures on the application site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority;
 - (v) formal submission of any proposed new works, including temporary structure, for approval under the BO was required. If the site did not abut on a street of not less than 4.5m wide, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The applicant should also note B(P)R 41D regarding the provision of

- emergency vehicular access to the proposed development; and
- (vi) use of container as offices and storerooms were considered as temporary structures and were subject to control under B(P)R Part VII;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant 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. Besides, the site was located within the flood pumping gathering ground and fell within the consultation zone of Sheung Shui Water Treatment Works, which was a potentially hazardous installation;
- (e) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department (EPD) in order to minimize the potential environmental impacts on the adjacent area;
- (f) to note the comments of the Commissioner of Police that CCTV should be installed and security should be employed to enhance the safety of the location. Sufficient space should be provided within the application site for parking, waiting and manoeuvring of vehicles so as to avoid queuing of vehicles onto adjacent public roads or government land and manoeuvring of vehicles when loading/unloading goods. No parking on the access road outside the site was allowed;
- (g) to note the comments of the Director of Fire Services that if building plan submission was not required and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used

as workshop) were erected within the application site, the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval and provide the FSIs in accordance with the approved proposal. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;

- (h) to note the comments of the Commissioner for Transport that the land status of the access leading to the site should be checked with the lands authority, and the management and maintenance responsibilities of the same access should be clarified with the relevant lands and maintenance authorities accordingly;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that at least 1m space between the trees and the stored materials or parked vehicles should be provided, and the damaged trees within the site should be replaced; and
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. EPD should be consulted regarding the sewage treatment/disposal facilities for the proposed development.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/71 Proposed House (New Territories Exempted House)
in “Green Belt” zone,
Lot 3004 in D.D. 39, Au Ha, Sha Tau Kok Road, New Territories
(RNTPC Paper No. A/NE-LK/71)

Presentation and Question Sessions

27. 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 (NTEH)), which was 2 storeys in height (7.62m) with a proposed gross floor area (GFA) of 81m²;
- (c) the departmental comments were detailed in paragraph 9 of the Paper and highlighted below:
 - (i) the District Lands Officer/North (DLO/N) had no comment on the application. His office received an application on 15.2.2011 from the lot owner for the redevelopment of a 3-storey NTEH on Lot 3004 in D.D. 39 (i.e. the application site). The subject lot was an Old Schedule House Lot comprising 0.01 acre (which was equivalent to about 40.5m²) of House land and 0.01 acre of Threshing Floor held under Block Government Lease. The lot owner might develop the lot into a 3-storey NTEH with a height of not more than 8.23m (i.e. a maximum GFA of 121.5m²). Notwithstanding the above, his office could not identify any building on the application site from the aerial photos of 1945', 1956', 1963', 1969', 1975', 1985', 1986' and 1990' covering the area concerned;
 - (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the whole site fell within the "GB" zone. While the site was currently vacant and lacked of vegetation cover, the aerial photo taken in August 2010 indicated that the subject site was a well vegetated area forming part of the wooded area in the "GB" zone. Moreover, a complaint case on illegal tree

felling at the subject site was reported to the Integrated Call Centre in April 2011. His earlier investigation revealed that vegetation, mainly bamboo clumps and a few trees, at the subject site were cleared in March to April 2011. As the location of vegetation clearance mostly fell within private lot, no further action was carried out by his department under the Forests and Countryside Ordinance. Though he was unable to confirm if the tree felling and vegetation removal at the subject site was related to the current application, the Committee might take this incident into account when considering the application; and

- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape point of view. Based on the site visit on 25.11.2011, it was noted that the application site was vacant with wild grass. It was situated in an area of rural landscape character, surrounded by vacant land, village houses and woodland of mature trees. The proposed village house was considered not incompatible to the landscape character of its surrounding environment. However, with reference to the aerial photos taken in 2010, it was observed that the mature trees and other vegetation originally therein had been removed. Approval of the application would set an undesirable precedent and attract similar applications in the “GB” zone;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council member indicating support to the application;
- (e) the District Officer (North) (DO(N)) advised that the concerned District Council member had no comment on the application, whereas the Chairman of Sha Tau Kok District Rural Committee and a Village Representative of Au Ha raised objection to the application on the ground that the application site was in green belt area of the village which was originally covered with vegetation; and

- (f) the PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
- (i) according to DLO/N, the application site was an Old Schedule House Lot comprising 0.01 acre of House land (equivalent to 40.5m²) and 0.01 acre of Threshing Floor held under Block Government Lease and the lot owner might develop the lot into a 3-storey NTEH with a maximum GFA of 121.5m² and a height of not more than 8.23m. The development intensity of the proposed NTEH with a proposed GFA of 81m² and a building height of 2 storeys (7.62m) was within the limits permitted under the lease;
 - (ii) although the proposed NTEH development was not in line with the planning intention of the “GB” zone, there were exceptional circumstances which merited sympathetic consideration of the application in that the subject site had a building entitlement under the lease and the proposed development intensity of the NTEH did not exceed the lease entitlement. Moreover, the scale and intensity of the proposed development was compatible with the surrounding environment, which was rural in character with village houses within the “Village Type Development” zone of Au Ha Village to the immediate east. It was anticipated that the proposed NTEH development would not have significant adverse impacts on traffic, drainage and environmental aspects of the surrounding areas. Concerned government departments including the Transport Department, the Environmental Protection Department and the Drainage Services Department had no objection to or adverse comments on the application. In view of the above, the application was generally in line with the Town Planning Board Guidelines No. 10 on developments within “GB” zone;
 - (iii) DAFC and CTP/UD&L did not support the application as it was not

in line with the planning intention of the “GB” zone and might set an undesirable precedent for similar applications. They also pointed out that trees and vegetation within the site had been removed. While the clearance of original vegetation and tree felling within the application site was a concern, the Proposed Measures against the ‘Destroy First and Build Later’ Approach as agreed by the TPB, i.e. to defer the consideration of the application to allow the Planning Authority to investigate the case, was not recommended for the current application given the special circumstances that the site had a building status, and sympathetic consideration might be given to respect the development right of the site. Moreover, it was considered that trees within the private lot which had building status would inevitably be felled if development on the site was permitted. To compensate the adverse impact on the existing landscape, an approval condition requiring the submission and implementation of landscape proposal was recommended if the application was approved. As regards the concern on the setting of undesirable precedents, each application would be considered on its individual merits; and

- (iv) for the local objections relayed by the DO(N) on the grounds that the application site was in the green belt area of the village which was originally covered with vegetation, it should be noted that the application had exceptional circumstances in that the site had a building status and hence sympathetic consideration might be given. Moreover, approval condition on landscape aspect had been recommended to improve the existing landscape condition.

28. In response to a Member’s enquiry, Ms. Doris S.Y. Ting said that Old Schedule House Lot had a building status under the lease whereas Old Schedule Agricultural Lot was for agriculture purpose. This Member asked whether such kind of application would be approved even though the site was zoned “GB” and covered with vegetation. The Secretary said that according to the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ (‘Interim Criteria’), an application site which had a building

status under the lease would be considered as having ‘exceptional circumstances’ which warranted sympathetic consideration. The ‘Interim Criteria’ also stated that a proposed NTEH should not involve extensive tree felling which would cause adverse landscape impact on the area. The Secretary further said that Members would need to strike a balance between respecting the development right of a lot with a building status and minimizing adverse landscape impact from tree felling. Sympathetic consideration might be given if the applicant had demonstrated efforts in minimizing tree felling or planting of trees to mitigate the adverse landscape impact.

Deliberation Session

29. In reply to a Member’s question, Ms. Anita K.F. Lam of Lands Department (LandsD) said that if the applicant proposed to develop a NTEH on the application site which accorded with the terms of the lease and its scale and intensity were within the limits permitted under the Buildings (Application to the New Territories) Ordinance (Cap. 121), approval would normally be granted by the LandsD. Ms. Lam further said that lots with building status were not uncommon in the New Territories, although not many of them fell within “GB” zone.

30. Members noted that relevant approval condition requiring the applicant to submit and implement landscape proposal for the proposed NTEH had been recommended to mitigate the adverse landscape impact. The Secretary said that CTP/UD&L would be requested to closely monitor the compliance of such approval condition.

31. 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 6.1.2016, 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 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.

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

- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection, and to 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;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding sewage treatment/disposal facilities for the proposed development; and
- (c) 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 the Lands Department.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/NE-LYT/443 Proposed Columbarium (within a Religious Institution or Extension of Existing Columbarium Only) and Proposed Ancillary Open-air Carpark for Visitors in “Green Belt” zone, 2/F (Part) and 6/F (Part), Lung Shan Temple, Lot 652 in D.D. 85 and Lots 672, 673 and 675 in D.D. 85, Lung Yeuk Tau, Fanling (RNTPC Paper No. A/NE-LYT/443)

33. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Vision Planning Consultants Limited, one of the consultants of the application. The Committee noted that Ms. Kwong had not yet arrived to join the meeting.

34. The Secretary also reported that on 21.12.2011, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the specific comments raised by the Transport Department and the Police concerning the detailed traffic arrangements during Ching Ming and Chung Yeung Festival days.

35. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of further information, and since a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Items 10 and 11

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/451 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 1784 S.A in D.D. 76, Leng Pei Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/451)

A/NE-LYT/452 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 1784 S.B in D.D. 76, Leng Pei Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/452)

36. The Chairman suggested that the two applications could be considered together as they were for the same use and the sites were located next to each other within the same “Agriculture” (“AGR”) zone. Members agreed.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the application sites;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the two applications from the agricultural development point of view because of high potential of the sites for agricultural rehabilitation and their vicinity was currently occupied for agricultural activities. Although it was indicated in the submissions that tree removal/damage was not required for the proposed Small House developments, some common fruit trees were found growing within the

application sites;

- (d) during the first three weeks of the statutory publication period of Application No. A/NE-LYT/451, four public comments were received from a North District Council (NDC) member, a village representative (VR) of Ma Mei Ha Leng Tsui and two villagers of Leng Tsui Tsuen. The NDC member supported the application as the proposed development would benefit villagers. The VR of Ma Mei Ha Leng Tsui objected to the application without giving any reason. The remaining two commenters also objected to the application mainly on the grounds of illegal filling of agricultural land/irrigation channels and illegal construction of concrete vehicular access to the site. They also commented that large-scale Small House development and commercial activities within Leng Tsui Tsuen would affect the village environment and villagers' livelihood;
- (e) during the first three weeks of the statutory publication period of Application No. A/NE-LYT/452, five public comments were received from a NDC member, a VR of Ma Mei Ha Leng Tsui, two villagers of Leng Tsui Tsuen, and the 'Mission to New Arrivals'. The NDC member supported the application as the proposed development would benefit villagers. The VR of Ma Mei Ha Leng Tsui objected to the application without giving any reason. The two villagers of Leng Tsui Tsuen objected to the application for the same reasons against Application No. A/NE-LYT/451. The 'Mission to New Arrivals' had no comment on the application provided that the problems of dust and pollutants generated during construction could be resolved and the water quality would not be affected;
- (f) the District Officer (North) (DO(N)) advised that the Chairman of Fanling District Rural Committee and the Indigenous Inhabitants Representative and Residents Representative of Leng Tsui raised objection to the two applications because the proposed developments would lead to pollution and flooding and would affect *fung shui*; and the applicants were not indigenous inhabitants of Leng Pei Tsuen; and

- (g) the Planning Department (PlanD)'s views – PlanD had no objection to the two applications based on the assessments set out in paragraph 11 of the Papers which were summarised below:
- (i) the applications generally met the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' ('Interim Criteria') in that the footprints of the proposed Small Houses fell entirely within the village 'environs' ('VE') of Ma Mei Ha Leng Tsui and Leng Pei Tsuen, and there was insufficient land within the "Village Type Development" ("V") zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen to meet the Small House demand. Hence, sympathetic consideration could be given to the applications;
 - (ii) although the proposed developments were not in line with the planning intention of the "AGR" zone and DAFC did not support the applications because of the high potential of the application sites for agricultural rehabilitation, it was noted that the sites were located to the west of the "V" zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen and the proposed Small House footprints fell entirely within the 'VE' of the same village. Besides, the proposed Small House developments were not incompatible with the surrounding land uses dominated by farmland, tree groups and village houses. In addition, similar applications for Small House development within/partly within the same "AGR" zone in the vicinity of the application sites had been approved with conditions by the Committee. Furthermore, the proposed Small House developments would not have significant adverse impacts on traffic, environmental, drainage and landscape aspects of the surrounding areas. Relevant government departments including the Transport Department, the Environmental Protection Department, the Drainage Services Department and the Urban Design and Landscape Section of PlanD had no objection to or adverse comments on the application; and
 - (iii) regarding the local objection received by DO(N) and the public

comments against the applications on the grounds of *fung shui*, flooding, pollution, suspected unauthorized development and large-scale property development carried out by the applicants, it should be noted that any suspected unauthorized development would be subject to enforcement action by relevant authority, and the proposed developments would unlikely cause adverse impacts on the surrounding environment. Concerned government departments had no objection to or adverse comments on the applications. Relevant approval conditions on the submission and implementation of landscape and drainage proposals had been recommended to address the local concerns.

38. Members had no question on the applications.

Deliberation Session

39. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 6.1.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

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

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

- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the 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. Besides, the application site was located within the flood pumping gathering ground;
- (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 the Lands Department; and
- (c) 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.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/453 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Green Belt” zones,
Lot 162 S.B ss.4 in D.D. 46, Ma Mei Ha Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/453)

Presentation and Question Sessions

41. 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 (NTEH) – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development point of view as the site was occupied as a nursery garden for agricultural purpose;
- (d) during the first three weeks of the statutory publication period, four public comments were received from the village representative of Ma Mei Ha Leng Tsui Tsuen and two residents of Ma Mei Ha. All the comments objected to the application mainly on the grounds that the proposed development would affect *fung shui* of Ma Mei Ha Leng Tsui Tsuen; cause serious flooding; cause traffic congestion and aggravate the problem of insufficient public transport facilities (i.e. the services of public light bus No. 55K and KMB No. 78K were below standard); destroy wild creatures (such as frogs and snakes) in the area; sacrifice the health and leisure of local residents as the site was the only public greenery site in the area; and the increase in population and number of theft cases would further endanger the safety of residents;
- (e) the District Officer (North) (DO(N)) advised that the Chairman of Fanling District Rural Committee raised objection to the application because of traffic problem and insufficient parking spaces. The Indigenous Inhabitants Representative and Residents Representative of Ma Mei Ha had no comment on the application. He also advised that the existing village road along the eastern boundary of the application site was neither constructed nor maintained by his office. The proposed development would not jeopardise the foreseeable local public works/rural public works projects; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
- (i) the application generally met the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' in that the footprint of the proposed Small House fell entirely within the village 'environs' ('VE') of Ma Mei Ha and there was insufficient land within the "Village Type Development" ("V") zone of Ma Mei Ha to meet the Small House demand. Hence, sympathetic consideration could be given to the application;
 - (ii) although the proposed development was not in line with the planning intention of the "Agriculture" ("AGR") zone and DAFC did not support the application from an agricultural development point of view as the site was occupied as a nursery garden for agricultural purpose, it was noted that the application site was located to the north-west of the "V" zone of Ma Mei Ha and the proposed Small House footprint fell entirely within the 'VE' of the same village. Besides, the proposed Small House development was not incompatible with the surrounding land uses, which were predominantly rural in nature with plant nursery, fallow agricultural land and village houses in the vicinity. Furthermore, the proposed Small House development would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding areas. Relevant government departments including the Transport Department (TD), the Environmental Protection Department (EPD), the Drainage Services Department (DSD) and the Urban Design and Landscape (UD&L) Section of PlanD had no objection to or adverse comments on the application. The District Lands Officer/North also had no objection to the application as the entire footprint of the proposed Small House was situated within the 'VE' of Ma Mei Ha;

- (iii) while the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone, only about 2.9% of the application site fell within the “GB” zone and no extensive clearance of natural vegetation would be required as this portion of the “GB” zone was entirely occupied by a paved access road with no existing tree. Besides, only about 1.2% of the proposed Small House footprint fell within the “GB” zone. Significant changes or disturbances to the existing landscape character arising from the proposed development were not anticipated. In this regard, the UD&L Section of PlanD had no objection to the application, and DAFC had no strong view on the application from the nature conservation point of view. Nevertheless, if the application was approved, the applicant would be advised to provide tree planting within the application site in order to minimize the disturbance on the “GB” zone;

- (iv) the application generally complied with the Town Planning Board Guidelines No. 10 in that the application site was in close proximity to the existing Ma Mei Ha Tsuen and the proposed Small House was required to meet the demand from indigenous villagers. Moreover, the proposed development was not incompatible with the surrounding land uses, which were predominantly rural in nature with plant nursery, fallow agricultural land and village houses. It was considered that the proposed development would not have significant adverse landscape impact on the surrounding areas;

- (v) although the eastern portion of the application site and the proposed Small House footprint would encroach onto an existing village road, concerned government departments including TD and the Highways Department had no objection to or adverse comments on the application as the concerned village road on private land was neither constructed nor maintained by government departments. However, setting back of the eastern boundary of the site to avoid

encroachment onto the existing village road might not be feasible as the applicant had clarified that the proposed Small House footprint could not be shifted westward due to the need to maintain a separation distance of 15m from Sha Tau Kok Road as recommended by the District Survey Office/North of Lands Department. Noting that there was an alternative route connecting to the existing village road, it was anticipated that the accessibility to the inner part of the area would not be adversely affected by the proposed Small House. Nevertheless, the applicant would be advised to divert the existing village road within the application site; and

- (vi) regarding the local objection received by DO(N) and the public comments against the application mainly on the grounds of *fung shui*, flooding, traffic, destruction of wild creatures and loss of public greenery area, it was anticipated that the proposed Small House development should not have significant adverse impacts on traffic, environmental, drainage and landscape aspects of the surrounding areas. Concerned government departments including TD, EPD, DSD and UD&L Section of PlanD had no objection to or adverse comments on the application, and DAFC had no strong view on the application from the nature conservation point of view. Relevant approval conditions on the submission and implementation of drainage and landscape proposals had been recommended to address the local concerns. For the concern on *fung shui*, it was not a material planning consideration.

42. Members had no question on the application.

Deliberation Session

43. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.1.2016, and after the said date, the permission should cease to have

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

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

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

- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the 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. Besides, the application site was located within the flood pumping gathering ground;
- (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 the Lands Department;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that tree planting should be provided within the application site in order to minimize the disturbance to the "Green Belt" zone;

- (d) to divert the existing village road within the application site; and
- (e) 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.

Agenda Items 13 to 20

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/454 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 162 S.B ss.5 in D.D. 46, Ma Mei Ha Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/454)

A/NE-LYT/455 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 162 S.B ss.6 in D.D. 46, Ma Mei Ha Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/455)

A/NE-LYT/456 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 162 S.B ss.7 in D.D. 46, Ma Mei Ha Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/456)

A/NE-LYT/457 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 162 S.B ss.8 in D.D. 46, Ma Mei Ha Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/457)

A/NE-LYT/458 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Green Belt” zones,
Lot 162 S.B ss.9 in D.D. 46, Ma Mei Ha Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/458)

A/NE-LYT/459 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Green Belt” zones,
Lot 162 S.B ss.10 in D.D. 46, Ma Mei Ha Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/459)

A/NE-LYT/460 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Green Belt” zones,
Lot 162 S.B ss.11 in D.D. 46, Ma Mei Ha Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/460)

A/NE-LYT/461 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Green Belt” zones,
Lot 162 S.B ss.12 in D.D. 46, Ma Mei Ha Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/461)

45. The Chairman suggested that the eight applications could be considered together as they were for the same use and the sites were adjacent to each other. Members agreed.

Presentation and Question Sessions

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

- (a) background to the applications – the sites of Applications No. A/NE-LYT/454 to A/NE-LYT/457 fell within an area zoned “Agriculture” (“AGR”), whereas the sites of Applications No. A/NE-LYT/458 to A/NE-LYT/461 fell mainly within an area zoned “AGR” and partly within an area zoned “Green Belt” (“GB”). All the application sites were within an existing plant nursery. A minor portion of each of the application sites under Applications No. A/NE-LYT/458 to A/NE-LYT/461 encroached

onto an existing village road along the eastern boundary;

- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the application sites;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the eight applications from the agricultural development point of view as the sites were used as a nursery garden for agricultural purpose;
- (d) during the first three weeks of the statutory publication period, four public comments were received from the village representative of Ma Mei Ha Leng Tsui Tsuen and two residents of Ma Mei Ha for each of the applications. All the comments objected to the applications mainly on the grounds that the proposed developments would affect *fung shui* of Ma Mei Ha Leng Tsui Tsuen; cause serious flooding; cause traffic congestion and aggravate the problem of insufficient public transport facilities (i.e. the services of public light bus No. 55K and KMB No. 78K were below standard); destroy wild creatures (such as frogs and snakes) in the area; sacrifice the health and leisure of local residents as the site was the only public greenery site in the area; and the increase in population and number of theft cases would further endanger the safety of residents;
- (e) the District Officer (North) (DO(N)) advised that the Chairman of Fanling District Rural Committee raised objection to the applications because of traffic problem and insufficient parking spaces, whereas the Indigenous Inhabitants Representative and Residents Representative of Ma Mei Ha had no comment on the applications. DO/N also advised that for Applications No. A/NE-LYT/458 to A/NE-LYT/461, the existing village road along the eastern boundary of the application sites was neither constructed nor maintained by his office. The proposed developments would not jeopardise the foreseeable local public works/rural public works projects; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the eight applications based on the assessments set out in paragraph 11 of the Papers which were summarised below:

for Applications No. A/NE-LYT/454 to A/NE-LYT/461

- (i) the applications generally met the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' in that the footprints of the proposed Small Houses fell entirely within the village 'environs' ('VE') of Ma Mei Ha and there was insufficient land within the "Village Type Development" ("V") zone of Ma Mei Ha to meet the Small House demand. Hence, sympathetic consideration could be given to the applications;
- (ii) although the proposed developments were not in line with the planning intention of the "AGR" zone and DAFC did not support the applications from an agricultural development point of view as the sites were occupied as a nursery garden for agricultural purpose, it was noted that the application sites were located to the north-west of the "V" zone of Ma Mei Ha and the footprints of the proposed Small Houses fell entirely within the 'VE' of the same village. Besides, the proposed Small House developments were not incompatible with the surrounding land uses, which were predominantly rural in nature with plant nursery, fallow agricultural land and village houses. Furthermore, the proposed Small House developments would not have significant adverse impacts on traffic, environmental, drainage and landscape aspects of the surrounding areas. Relevant government departments including the Transport Department (TD), Environmental Protection Department (EPD), Drainage Services Department (DSD) and the Urban Design and Landscape (UD&L) Section of PlanD had no objection to or adverse comments on the applications. The District Lands Officer/North also had no objection to the applications as the entire footprints of the proposed Small Houses were situated within the 'VE' of Ma Mei Ha;

- (iii) regarding the local objections received by DO(N) and the public comments against the applications mainly on the grounds of *fung shui*, flooding, traffic, destruction of wild creatures and loss of public greenery area, concerned government departments including TD, DSD and UD&L Section of PlanD had no objection to or adverse comments on the applications. Relevant approval conditions on the submission and implementation of drainage and landscape proposals had been recommended to address the local concerns. For the concern on *fung shui*, it was not a material planning consideration;

for Applications No. A/NE-LYT/458 to A/NE-LYT/461 only

- (iv) while the proposed developments were not in line with the planning intention of the “GB” zone, only a small portion of the application sites (ranged from 19% to 26%) fell within the “GB” zone and no extensive clearance of natural vegetation was required as these portions of the “GB” zone were mostly occupied by a paved access road with no existing tree. Besides, the footprints of the proposed Small Houses fell entirely outside the “GB” zone. Significant changes or disturbances to the existing landscape character arising from the proposed developments were not anticipated. In this regard, the UD&L Section of PlanD had no objection to the applications, and DAFC had no strong view on the applications from the nature conservation point of view. Nevertheless, if the applications were approved, the applicants would be advised to provide tree planting within their application sites in order to minimize the disturbance to the “GB” zone;
- (v) the applications generally complied with the Town Planning Board Guidelines No. 10 in that the application sites were in close proximity to the existing Ma Mei Ha Tsuen and the proposed Small Houses were required to meet the demand from indigenous villagers. Moreover, the proposed developments were not incompatible with the surrounding land uses, which were predominantly rural in nature

with plant nursery, fallow agricultural land and village houses. It was considered that the proposed developments would not have significant adverse landscape impact on the surrounding areas;

- (vi) although a minor portion of the application sites along the eastern boundary encroached onto an existing village road, it was noted that the footprints of the proposed Small Houses would not encroach onto the subject road. Moreover, concerned government departments including TD and the Highways Department had no objection to or adverse comments on the applications. Nevertheless, if the applications were approved, an approval condition was recommended to request the applicants to set back their application sites in order to avoid encroaching onto the existing village road; and
- (vii) for the public comments against the applications related to destruction of wild creatures in the area, DAFC had no strong view on the applications from the nature conservation point of view.

47. Members had no question on the applications.

Deliberation Session

48. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 6.1.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

for Applications No. A/NE-LYT/454 to A/NE-LYT/457 only

- (a) the submission and implementation of 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.

for Applications No. A/NE-LYT/458 to A/NE-LYT/461 only

- (a) the submission and implementation of 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;
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (d) the setting back of the eastern boundary of the application site to avoid encroachment onto the existing village road to the satisfaction of the Director of Planning or of the TPB.

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

for Applications No. A/NE-LYT/454 to A/NE-LYT/457 only

- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the 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. Besides, the application site was located within the flood pumping gathering ground;

- (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 the Lands Department; and
- (c) 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.

for Applications No. A/NE-LYT/458 to A/NE-LYT/461 only

- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the 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. Besides, the application site was located within the flood pumping gathering ground;
- (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 the Lands Department;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that tree planting should be provided within the application site in order to minimize the disturbance to the "Green Belt" zone; and
- (d) 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.

Agenda Items 21 and 22

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/373 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 684 S.B in D.D. 77, Ha Shan Kai Wat, Fanling
(RNTPC Paper No. A/NE-TKL/373)

A/NE-TKL/374 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 684 S.A in D.D. 77, Ha Shan Kai Wat, Fanling
(RNTPC Paper No. A/NE-TKL/374)

50. The Chairman suggested that the two applications could be considered together as they were for the same use and the sites were adjacent to each other. Members agreed.

Presentation and Question Sessions

51. Ms. Doris S.Y. Ting, STP/STN, reported that the replacement page for page 7 of the two Papers had been tabled at the meeting for Members’ reference. She then presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications – the site of Application No. A/NE-TKL/373 fell within the “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones, whereas the site of Application No. A/NE-TKL/374 fell entirely within the “AGR” zone;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the application sites;

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the two applications from an agricultural development point of view because of high potential of the application sites and their vicinity for rehabilitation of agricultural activities. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications from the landscape perspective. Although the proposed Small Houses were not incompatible with the rural landscape, approval of the applications might set an undesirable precedent of spreading village development outside the “V” zone. Besides, the required access and site formation works for the proposed Small Houses would have further impact on the landscape around the application sites;
- (d) during the first three weeks of the statutory publication periods of the applications, one public comment was received from a North District Council (NDC) member for each of the applications. The commenter supported the applications as it was good for the villagers. During the first three weeks of the statutory publication periods of further information to the applications, one public comment was received from the same NDC member for each of the applications. The commenter supported the applications without giving any reason;
- (e) the District Officer (North) advised that the Vice-Chairman of Ta Kwu Ling District Rural Committee, and Indigenous Inhabitant Representative and Resident Representative of Ha Shan Kai Wat had no comment on the applications; and
- (f) the PlanD’s views – PlanD had no objection to the two applications based on the assessments set out in paragraph 11 of the Papers which were summarised below:
 - (i) the applications generally met the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in

that the footprints of the proposed Small Houses fell entirely within the village 'environs' ('VE') of Ha Shan Kai Wat Village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of Ha Shan Kai Wat Village. Hence, sympathetic consideration could be given to the applications;

- (ii) although the proposed developments were not in line with the planning intention of the "AGR" zone and DAFC did not support the applications from an agricultural development point of view because of high potential of the sites for agricultural rehabilitation, it was considered that the Small House developments were not incompatible with their adjacent rural environment, comprising mainly vacant and fallow agricultural land and village houses within the Ha Shan Kai Wat Village. Moreover, it was anticipated that the proposed developments would not cause significant adverse impacts on environmental, drainage and traffic aspects of the surrounding areas. Concerned government departments including the Environmental Protection Department (EPD), the Drainage Services Department (DSD) and the Transport Department (TD) had no objection to or adverse comments on the applications. Besides, there was no local objection to the applications;
- (iii) there were three similar applications in the vicinity of the application sites within the same "AGR" zone, which were recently approved by the Committee on 15.4.2011 and 22.7.2011 mainly on the consideration that the applications were in line with the 'Interim Criteria'. There had not been any material change in the planning circumstances for the area since approval of these similar applications; and
- (iv) CTP/UD&L had reservation on the applications as approval of the applications might set an undesirable precedent of spreading village development outside the "V" zone, and the future access and site formation works would have further impact on the landscape around

the application sites. It was noted that part of the site under Application No. A/NE-TKL/373 fell within the “V” zone and each application would be considered on individual merits. For Application No. A/NE-TKL/374, there were three similar applications for Small House development previously approved by the Committee. To address CTP/UD&L’s concern, if the applications were approved, it was recommended to impose an approval condition requiring the submission and implementation of landscape proposal. Moreover, the applicant would be advised to ensure that the provision of access road would need to comply with the provisions of statutory plans and planning permission might be required from the Town Planning Board.

52. Members had no question on the applications.

Deliberation Session

53. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 6.1.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

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

54. The Committee also agreed to advise each applicant of the following :
- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the 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. Besides, the application site was located within the flood pumping gathering ground;
 - (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 the Lands Department or formal submission of general building plans; and
 - (c) 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, STP/STN, for her attendance to answer Members' enquires. Ms. Ting left the meeting at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/78 Renewal of Planning Approval for Temporary Golf Driving Range under Application No. A/NE-SSH/59 for a Period of 3 Years in “Comprehensive Development Area” zone and an area shown as ‘Road’, Various Lots in D.D. 165 and D.D. 218 and Adjoining Government Land, Sai Sha, Shap Sz Heung (RNTPC Paper No. A/NE-SSH/78)

55. The Secretary reported that the application was submitted by a subsidiary of the Sun Hung Kai Properties Limited (SHK). Mr. Y.K. Cheng and Professor Paul K.S. Lam had declared interests in this item as they had current business dealings with SHK. The Committee noted that Mr. Cheng and Professor Lam had tendered apologies for being unable to attend the meeting.

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 renewal of planning approval for temporary golf driving range under Application No. A/NE-SSH/59, which would be valid until 23.1.2012, for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
- (i) the temporary golf driving range was not incompatible with the surrounding uses in the area, which were predominately rural in character and occupied by village houses;
 - (ii) the application complied with the Town Planning Board Guidelines No. 34B in that there were previous approvals for the same use on the application site, and the applicant had complied with all the approval conditions of the last planning approval under Application No. A/NE-SSH/59, including those related to drainage and fire service installations. As confirmed by the applicant, the current application was the same as the previous application (No. A/NE-SSH/59) in terms of the applied use, development parameters and layout. There had been no material change in the planning circumstances since the last approval. The approval period of three years sought under the current application was the same as in the previous approval;
 - (iii) the application site formed part of the site covered by a valid planning approval (Application No. A/NE-SSH/61-1) for a comprehensive residential and recreational development, including government, institution and community facilities. The two golf driving ranges currently operating on the application site were similar to the golf course proposal in the approved scheme under Application No. A/NE-SSH/61-1. The applicant had advised that the temporary golf driving range would cease when the approved comprehensive development commenced in the future. It was expected that the temporary use under application would not jeopardise the future implementation of the comprehensive

residential and recreational development.

57. Members had no question on the application.

Deliberation Session

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 24.1.2012 to 23.1.2015, on the terms of the application as submitted to the Town Planning Board.

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

- (a) to resolve any land issue relating to the development with the concerned owner of the application site;
- (b) to note the comments of the Commissioner for Transport that the village access was not under the management of the Transport Department. The land status of the village access should be checked with the lands authority, and the management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the drainage systems should be maintained properly and the systems should be rectified if they were found to be inadequate or ineffective during operation. The applicant should be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (d) to note the comments of the Director of Fire Services that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the application site, fire service installations (FSIs) would need to be installed. If building plan submission was not required, relevant layout plans incorporated with

the proposed FSIs should be submitted to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of accuracy, and the location of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of the aforesaid plans. The applicant should provide such FSIs according to the approved proposal;

- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable 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. Moreover, an existing 50mm diameter water mains, which mainly served the golf driving range, would be affected. A waterworks reserve within 1.5m from the centreline of the water main should be provided to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains. All other services across, through or under the waterworks reserve were required to seek authorisation from the Water Authority. If diversion was necessary, the applicant should bear the cost of any necessary diversion works affected by the proposed development; and

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if there were existing structures erected on leased land without BD's approval, they were unauthorised under the Buildings Ordinance (BO) and enforcement action might be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against unauthorized building works (UBW) as and

when necessary. The grating of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The temporary building(s) was subject to control under Part VII of the Building (Planning) Regulations. Detailed comment would be given at building plan submission stage.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/375 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” and “Village Type Development” zones,
Lot 395 in D.D. 28, Lung Mei, Tai Po
(RNTPC Paper No. A/NE-TK/375)

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 (NTEH) – Small House);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, a public comment from the residents of Lung Mei was received raising objection to the application on the grounds that the proposed house development would spoil the natural habitat and block the fire-fighting access to the country park area at the back of the site; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
- (i) while the proposed development was not in line with the planning intention of the “Green Belt” zone, the site fell mostly within the “Village Type Development” (“V”) zone (83%) at the fringe area of Wong Chuk Tsuen. The site was sandwiched between two existing Small Houses and covered with scattered grass and weeds. The proposed Small House was not incompatible with the existing village setting with village houses found to its immediate surrounding areas. It was considered that the proposed Small House complied with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that more than 50% of the Small House footprint fell within the “V” zone and the village ‘environs’, and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the concerned villages. Relevant government departments including the Agriculture, Fisheries and Conservation Department (AFCD) and the Urban Design and Landscape Section of PlanD had no objection to the application; and
 - (ii) regarding the public comment raising concern on natural habitat and fire-fighting access, the AFCD and Fire Services Department had no objection to the application. An approval condition had been recommended to require the provision of fire-fighting access, water supplies for fire-fighting and fire service installations to minimize the potential impacts caused by the proposed development.

61. Members had no question on the application.

Deliberation Session

62. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.1.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the Commissioner for Transport that the existing nearby village access was not under the management of Transport Department. The land status of the village access should be checked with the lands authority, and the management and maintenance responsibilities of the same access should be clarified with the relevant lands and maintenance authorities accordingly;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that as there was no public drain in the vicinity of the site, drainage facilities should be provided by the applicant to ensure that the development would not cause adverse drainage impact on the adjacent area. The applicant should maintain the drainage 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. Moreover, there was currently no

existing public sewerage in the vicinity of the site. Proposed public sewerage system near the site would be implemented under the 'Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C' project and was tentatively scheduled for completion in 2013. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development;

- (c) to note the comments of the the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed 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;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that landscape plantings should be proposed in the front and at the back of the house, where appropriate, to enhance the greening effect and landscape quality of the site;
- (e) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to the District Lands Officer and/or the Building Authority for approval in accordance with the provisions of the Buildings Ordinance; and
- (f) 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.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/377 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 664 in D.D. 23, Po Sam Pai, Tai Po
(RNTPC Paper No. A/NE-TK/377)

Presentation and Question Sessions

64. 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 (NTEH) – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view because of high potential of the site for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. Based on the aerial photo of 11.5.2011 and site photos of 8.12.2011, the site was situated on the edge of a mature existing woodland with native species such as *Celtis sinensis* (朴樹) and *Ficus hispida* (對葉榕). In view of its proximity to the woodland, the site formation works and construction works of the proposed Small House might adversely affect those trees adjacent to the site boundary. Approval of the application might attract similar developments leading to further encroachment onto the woodland and degradation of the existing landscape quality of the area;

- (d) during the first three weeks of the statutory publication period, two public comments from the Indigenous Inhabitant Representative and Indigenous Villagers of Po Sam Pai were received. They objected to the application on the grounds that the proposed Small House development would encroach upon the existing footpath; cause pollution to the nearby stream and agricultural land; and generate adverse impacts on sewerage, landscape and *fung shui* aspects of the surrounding areas. The site, with high potential for agricultural rehabilitation, should be retained for agricultural use; and

- (e) the PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) it was noted that DAFC did not support the application from an agricultural point of view because the potential of the site for agricultural rehabilitation was high. The CTP/UD&L had reservation on the application as the proposed Small House might adversely affect the trees adjacent to the site boundary and approval of the application might encourage similar developments which would result in further encroachment onto the woodland and degradation of existing landscape quality of the area;

 - (ii) nevertheless, the proposed Small House was considered in compliance 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 fell within the village 'environs', and there was a general shortage of land in the "Village Type Development" zone of the concerned villages to meet the demand for Small House development. The proposed Small House was also considered not incompatible with the village setting with existing village houses located to the south of the site. Given that there was no tree on the site and a similar application (No. A/NE-TK/282) located to the immediate south of the site with

similar site circumstances was approved by the Committee on similar grounds, sympathetic consideration could be given to the application. To address the CTP/UD&L's concern, an approval condition on the submission and implementation of landscape proposal was recommended. The applicant would also be advised to avoid disturbing the trees near the boundary of the site to ensure no adverse landscape impact on the surrounding areas; and

- (iii) there were public comments stating that the proposed Small House would encroach onto the footpath and raising concern on the adverse impacts on the environment, sewerage, landscape and *fung shui* caused by the proposed development. It was noted that the footpath, which traversed the western corner of the site, would not be blocked by the footprint of the proposed Small House. Moreover, sewerage connection would be available near the site when the proposed village sewerage project for the area was completed in 2012/13. Taking into account that the proposed Small House was considered not incompatible with the village setting; it had complied with the 'Interim Criteria' in that more than 50% of the proposed Small House footprint fell within the 'VE' and there was a general shortage of land in the "V" zone of the concerned villages to meet Small House demand; and there was a similar application (No. A/NE-TK/282) right next to the subject site approved by the Committee, sympathetic consideration could be given to the application. The concerns of local residents could be addressed through the implementation of approval conditions related to landscape and drainage proposals and to avoid encroachment onto the existing footpath. In addition, the applicant would be advised to consult Environmental Protection Department on the appropriate sewage treatment/disposal methods to mitigate the possible impacts of the proposed development.

65. Members had no question on the application.

Deliberation Session

66. In reply to the Chairman's question, Ms. Lisa L.S. Cheng said that, an additional approval condition was recommended in order to address the public commenters' concern on the encroachment onto the existing footpath. Members agreed.

67. 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 6.1.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the 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
- (d) the setting back of the western corner of the application site to avoid encroachment onto the existing footpath to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to avoid disturbing the trees nearby;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that as there was no public drain in the vicinity of the site, drainage facilities should be provided by the applicant to ensure that the development would not cause adverse drainage impact on the

adjacent area. The applicant/owner should maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. Moreover, there was currently no existing public sewerage in the vicinity of the site. Sewerage connection might be available near the site when the proposed village sewerage works under the 'Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C' project was completed in 2012/2013. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development;

- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend the 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;
- (d) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to the District Lands Officer to verify if the site satisfied the criteria for exemption of site formation works as stipulated in PNAP No. APP-56. If such exemption was not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and
- (e) 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.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/378 Proposed Two Houses
(New Territories Exempted Houses – Small Houses)
in “Agriculture” and “Village Type Development” zones,
Lots 455 S.E and 474 S.H in D.D. 23, San Tau Kok, Tai Po
(RNTPC Paper No. A/NE-TK/378)

Presentation and Question Sessions

69. 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 two houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural point of view because of high potential of the site for agricultural rehabilitation;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

Whilst DAFC did not support the application from an agricultural point of view, the site was a piece of grassland with no existing tree and the proposed development was considered not incompatible with the existing village setting with village houses found to the south of the site. The two proposed Small Houses were considered in compliance with the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' in that more than 50% of the footprints of the two proposed Small Houses fell within the "Village Type Development" ("V") zone, and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the concerned villages. Other concerned government departments including the Lands Department and the Urban Design and Landscape Section of PlanD had no objection to the application.

70. Members had no question on the application.

Deliberation Session

71. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.1.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the Commissioner for Transport that the existing nearby village access was not under the management of Transport Department. The land status of the village access should be checked with the lands authority, and the management and maintenance responsibilities of the same access should be clarified with the relevant lands and maintenance authorities accordingly;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that as there was no public drain in the vicinity of the site, drainage facilities should be provided by the applicants to ensure that the development would not cause adverse drainage impact on the adjacent area. The applicant/owner should maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. Moreover, there was currently no existing public sewerage in the vicinity of the site. Sewerage connection might be available near the site when the proposed village sewerage works under the 'Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C' project was completed in 2012/2013. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicants might need to extend their inside services to the nearest suitable government water mains for connection. The applicants 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;

- (d) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicants should make necessary submission to the District Lands Officer to verify if the site satisfied the criteria for exemption of site formation works as stipulated in PNAP No. APP-56. If such exemption was not granted, the applicants should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and
- (e) the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicants 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.

Agenda Items 27, 28 and 30

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/511 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 102 S.A s.s 6 in D.D. 14, Tung Tsz, Tai Po
(RNTPC Paper No. A/TP/511)

A/TP/512 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 102 S.A s.s 5 in D.D. 14, Tung Tsz, Tai Po
(RNTPC Paper No. A/TP/512)

A/TP/514 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 102 S.A s.s 1 S.C, 102 S.A s.s 2 S.C, 102 S.A s.s 8 in D.D. 14,
Tung Tsz, Tai Po
(RNTPC Paper No. A/TP/514)

73. The Chairman suggested that the three applications could be considered together as they were for the same use and the sites were adjacent to one another within the same “Green Belt” (“GB”) zone. Members agreed.

Presentation and Question Sessions

74. Ms. Lisa L.S. Cheng, STP/STN, presented the three applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the application sites;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications from the landscape planning perspective. Although the proposed Small Houses were not incompatible with the surrounding landscape character, the sites fell entirely within the “GB” zone where there was general presumption against development. Approval of the applications would likely encourage similar developments encroaching onto the green belt and further deteriorate the existing rural landscape quality;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po) for each of the applications; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the three applications based on the assessments set out in paragraph 13 of the Papers which were summarised below:
 - (i) the sites were part of the subject of previous applications (No.

A/TP/253 and 261) for the development of six Small Houses, which were rejected by the Committee on 28.1.2000 and the Town Planning Board (TPB) on review on 22.6.2001 on the grounds that the proposed developments were not in line with the planning intention for the “GB” zone; and approval of the applications would set an undesirable precedent for similar developments within the “GB” zone to the west of Tung Tsz Road, which acted as a good physical boundary for the “V” and “GB” zones. On 27.5.2011, the TPB noted the finding of the review on the “GB” zoning to the west of Tung Tsz Road and agreed that Small House development might be permitted in a portion of the “GB” area subject to compliance with the TPB Guidelines No. 10 and the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ (‘Interim Criteria’). Subsequently, similar applications (No. A/TP/482, 491 and 505) were approved with conditions by the Committee on 22.7.2011 and 23.9.2011 on the ground of their general compliance with the ‘Interim Criteria’;

- (ii) although the proposed Small House developments were not in line with the planning intention of the “GB” zoning for the area, the applications met the ‘Interim Criteria’ in that more than 50% of the proposed footprints of the Small Houses fell within the village ‘environs’ (‘VE’) of Tung Tsz and Tseng Tau Village and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the villages concerned;
- (iii) CTP/UD&L had reservation on the applications and raised concern on the possible encroachment onto the green belt and deterioration of the rural landscape quality. However, noting that the application sites were currently used as a car park with little vegetation, he pointed out that significant adverse impact on the surrounding landscape resources was not anticipated; and
- (iv) the proposed Small House developments would unlikely have any

significant adverse impacts on traffic and drainage aspects of the surrounding areas. Relevant government departments including the Transport Department and the Drainage Services Department had no adverse comments and no local objection was received on the applications. Approval of the applications would be in line with the previous decisions of the Committee. To minimize the potential adverse landscape impact on the surrounding areas, an approval condition regarding landscape planting was recommended for each of the applications.

75. Members had no question on the applications.

Deliberation Session

76. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 6.1.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

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

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

- (a) to note the comments of the District Lands Officer/Tai Po (DLO/TP) that if planning approval was given by the TPB, his office would process the

Small House application. If the Small House application was approved by the Lands Department (LandsD), such approval would be subject to the terms and conditions as imposed by LandsD;

- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that there was a water course to the south of the application site. The applicant should follow the Buildings Department's Practice Note for Authorised Persons and Registered Structural Engineers No. 295 'Protection of Natural Streams/Rivers from Adverse Impacts Arising From Construction Works', in particular Appendix B 'Guidelines on Developing Precautionary Measures during the Construction Stage' so as to avoid disturbance to the water course and causing water pollution;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for the provision of water supply to the development, the applicant might need to extend the 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. Besides, water mains in the vicinity of the application site could not provide the standard pedestal hydrant;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there was no public drain maintained by DSD in the vicinity of the site. Drainage facilities should be provided by the applicant to ensure that the development would not cause adverse drainage impact on the adjacent area. The applicant/owner should maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. On the other hand, there was existing public sewerage for connection in the vicinity of the site. The Environmental Protection Department should be

consulted regarding the sewage treatment/disposal aspects of the development. The applicant should follow the established procedures and requirements for the connections sewers from the application site to the public sewerage system. A connection proposal should be submitted to DSD via DLO/TP for approval before hand. The sewerage connection would be subject to a technical audit, for which an audit fee would be charged;

- (e) 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 the LandsD;
- (f) to note the comments of the Commissioner for Transport that the existing nearby village access was not under the management of Transport Department. The land status of the village access should be checked with the lands authority, and the management and maintenance responsibilities of the same access should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the section of Tung Tsz Road adjacent to the application site was not maintained by his office; and
- (h) to note the comments of the Director of Electrical and Mechanical Services that if there was underground cable (and/or overhead line) within or in the vicinity of the application site, prior to establishing any structure within the application 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. The applicant and his contractors should 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.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/513 Proposed House (Redevelopment)
in “Green Belt” zone,
Lot 966 RP in D.D. 22, Pan Chung San Tsuen, Tai Po
(RNTPC Paper No. A/TP/513)

Presentation and Question Sessions

78. 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 (redevelopment) – the applicants sought planning permission to rebuild a collapsed 2-storey house into a 3-storey house with a plot ratio (PR) of 0.7 and a gross floor area (GFA) of 240.9m² on the application site (with a site area of 342m²). According to the applicants, the house previously existed on site had a GFA of about 160.6m²;
- (c) the departmental comments were detailed in paragraph 9 of the Paper and highlighted below:
 - (i) the District Lands Officer/Tai Po advised that the site fell within the village expansion boundary of Pan Chung San Tsuen and was held under Tai Po New Grant No. 7562 for building and agriculture purposes. According to the land sale record, the area to be built over should not exceed 864 sq.ft. (or 80.3m²). The height of any building within the lot should not exceed 25 feet or 2 storeys. The proposed 3-storey house development with a height of 9m and a total floor area of about 240.9m² was in breach of the lease conditions and did not comply with the criteria of New Territories

Exempted House (i.e. the development was subject to the provisions under the Buildings Ordinance); and

- (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning perspective as the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone. Approval of the application would set an undesirable precedent for similar applications in the area encouraging urban sprawl and degrading the landscape quality of the “GB” area. Moreover, slope formation works might be necessary for the proposed development, but there was no information provided to demonstrate that the slope works and site formation would not cause significant adverse impacts on the slope structure or the vegetation nearby, in particular the woodland on top of the slope;

- (d) during the first three weeks of the statutory publication period, one public comment from the principal of Law Ting Pong Secondary School was received. The commenter expressed concerns on slope and fire safety and environmental nuisances caused by the proposed development; and

- (e) the PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the applicants applied to rebuild a collapsed 2-storey house into a 3-storey house in the “GB” zone. As there was a general presumption against development within this zone, planning permission for development in the “GB” zone could only be granted under exceptional circumstances. Although the application site was a New Grant lot with building entitlement which might warrant sympathetic consideration, the proposed redevelopment did not comply with the Town Planning Board (TPB) Guidelines No. 10 in that redevelopment of an existing residential development would

generally be permitted up to the intensity of the existing development. The proposed development had a GFA of 240.9m² and a height of 3 storeys would exceed that of the existing development of about 160.6m² as well as its lease entitlement (80.3m² built-over area x 2 storeys = 160.6m²). Hence, there was no strong planning justification or exceptional circumstances in the proposal for a departure from the planning intention and the TPB Guidelines No. 10; and

- (ii) the site was located at the foot of a vegetated hillslope within the “GB” zone, which acted as a buffer between the hillside and the adjoining school zoned “G/IC”. The CTP/UD&L objected to the application from the landscape planning perspective as the proposed house was not compatible with the surrounding landscape character, and it seemed unavoidable that the site formation and slope works of the proposed house would affect an area much larger than the footprint of the house. In this regard, no information had been provided in the submission to demonstrate that there would not be significant adverse impacts on the natural landscape and the vegetation nearby. Approval of the application would set an undesirable precedent for similar applications in the area, encouraging urban sprawl and degrading the landscape quality of the “GB” zone. The proposed house therefore also did not comply with the TPB Guidelines No. 10 in that it was incompatible with the landscape character of the surrounding areas and it would have adverse impacts on the landscape and natural vegetation nearby.

79. In reply to the Chairman’s question, Ms. Lisa L.S. Cheng said that there was no aerial photo which could indicate that a house existed on the application site in the past. However, according to the advice of DLO/TP, the application site was a New Grant lot with building entitlement.

Deliberation Session

80. 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 the “Green Belt” (“GB”) zoning for the area which was to define the limits of urban and sub-urban development areas by natural features so as to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development did not comply with the Town Planning Board Guidelines No. 10 in that the proposed development intensity would exceed that of the existing development;
- (c) no information had been provided in the submission to demonstrate that the proposed development would not have adverse impacts on the natural vegetation nearby; and
- (d) approval of the application would set an undesirable precedent for similar developments within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the natural environment.

[The Chairman thanked Ms. Lisa L.S. Cheng, STP/STN, for her attendance to answer Members’ enquires. Ms. Cheng left the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. C.C. Lau, Mr. Vincent T.K. Lai, Mr. K.C. Kan, Mr. Ernest C.M. Fung and Mr. W.W. Chan, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/415 Proposed Columbarium
in “Government, Institution or Community” zone,
Lot 667 in D.D. 131, Yeung Tsing Road, Tuen Mun
(RNTPC Paper No. A/TM/415)

81. The Secretary reported that Ms. Anna S.Y. Kwong and Mr. Stephen M.W. Yip had declared interests in this item as they had current business dealings with Environ Hong Kong Limited, one of the consultants of the application. The Committee noted that Mr. Yip had tendered an apology for being unable to attend the meeting and Ms. Kwong had not yet arrived to join the meeting.

Presentation and Question Sessions

82. 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 columbarium, which would provide 8 000 niches, would be accommodated in six New Territories Exempted Houses (NTEHs) with a plot ratio of 1.17 and a height of two storeys (7.62m). According to the applicant, no vehicle parking spaces would be provided within the site. The walking time from the nearby Light Rail Transit (LRT) Lung Mun Station and Tsing Shan Tsuen Station to the site was about 10 minutes, and there was a public car park close to the site. The applicant proposed to close the columbarium during Ching Ming Festival and two weekends (i.e. Saturdays and Sundays) before and after the festive day and any general public holiday within the two weeks before and after the festive day; as well as Chung Yeung Festival and one weekend (i.e. Saturday and Sunday) before and after the festive day. Within the shadow periods of the Ching

Ming and Chung Yeung Festivals, visits to the proposed columbarium would be regulated by appointment only and subject to no more than 250 visitors per hour. Moreover, the proposed columbarium was restricted to Catholic and Christian uses only. Since burning of ritual paper was not allowed for the proposed columbarium, no furnace would be installed within the site. Vertical greening and screen planting were proposed under the landscape proposal submitted;

(c) the departmental comments were detailed in paragraph 8 of the Paper and highlighted below:

(i) the Secretary for Food and Health (SFH) commented that the proposed columbarium was in line with the policy objective to increase the supply of authorised columbarium niches in both public and private sectors to meet the increasing public demand. He had no objection to the application subject to all statutory requirements and lease conditions being fulfilled. Both the SFH and the Director of Food and Environmental Hygiene pointed out that, to address local concerns over the proposed development, the applicant should be required to implement mitigation measures to the satisfaction of relevant government departments, such as adopting a conservation-cum-preservation approach in the proposed columbarium development, centralizing joss paper burning activities in the columbarium, providing greening where possible, and addressing traffic congestion during the grave-sweeping seasons, etc.;

(ii) the District Lands Officer/Tuen Mun (DLO/TM) advised that the application site was held under New Grant No. 4023 sold by public auction. According to the auction notice, the site was a building lot subject to lease conditions, inter alia, that no grave should be made on, nor should any human remains be interred in, or deposited either in earthenware jars or otherwise without consent; no building should be used as a 'Chai Tong' or for any other purpose of a similar nature without written permission; and the height of any building should

not exceed 25 feet nor should any building exceed 2 storeys in height. As the lease contained some provisions which did not allow operation of the proposed columbarium, if planning approval was given, the lot owner had to apply to the Lands Department (LandsD) for a land exchange. So far, LandsD had not received any such land exchange application. A condition that NTEHs would not be allowed would normally be imposed in land exchanges and/or lease modifications;

- (iii) the Chief Building Surveyor/New Territories West, Buildings Department pointed out that, as the applicant had confirmed that the proposed buildings for columbarium use were NTEHs, the Buildings (Application to the New Territories) Ordinance (Cap. 121) was applicable. As such, DLO/TM would be in a better position to advise. In this connection, the applicant should note that the suitability of the premises for columbarium use would depend on a number of factors including means of escape, fire resisting construction and structural stability of the proposed buildings. If an Authorised Person submitted a columbarium development to the Building Authority (BA) for approval under the Buildings Ordinance (BO) and without obtaining a certificate of exemption under Cap. 121 from the DLO/TM, the BA would process the building plans for the development under the BO;

- (iv) the Director of Environmental Protection (DEP) noted that the applicant had committed that there would be no burning of ritual papers and no installation of furnace associated with the columbarium at the application site; major religious activities of the columbarium would be conducted inside the fully enclosed buildings; and sewage effluent from the site would be conveyed to the existing public sewerage at Yeung Tsing Road. Provided that the above undertakings were implemented by the applicant, major adverse environmental impact associated with the operation of the proposed columbarium was not anticipated. As such, he had no objection to

the application;

- (v) the Commissioner for Transport (C for T) had no comment on the application subject to the inclusion of the closure of the columbarium during Ching Ming and Chung Yeung shadow periods, as proposed by the applicant, into the approval conditions; and
- (vi) the Commissioner of Police (C of P) (Tuen Mun) raised objection to the application on the following grounds:
 - apart from the columbarium under application (which would provide 8 000 niches), there was another columbarium (approved under Application No. A/TM/373 which would provide 5 000 niches) under construction by Yan Chai Hospital in the vicinity of the site. Thus, there would be a total of 13 000 niches in the area;
 - the only access road to the above two columbaria was Yeung Tsing Road, which was a single lane dual carriageway. In addition, there were already three columbaria in the area which required access from Yeung Tsing Road. Therefore, the construction of an additional columbarium would definitely pose potential traffic problem in the vicinity, not to mention the lack of parking spaces;
 - it was doubtful whether the closure of the columbarium during the period of Ching Ming and Chung Yeung Festivals could be implemented. If visitors, being Chinese or local residents, insisted to follow traditional Chinese culture to worship their deceased family members in the two festivals and ignored the contractual agreement, it was anticipated that a lot of disputes would arise; and
 - although the applicant stated that a sale agreement between niche purchasers and the columbarium operator would be established on the visiting hours of the columbarium, C of P maintained the stance that dispute would arise when the visitors (family

members of the deceased), not being the niche purchasers, ignored the sale agreement and insisted to visit during the peak hours of the two festivals;

- (d) a letter dated 3.1.2012 was received from the applicant providing responses to the C of P's comments on the application. The applicant's letter was tabled at the meeting for Members' reference. The C of P maintained his stance and reiterated that:
- (i) the Police fully appreciated the proposed measures that the applicant would implement some sorts of public announcement to alleviate the over-crowding of visitors during the two festivals. However, the Police's doubt on the feasibility of 'visit-by-appointment' was based on the fact that there had been no successful record or experience in the vicinity of the subject site at Yeung Tsing Road;
 - (ii) the applicant had assumed that all the visitors would follow the established rules and regulations as agreed between the niche purchasers and the operator the columbarium. However, the Police raised the possibility that once a visitor did not follow the agreement as he/she had not seen and endorsed on the concerned agreement, even though the operator declared to close the columbarium, some unnecessary disputes from the visitors, who insisted to visit, would arise; and
 - (iii) the applicant had also assumed that the visitors (mainly Catholic or Christian followers) would pay less concern on the two traditional festivals on worshipping their ancestors or deceased family members. In view of the traditional culture of Chinese, the number of visitors during the two festivals was steady, and the Police had consistently deployed large amount of manpower for the crowd management of people visiting various columbaria and graveyards during the two festivals;
- (e) during the first three weeks of the statutory publication periods of the

application and further information to the application, a total of 349 public comments (including 308 standard letters) were received. Out of the public comments received, 334 of them were in support of the application mainly on the grounds that it could help relieve the shortage of niches to serve the public; it would not result in traffic and environmental problems; and the modern style of the development could improve the image and quality of the nearby environment. There were 13 comments raising objection to the application mainly on the grounds of traffic and environmental issues and that the columbarium was too close to the adjacent school and residents. The remaining two comments raised concerns on possible noise nuisance to students and the provision of a refuse collection point within the site;

- (f) the District Officer (Tuen Mun) advised that while the Tuen Mun Rural Committee and some village representatives of Tuen Mun district had given support to the application, some residents nearby raised objection mainly because of the adverse traffic and environmental impacts which would be caused by the proposed columbarium. The Committee should consider the traffic and environmental impacts on the surrounding areas with the related assessments; and
- (g) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper which were summarised below:
 - (i) the proposed columbarium was generally in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone on the Outline Zoning Plan, which was primarily for the provision of GIC facilities serving the needs of local residents and/or a wider district, region or the territory. It was also not incompatible with the surrounding areas which were predominated by religious uses and other GIC facilities;
 - (ii) whilst consulted government departments including the Drainage

Services Department and the Water Supplies Department had no objection to the application, C of P raised objection to the application from the traffic management point of view. He opined that the existing Yeung Tsing Road could not cater for the future traffic from the proposed columbarium as there were already two columbaria approved in the area under Applications No. A/TM/373 and 387, which would provide a total of 10 000 niches. There were also two proposed columbaria in the vicinity of the site, i.e. Application No. A/TM/405 (yet to be considered by the Committee) and Application No. A/TM/398 (to be considered by the Town Planning Board under review on 13.1.2012), which would provide another 14 044 niches; and

- (iii) to address the concerns on traffic impact of the proposed development, the applicant had indicated that the columbarium was restricted to Catholic and Christian uses only and would be closed during the Ching Ming and Chung Yeung Festivals as well as the weekends and public holidays immediately before and after the two festive days. Within the shadow periods of the two festive days, visits to the proposed columbarium would be allowed by appointment only and subject to no more than 250 visitors per hour. The niche purchaser would have to sign an undertaking to observe the visiting hours. In this regard, C for T had no comment on the application subject to the imposition of an approval condition concerning the closure of the columbarium as proposed by the applicant. However, C of P had doubt on the implementability of the applicant's proposal to close the columbarium during Ching Ming and Chung Yeung Festivals. Although the applicant claimed that visits were expected to be made during the shadow periods of Ching Ming and Chung Yeung Festivals, he had not made a convincing case as to why the purchasers of niches would be prepared not to visit the columbarium on the actual day, and how other relatives and friends, who were not the signee of the sale agreement, would also be bounded by the agreement.

83. Members had no question on the application.

Deliberation Session

84. In response to the Chairman's enquiry, Mr. K.C. Siu of the Transport Department (TD) said that his Department had no comment on the application on the premise that the columbarium would be closed during the shadow periods of Ching Ming and Chung Yeung Festivals, and visits during these periods would be by appointment only and not more than 250 visitors per hour. Without such measures, TD would object to the application in view of the potential traffic problem caused by visitors to the columbarium. A Member opined that the proposed closure of the columbarium during traditional grave-sweeping days was not practical nor sensible. This Member did not support the application as the applicant had not addressed the potential traffic and pedestrian impacts of the proposed columbarium. Other Members shared the same view.

85. After further deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 11.1 of the Paper and considered that it was appropriate. The reason was :

- as there were already some columbaria in the area which shared the same access provided by Yeung Tsing Road, the proposed development with 8 000 niches would pose potential traffic impact on the surrounding road network. There was doubt on the implementability of the traffic management measures proposed by the applicant. The applicant therefore failed to demonstrate that the potential adverse traffic impacts generated by the proposed development could be satisfactorily addressed.

[The meeting was adjourned for a break of 5 minutes.]

[Mr. B.W. Chan left the meeting and Mr. K.C. Siu left the meeting temporarily at this point.]

Agenda Item 32

Section 16 Application

[Open Meeting]

A/TM/421 Proposed Two Houses (New Territories Exempted Houses – Small Houses)
in “Green Belt” zone,
Lots 320 S.A and 320 RP in D.D. 131,
Yeung Siu Hang Tsuen, Tuen Mun
(RNTPC Paper No. A/TM/421B)

86. The Secretary reported that on 2.12.2011, the applicants’ representative requested for a deferment of the consideration of the application for two more months in order to allow time for the applicants to address the departmental comments on landscape aspect. According to the applicants, a land surveyor had been employed to locate the trees concerned and a landscape consultant had also be employed to work out a tree preservation or removal proposal. The land surveyor had conducted the first survey on site to locate all the existing trees in November 2011. The applicants expected that two months were required to complete the tree preservation or removal proposal.

87. The Secretary went on to say that, according to the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), Planning Department, there were mature trees within and near the application site which might be affected by the proposed development. The applicants needed to demonstrate how CTP/UD&L’s concerns could be addressed. However, this was the third deferment request from the applicants and it was noted that the same reason (i.e. time was required to employ a land surveyor and to locate the trees concerned) had been given in the last request submitted on 21.9.2011, and the progress in addressing departmental comments seemed to be rather slow.

88. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicants. The Committee also agreed to advise the applicants that a further period of two months were allowed for preparation of the submission of the further information, and since

this was the third deferment and a total period of five months had been allowed, this was the last deferment of the application.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/425 Shop and Services (Property Agency)
 in “Industrial” zone,
 Workshop Unit A1, G/F, Block 1, Koon Wah Mirror Factory
 No. 6 Industrial Building, 7-9 Ho Tin Street, Tuen Mun
 (RNTPC Paper No. A/TM/425)

Presentation and Question Sessions

89. 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 shop and services (property agency);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, a public comment was received from an individual supporting the application; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:

- (i) the property agency under application involved a floor area of about 21m² and was located on the ground floor of an existing industrial building with direct frontage onto public roads in an industrial area. The application was generally in line with the Town Planning Board Guidelines No. 25D in that the applied use was small in scale and would not have significant adverse impact on the local road network. The Transport Department had no comment on the application. Besides, no adverse impacts on the environment and infrastructure of the area were anticipated. Relevant government departments including the Environmental Protection Department, the Drainage Services Department and the Water Supplies Department had no adverse comments on or objection to the application;
- (ii) if the application was approved, the aggregate commercial floor area on the ground floor of the subject industrial building would be 33m², which was within the maximum permissible limit of 460m². Separate means of escape was available to the application premises because it fronted directly onto Kin Fat Street and Ho Tin Street. The Fire Services Department had no objection to the application provided that fire service installations were provided; and
- (iii) although the applicant had applied for a permanent use, in order not to jeopardize the long-term planning intention of industrial use for the subject premises and to monitor the supply and demand of industrial floor space in the area, a temporary approval of three years was recommended. The approval period was in line with the recent approval of similar applications for 'Shop and Services' use in the same "Industrial" zone, i.e. Applications No. A/TM/393, 402, 404, 409 and 412, which were also approved on a temporary basis of three years. Approval of the application on a temporary basis of three years was therefore consistent with the Committee's previous decisions.

90. Members had no question on the application.

Deliberation Session

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.1.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire service installations proposal for the application premises within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.7.2012;
- (b) the implementation of fire service installations proposal for the application premises within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.10.2012;
and
- (c) if any of the above planning conditions (a) or (b) 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.

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

- (a) prior planning permission should had been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) to note the comments of the District Lands Officer/Tuen Mun that the applicant should apply for a lease modification or temporary waiver for the proposal. The proposal would only be considered upon receipt of formal application from the applicant. If such application was approved, it would be subject to such terms and conditions including the charging of premium,

waiver fee and administrative fee;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that adequate fire protection/separation between different use should be installed. Detailed comments would be made at the building plan submission stage;
- (e) to note the comments of the Director of Fire Services that a means of escape completely separated from the industrial portion should be available for the area under application. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Regarding matters in relation to fire resisting construction of the subject premises, the applicant should comply with the requirements as stipulated in the 'Code of Practice for Fire Resisting Construction' which was administrated by the BD; and
- (f) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

[The Chairman thanked Mr. C.C. Lau, STP/TMYL, for his attendance to answer Members' enquires. Mr. Lau left the meeting at this point.]

[Dr. W.K. Yau and Mr. H.M. Wong left the meeting at this point.]

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/34 Temporary Recreation Use (Fishing Ground) for a Period of 3 Years
in “Coastal Protection Area” zone and an area shown as ‘Road’,
Lots 73 (Part), 74 (Part), 75, 76, 77 (Part) and 78 (Part) in D.D. 135
and Adjoining Government Land, Pak Nai, Yuen Long
(RNTPC Paper No. A/YL-PN/34)

Presentation and Question Sessions

93. Mr. Vincent T.K. Lai, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary recreation use (fishing ground) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the “Coastal Protection Area” (“CPA”) zone was intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features,

physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. In this regard, the application mainly involved using the three existing fish ponds as recreational fishing ground and no pond filling was envisaged. The Agriculture, Fisheries and Conservation Department had no strong view on the application. In view that significant landscape impact arising from the proposed use was not anticipated, the Urban Design and Landscape Section of PlanD had no objection to the application. As such, approval of the application on a temporary basis would not undermine the long-term planning intention of the “CPA” zoning;

- (ii) the applied use would unlikely cause significant adverse traffic, environmental and drainage impacts. According to the applicant, there were about 10 visitors per day during weekdays and Saturdays and the average patronage on Sundays was about 20-30 visitors. The visitors usually came by public transport and there were about 10 vehicles visiting the fishing ground during the peak periods on Sundays. Relevant government departments including the Transport Department, the Environmental Protection Department and the Drainage Services Department had no objection to the application. The applicant also proposed that the operation hours would be from 9:00 a.m. to 9:00 p.m. In this connection, an approval condition restricting the operation hours was recommended to minimise any potential impacts from the operation. Technical concerns of departments could be addressed through the implementation of relevant approval conditions; and
- (iii) the site was the subject of a previous application (No. A/YL-PN/18) for the same use, which was approved by the Committee on 1.8.2008 for a period of three years on the grounds that passive recreational facilities in “CPA” zone could be favourably considered; conversion of an existing fish pond would not undermine the long-term planning intention of the “CPA” zone; and it would unlikely cause significant adverse environmental and drainage impacts. In addition, two

similar applications (No. A/YL-PN/9 and 21), which also involved the conversion of existing fish ponds to recreational fishing grounds within the same “CPA” zone, were approved by the Committee/Town Planning Board (TPB) on review in 2004 and 2008 respectively. Approving the current application for recreational fishing ground was in line with the previous decisions of the TPB/Committee on similar cases in the area.

94. Members had no question on the application.

Deliberation Session

95. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.1.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 9:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (c) the submission of the condition record of the existing drainage facilities on-site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.7.2012;
- (d) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.7.2012;
- (e) in relation to (d) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.10.2012;

- (f) 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 6.7.2012;
- (g) in relation to (f) 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 6.10.2012;
- (h) if any of the above planning conditions (a) or (b) 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
- (i) if any of the above planning conditions (c), (d), (e), (f) or (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.

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

- (a) planning permission should be renewed before continuing the proposed use at the application 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 that ingress/egress of the application site directly abutted onto Nim Wan Road. His office did not guarantee right-of-way. The lot owner should apply to his office to permit structures to be erected or regularize any irregularities on site. The occupier should also apply to his office for the occupation of government land. If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by the Lands Department;

- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the application site should be checked with the lands authority, and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided at the site entrance to prevent surface water running from the application site to the nearby public roads and drains. HyD should not be responsible for the maintenance of any access connecting the application site and Nim Wan Road;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that appropriate measures should be taken to prevent any disturbance and environmental hygiene problems that might affect the nearby fishponds and fish culture activities as well as the mudflat/mangrove during the operation of the applied use;
- (g) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. For other storages, open sheds or enclosed structure with a total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSIs should be clearly marked on the plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, justifications should be provided for his consideration;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without BD's approval, they were unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Enforcement action might be taken by the Buildings Authority (BA) to effect removal of any unauthorized building works (UBW) in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO. Prior approval and consent of BA should be obtained before any new building works were to be carried out on the site. Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The temporary shelters, toilets, house, container and switch room were considered as temporary buildings subject to control under the Building (Planning) Regulations (B(P)R) Part VII. 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; and

- (i) to note the comments of the Director of Food and Environmental Hygiene that waste generated by the development was regarded as trade waste and no waste, including trade waste and construction and demolition waste should be deposited into any refuse collection facilities managed by his department. The operation of the development should not cause any environmental nuisance to the surrounding. Appropriate licence should be applied if food business was intended.

Agenda Item 35

Section 16 Application

[Open Meeting]

A/YL-PS/361 Proposed Filling and Excavation of Land
for Development of New Territories Exempted Houses
in “Village Type Development” zone,
Lots 1340 S.B ss.4 to ss.24, 1340 S.B RP, 1340 S.B ss.1 RP (Part)
and 1340 S.B ss.2 RP (Part) in D.D. 121,
Tong Fong Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/361)

97. The Secretary reported that on 14.12.2011, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the departmental comments.

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

Agenda Item 36

Section 16 Application

[Open Meeting]

A/YL-PS/362 Temporary Storage of Containers, Parking of Container Vehicles
(including Container Trailers and Tractors) and Goods Vehicles
and Ancillary Site Office for a Period of 3 Years
in “Residential (Group B) 1” zone,
Lots 131 (Part) and 135 RP (Part) in D.D. 121, Tong Fong Tsuen,
Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/362)

99. The Secretary reported that on 8.12.2011, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the departmental comments on the site boundary.

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

[The Chairman thanked Mr. Vincent T.K. Lai, STP/TMYL, for his attendance to answer Members’ enquires. Mr. Lai left the meeting at this point.]

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/224 Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Village Type Development” zone, Lot 581 (Part) in D.D. 130, To Yuen Wai, Tuen Mun (RNTPC Paper No. A/TM-LTY Y/224A)

Presentation and Question Sessions

101. Mr. K.C. Kan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park for private cars and light goods vehicles for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, a total of nine public comments were received. Seven of the public comments were from a Tuen Mun District Council member, a Village Representative of To Yuen Wai and five individuals indicating support to the application mainly because there were inadequate parking facilities at To Yuen Wai for use by the villagers. The remaining two comments were from individuals objecting to the application mainly on the ground of road safety as the access road to the site, which was also used by the villagers and cyclists, was a single lane road, it would be very dangerous and accidents could easily occur. Moreover, the site was parked with heavy vehicles and large coaches without any planning permission;

- (e) the District Officer (Tuen Mun) (DO(TM)) advised that his office was responsible for the maintenance of a section of the village road to the south of the application site. He had no specific comment from the maintenance point of view; and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) whilst the “Village Type Development” (“V”) zone was intended for Small House development by indigenous villagers, the District Lands Officer/Tuen Mun advised that there was no Small House application within the site. As the applied use was for a temporary period of three years, it would not jeopardize the long-term planning intention for the site. Moreover, the temporary public vehicle park could provide parking spaces to meet some of the parking needs of the local villagers;
 - (ii) the application site was at the fringe of To Yuen Wai near Yuen Long Highway in the south. There were roads with directional signs leading to the site, and there were not many residential dwellings along the roads. The applied use was for the parking of private cars and light goods vehicles, and the applicant proposed that no vehicle exceeding 5.5 tonnes would be parked at the site. The applied use was considered not incompatible with the nearby village houses;
 - (iii) the number of parking spaces under the current application (i.e. a total of 36 spaces for both private cars and light goods vehicles) was fewer than that under the two previous applications (i.e. 45 spaces for private cars under Application No. A/TM-LTYT/154, and 40 spaces for private cars and 10 spaces for light goods vehicles under

Application No. A/TM-LTYT/184), which were approved by the Committee in 2007 and 2009 respectively. Approval of the current application was not inconsistent with the Committee's previous decisions. The applicant had also submitted information to indicate his commitments to minimize environmental impacts, including hard paving of the access area at the site frontage and a 5m strip of land beyond the access gate to avoid any fugitive dust impact; providing 'no honking' sign at the ingress/egress of the site; prohibiting the parking of lorries, medium/heavy goods vehicles and container tractors/trailers on site; and no night-time operation. The Director of Environmental Protection (DEP) commented that there was no substantiated environmental complaint against the site from 2008 to August 2011, and significant environmental impacts generated by the applied use were not envisaged. Although the two previous applications were revoked due to non-compliance with approval conditions, the current application was submitted by a different applicant;

- (iv) there were other two previously rejected applications (No. A/TM-LTYT/194 and 201) which covered a much larger area, including the subject site. Their applied uses were for temporary private vehicle park (private cars and light goods vehicle) for villagers of To Yuen Wai and a recreation and village affairs centre. Application No. A/TM-LTYT/201 also included car cleansing facilities. The two applications were rejected for the reasons that the proposed use would frustrate the development of Small Houses at part of the site and contravene the planning intention of the "V" zone; it would cause adverse environmental and/or road safety impacts to the local residents; and there was no information in the submission to demonstrate that the proposed use would not cause adverse drainage impact on the surrounding areas;
- (v) concerned government departments including the Transport Department, the Drainage Services Department, the Fire Services

Department and the Urban Design and Landscape Section of PlanD had no objection to or adverse comments on the application. Their technical concerns and requirements could be addressed through the implementation of approval conditions on tree preservation and landscape, drainage, vehicular run-in/run-out and fire services installations proposals; and

- (vi) regarding the public comments against the application on the grounds of road safety, parking of large vehicles, car washing, effluent discharge and noise, the site observation by the PlanD revealed that the large vehicles including coaches were parked on a piece of land to the north of the site. The temporary vehicle park under application was only for private cars and light goods vehicles. An approval condition prohibiting the parking of medium and heavy vehicles had been recommended. Besides, the DEP had advised that neither illegal effluent discharge nor noise nuisance was noted during his site investigation.

102. Mr. K.C. Kan further said that the Commissioner for Transport (C for T) noted that a section of the village road to the south of the application site was maintained by the DO(TM). As the vehicular access to the site would be via this village road, C for T advised that the design and implementation of the vehicular ingress/egress for the site should not be to his satisfaction. Upon consultation with the DO(TM), it was agreed that DO(TM) would take up the responsibility of vetting the design and implementation of the vehicular ingress/egress, with the technical support from the C for T. In this connection, Mr. K.C. Kan said that approval conditions recommended in paragraph 12.2 (i) and (j) of the Paper would be amended accordingly. Members noted such amendments.

Deliberation Session

103. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.1.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes including container trailers/tractors as defined in the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes including container trailers/tractors as defined in the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no car washing, vehicle repairing, dismantling, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (e) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.7.2012;
- (f) in relation to (e) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.10.2012;
- (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 6.7.2012;
- (h) in relation to (g) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.10.2012;

- (i) the submission of proposal for the design of vehicular run-in/run-out to/from the site within 6 months from the date of planning approval to the satisfaction of the District Officer (Tuen Mun) or of the TPB by 6.7.2012;
- (j) in relation to (i) above, the implementation of the vehicular run-in/run-out to/from the site within 9 months from the date of planning approval to the satisfaction of the District Officer (Tuen Mun) or of the TPB by 6.10.2012;
- (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 6.7.2012;
- (l) in relation to (k) 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 6.10.2012;
- (m) the provision of boundary fencing on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.7.2012;
- (n) if any of the above planning conditions (a), (b), (c) or (d) 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;
- (o) if any of the above planning conditions (e), (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; and
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issue relating to the development with concerned owner(s) of the application site;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) to note the comments of the District Lands Officer/Tuen Mun that the application site was an Old Schedule Lot held under Block Government Lease for agricultural purposes. According to his site inspection on 27.9.2011, some structures were found erected on the site. The lot owner should apply to his office for a Short Term Waiver for the erection of structures on the lot. If the application was approved, it would be subject to such terms and conditions including the charging of waiver fee, deposits and administrative fee;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as set out in paragraph 9.1.2 and Appendix IV of the Paper;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant should be responsible for his own access arrangement. The run-in/out of the application site should be constructed according to HyD Standard Drawings No. H1113 and H1114 or H5133, H5134 and H5135, to match with the existing pavement condition. In addition, adequate drainage measures should be provided at the site entrance to prevent surface water running from the site to the public road/footpath via the run-in/out;
- (f) to note the comments of the Chief Engineer 2/Major Works, Major Works Project Management Office, HyD that the applicant should consult the Transport Department and agree with the New Territories Region of HyD regarding the requirements on the layout, design standard and maintenance

of the vehicular access. The applicant should also liaise with his office for any works interface at To Yuen Wai Road;

- (g) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that as the site was in an area where no public stormwater drainage connection was available, the applicant should arrange his own stormwater disposal facilities to cater for rain water falling on or flowing to the site to the satisfaction of DSD. Regarding the submitted drainage assessment and drainage plan, it was considered that the feasibility of constructing the proposed drainage connection works outside the site had not been fully demonstrated. The section of the existing 600mm wide surface channel as mentioned in the submission was not maintained by his office. For the works to be carried out outside the site, the applicant should consult and seek consent from the District Lands Office, relevant authorities/departments and/or affected lot owners before commencement of the proposed drainage connection works. The maintenance responsibility of the proposed works should also be agreed with relevant parties; and
- (i) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. 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 FSIs, justifications should be provided for his consideration.

Agenda Item 38

Section 16 Application

[Open Meeting]

A/TM-LTY Y/227 Temporary Public Vehicle Park for Private Cars and
Light Goods Vehicles for a Period of 3 Years
in “Village Type Development” zone,
Lots 33 (Part), 1541 (Part), 1551 (Part), 1552, 1554 (Part), 1555 (Part)
and 1556 S.A (Part) in D.D. 130, Tsing Chuen Wai, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/227)

105. The Secretary said that on 4.1.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for him to address the concerns of the Transport Department and the Drainage Services Department.

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

Agenda Item 39

Section 16 Application

[Open Meeting]

A/TM-LTY Y/228 Temporary Private Car and Heavy Construction Vehicle Park with Ancillary Vehicle Repair Workshop and Ancillary Site Office for a Period of 3 Years in “Green Belt” and “Residential (Group D)” zones, Lots 2424, 2425, 2426 (Part) and 2427 (Part) in D.D. 130 and Adjoining Government Land, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/228)

107. The Secretary said that on 4.1.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments of the Transport Department.

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

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/197 Temporary Vegetable Distribution Centre for a Period of 3 Years in “Village Type Development” zone, Lot 1261 RP in D.D. 105 and Adjoining Government Land, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/197)

Presentation and Question Sessions

109. Mr. K.C. Kan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary vegetable distribution centre for a period of three years;
- (c) departmental comments – the Project Manager/New Territories North and West, Civil Engineering and Development Department (PM/NTN&W, CEDD) commented that the site overlapped partly with the project limit of the cycle track project (Public Works Programme (PWP) Item 259RS). The site should be revised and reduced to avoid the overlapping area;
- (d) during the first three weeks of the statutory publication period, four public comments were received. The comment from a resident of Royal Palms Phase B objected to the application mainly on the grounds that there were many construction works in progress near the site; as the road was very narrow, the travelling of construction vehicles would cause road obstruction and safety problems; and the various works projects nearby had generated nuisance to the local residents and affected their livelihood. The other three public comments were submitted by the Owners' Incorporation (OI) of Royal Palms Phase A, the OI of Royal Palms and the OI of Royal Palms Phase B. They objected to the application mainly on the grounds that the existing tranquil environment would be spoiled and the nearby residents would be affected by noise generated from the transportation, distribution and packaging of agricultural products. Any newly planned uses along Castle Peak Road would add burden on the road and increase the chance of accidents. The considerable amount of vegetable waste generated would lead to breeding of mosquitoes and pests, hence affecting the environmental hygiene and residents' health. The vegetable distribution centre might have night-time operation taking into account the operation mode of the trade, thus causing more adverse impacts

on their residential developments;

- (e) the District Officer (Yuen Long) advised that an objection letter from the Village Representatives of Mai Po Tsuen was received. They objected to the application as the vegetable distribution centre might generate nuisance to the nearby residents on the grounds that it was close to the residents; the existing road was narrow and not suitable for use by lorries; and the number of residents in that area were increasing; and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) land within the “Village Type Development” (“V”) zone was primarily intended for the development of Small Houses by indigenous villagers. However, selected commercial and community uses serving the needs of the villagers and in support of village development were always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses might also be permitted on application to the Town Planning Board. The District Lands Officer/Yuen Long advised that there was no Small House application at the site. As the applied use was temporary in nature, it would not jeopardize the long-term planning intention of the “V” zone;
 - (ii) while there were residential structures located in close proximity to the site, according to the applicants, the temporary vegetable distribution centre would operate in daytime from 9:00 a.m. to 4:00 p.m. only, and the operation (including packing, loading and unloading) would be carried out inside the warehouse. A 5.5-tonne lorry (i.e. light goods vehicle) would be deployed to transport the vegetables during the operation time. In view of the above, the Director of Environmental Protection (DEP) commented that the

temporary use could be tolerated. The Commissioner for Transport (C for T) also had no objection to, and the Director of Food and Environmental Hygiene (DFEH) and the Director of Agriculture, Fisheries and Conservation (DAFC) had no comments on the application. As such, significant adverse environmental, traffic and hygiene impacts from the temporary use were not envisaged. In the current application, the applicants stated that the operation would be at day-time instead of night-time in the previous rejected application (No. A/YL-MP/191) from 10:30 p.m. to 7:00 a.m. If the application was approved, approval conditions prohibiting night-time operation, restricting the types of vehicles and activities on-site, and requiring the maintenance of paving and provision of boundary fencing were recommended. Technical requirements on drainage, landscape and fire safety aspects and to avoid encroachment upon the cycle track project could be addressed through the implementation of relevant approval conditions;

- (iii) although the site fell within the Wetland Buffer Area under the Town Planning Board Guidelines No. 12B, the guidelines also specified that planning applications for temporary uses were exempted from the requirement of ecological impact assessment. The DAFC had no comment on the application noting that the site was currently a disturbed area and the applied use was temporary in nature. Moreover, the nearest pond was about 354m to the northwest of the site and was separated from the site by the construction works of MTRC ventilation building. It was unlikely that the applied use at the site would have significant adverse off-site disturbance impacts on the fish ponds;
- (iv) regarding the public comments against the application on traffic and environmental grounds, concerned government departments including DEP, C for T and DFEH had no objection to or adverse comments on the application. Relevant approval conditions on restricting the operation hours, prohibiting the use of medium or

heavy good vehicles and car washing, repairing or workshop activities, and requiring the maintenance of paving and provision of fencing on the site had been recommended. The applicants would also be advised to ensure that the operation would not cause any environmental nuisance, and all the waste generated should be properly disposed of.

110. Members had no question on the application.

Deliberation Session

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.1.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the eastern boundary of the application site to avoid encroachment upon the works limit of the project 'Cycle Tracks Connecting North West New Territories with North East New Territories – Sheung Shui to Tuen Mun Section' as and when required by the Government to the satisfaction of the Project Manager/New Territories North and West, Civil Engineering and Development Department or of the TPB;
- (b) no operation between 4:00 p.m. and 9:00 a.m., as proposed by the applicants, was allowed on the application site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance, were allowed for the transportation of goods to/from the application site at any time during the planning approval period;
- (d) no car washing, vehicle repairing, dismantling, paint spraying or other workshop activities were allowed on the application site at any time during

- the planning approval period;
- (e) the paving on the application site should be maintained at all times during the planning approval period;
 - (f) the provision of boundary fencing on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.7.2012;
 - (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 6.7.2012;
 - (h) in relation to (g) above, the provision of drainage facilities and submission of photographic records of the completed drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.10.2012;
 - (i) 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 6.7.2012;
 - (j) in relation to (i) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.10.2012;
 - (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 6.7.2012;
 - (l) in relation to (k) 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 6.10.2012;

- (m) 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;
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) 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
- (o) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the application site comprised Old Schedule Agricultural Lot held under Block Government Lease which contained the restriction that no structures were allowed to be erected without prior approval of the Government. No approval had been given for the specified structures as warehouse, office and toilet, and no permission was given for the occupation of government land (GL) (about 86m² subject to verification) included into the application site. The GL involved would be affected by the cycle track project (PWP Item 259RS). Moreover, the application site was accessible from Castle Peak Road – Mai Po via a local track on the GL. His office did not provide maintenance works for the GL and did not guarantee right-of-way. The lot owner and the occupier of GL should apply to his office to permit structures to be erected or regularize any irregularities on-site. If such application was approved, it would be subject to such terms and conditions including the payment of premium or fee;

- (c) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (d) to note the comments of the Commissioner for Transport that the site was connected to 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, and the management and maintenance responsibilities of the same access should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Engineer/Railway Development 2-3, Railway Development Office, Highways Department that if structures were to be built on the application site, the foundations of any structures were not allowed to infringe into the Express Rail Link (XRL) gazetted underground stratum and XRL protection zone; surcharges from any structures should not exceed 20 kPa; and tentative construction programme should be provided to Mass Transit Railway Corporation Limited (MTRCL) for comments. Moreover, instrumentation monitoring works during XRL tunnel construction were to be conducted from August 2011 to August 2013 inclusive. The lot owner should cooperate with MTRCL for any monitoring, if required, within the application site;
- (f) to note the comments of the Director of Environmental Protection that the applicants should comply with the Water Pollution Control Ordinance by applying for a discharge licence from his Regional Office (North) should there be any effluent discharge from the site;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department as detailed in Appendix III of the Paper;
- (h) to note the comments of the Chief Building Surveyor/New Territories West,

Buildings Department that unauthorized structures (if any) on-site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of the planning approval should not be construed as condoning to any unauthorized structures existed on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. The proposed offices, toilet and warehouse were considered as temporary buildings that were subject to control under the Building (Planning) Regulations (B(P)R) Part VII. Formal submission of any proposed new works (if any), including temporary structure, for approval under the BO was required. Since the site was not abutting and accessible from a street having a width not less than 4.5m, the site access and the development intensity should be determined under B(P)R 5 and 19(3) at the building plan submission stage. Moreover, an emergency vehicular access should be provided under B(P)R 41D;

- (i) to note the comments of the Director of Fire Services that fire service installations (FSIs) were required in consideration of the design/nature of the proposed structures. Relevant layout plans incorporated with the proposed FSIs should be submitted for his approval. The applicants should observe the requirements in formulating the FSIs proposal and his other comments as detailed in Appendix IV of the Paper;
- (j) to note the comments of the Director of Electrical and Mechanical Services that if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicants/contractors should carry out the measures as detailed in Appendix V of the Paper; and
- (k) to note the comments of the Director of Food and Environmental Hygiene that the applicants should ensure the operation of the vegetable distribution centre would not cause any environmental nuisance, and all the waste generated should be properly disposed.

[The Chairman thanked Mr. K.C. Kan, STP/TMYL, for his attendance to answer Members’

enquires. Mr. Kan left the meeting at this point.]

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/759 Temporary Open Storage of Scrap Metal for a Period of 3 Years
in “Residential (Group D)” zone,
Lots 1270 (Part) and 1273 in D.D. 124 and
Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/759)

Presentation and Question Sessions

113. 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 scrap metal for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive users in the vicinity of the site (the closest being about 25m away) and along the access roads (Ha Tsuen Road and San Sang Tsuen Road) and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment from a Yuen Long District Council member was received raising objection to the application on the grounds that the applied use would create serious noise nuisance on nearby residents due to the transportation of scrap metal to/from the site by heavy vehicles, and that the site would be operated around the clock; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
- (i) the applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, which was to improve and upgrade existing temporary structures within the rural areas through redevelopment into low-rise, low-density permanent residential buildings. The applicant had not provided any strong planning justification in the submission to merit a departure from such a planning intention, even on a temporary basis. Although there were other open storage uses in the vicinity of the site, they were mostly suspected unauthorised developments (UDs) subject to enforcement action by the Planning Authority. Moreover, there were residential dwellings in the vicinity of the site, with the closest one being located about 25m to its northeast. The open storage of scrap metal under the application was incompatible with these surrounding residential dwellings. In this regard, DEP did not support the application because there were sensitive uses in the vicinity of the site and along the access roads (Ha Tsuen Road and San Sang Tsuen Road) and environmental nuisance was expected;
 - (ii) the site fell within Category 3 areas under the Town Planning Board Guidelines No. 13E. The application was not in line with the guidelines in that no previous approval for open storage use had been granted for the site, and there was no information in the submission to address the adverse comments of DEP and to demonstrate that the applied use would not have adverse environmental impacts on the surrounding areas;
 - (iii) there was no similar application previously approved in the “R(D)” zones on the Ha Tsuen Outline Zoning Plan (OZP). Approval of the application would set an undesirable precedent and encourage

other similar applications for open storage uses within the subject and other “R(D)” zones on the Ha Tsuen OZP, thereby defeating its planning intention to improve and upgrade the existing temporary structures through redevelopment into low-rise, low-density permanent residential buildings due to existing and potential industrial/residential interface problems. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. The Committee had recently rejected a similar application (No. A/YL-HT/747) within the subject “R(D)” zone, and three similar applications (No. A/YL-HT/614, 624 and 732) in another “R(D)” zone on the same OZP. Rejection of the subject application was in line with the Committee’s recent decisions; and

- (iv) the site, which was about 609m² in area, formed part of a larger open storage yard for recyclable materials (over 10 times in size) to its immediate south, east and west. The applicant had been requested to clarify the discrepancy between the site boundary under application and the boundary of the existing larger open storage yard. However, the applicant only committed to demolish those parts of an existing large structure falling outside the application site. In this regard, the subject application, which only sought planning approval for a small part of a large-scale UD, might not reflect the full picture. Approval of the application would set an undesirable precedent for piecemeal regularization of large-scale UDs.

114. Members had no question on the application.

Deliberation Session

115. 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 applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, which was for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into low-rise, low-density permanent residential buildings subject to planning permission from the Town Planning Board (TPB). There was no strong planning justification in the submission for a departure from such a planning intention, even on a temporary basis;
- (b) the applied use was not in line with the TPB Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval for open storage use had been granted for the site, there were adverse departmental comments and a local objection on the environmental aspect, and the development would generate adverse environmental impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.

[Ms. Anna S.Y. Kwong arrived to join the meeting and Mr. K.C. Siu returned to join the meeting at this point.]

Agenda Item 42

Section 16 Application

[Open Meeting]

A/YL-NSW/212 Proposed Houses (Four New Territories Exempted Houses)
in “Undetermined” zone,
Lot 757 in D.D. 115, Tung Shing Lei, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/212)

116. The Secretary reported that Dr. James C.W. Lau had declared an interest in this item as he had current business dealings with Ho Tin and Associates Consulting Engineers Limited, one of the consultants of the application. The Committee noted that Dr. Lau had tendered an apology for being unable to attend the meeting.

117. The Secretary said that on 22.12.2011, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the departmental comments.

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

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/269 Temporary Container Tractor/Trailer Park with Ancillary Repair Areas for a Period of 3 Years in "Open Storage" zone,
Lots 2583 (Part), 2584 (Part), 2585 (Part), 2615 (Part),
2616 (Part), 2617 (Part), 2618 (Part), 2619, 2620, 2621 S.A,
2621 S.B, 2626 (Part), 2627, 2628, 2629, 2630, 2632, 2633,
2634 (Part), 2635 (Part) in D.D. 102, and Adjoining Government Land,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/269)

Presentation and Question Sessions

119. 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 container tractor/trailer park with ancillary repair areas for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest being about 70m away) and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the temporary container tractor/trailer park with ancillary repair areas was in line with the planning intention of the “Open Storage” (“OS”) zone which was intended primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. It was also not incompatible with the surrounding uses in the subject “OS” zone, which was predominantly occupied by similar container vehicle parks and car washing/repair workshops;
 - (ii) the application was generally in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas and favourable consideration would normally be given as there were no major adverse departmental comments or their comments could be

addressed through the implementation of relevant approval conditions. Although DEP did not support the application as there were sensitive receivers in the vicinity of the site (the nearest one was about 70m away), there was no environmental complaint against the site in the past three years. To address DEP's concern and mitigate any potential environmental impacts, approval conditions restricting the operation hours were recommended;

- (iii) there had been six previous applications approved with conditions for the site since 1998. Since the approval of the last application (No. A/YL-NTM/230), the applicant had demonstrated genuine efforts in complying with approval conditions including the submission / implementation of drainage facilities, traffic management measures, compensatory planting and fire service installations. However, the planning permission was revoked on 26.8.2011 due to non-compliance with the approval condition which prohibited night-time operation after 6:00 p.m. on weekdays. This condition was imposed based on the applicant's proposal. However, as explained by the applicant, during the course of operation, he found that sometimes delay might occur at the boundary control points which resulted in late return of some vehicles, but this was not very frequent and most vehicles should have been parked at the site before 6:00 p.m. In this regard, under the current application, the applicant proposed to extend the operation hours from the previously approved 6:00 p.m. to 9:00 p.m. during weekdays to meet the operational needs of the cross-boundary vehicles and occasional traffic congestion. In accordance with the 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' (COP) issued by the Environmental Protection Department (EPD), noisy operations should be prohibited from 11:00 p.m. to 7:00 a.m. For this reason, a similar approved application (No. A/YL-NTM/241) for temporary cargo handling, forwarding facilities and container vehicle park to the south of the site, which shared the same access from Ka Lung

Road, was allowed to operate until 11:00 p.m. Regarding the current application, it was noted that operation after 6:00 p.m. was not expected to be frequent, and the proposed operation hours were within the limits of EPD's COP. As such, the operation hours proposed by the applicant could be tolerated. Moreover, the applicant would be advised that should he fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, or should there be any complaint against the site or local objection to any future application, sympathetic consideration might not be given to any further application. PlanD would closely monitor the site, particularly on the compliance with the operation hours;

- (iv) other concerned government departments including the Transport Department, the Highways Department, the Drainage Services Department, the Agriculture, Fisheries and Conservation Department and the Fire Services Department had no adverse comments on the application. The technical concerns of departments on landscape, drainage and fire safety aspects could be addressed through the implementation of relevant approval conditions; and
- (v) six similar applications (No. A/YL-NTM/257, 258, 260, 262, 266 and 268) for container tractor/trailer park within the same "OS" zone were approved by the Committee in 2011 based on similar considerations. Approval of the current application was in line with the Committee's previous decisions.

120. Members had no question on the application.

Deliberation Session

121. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.1.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 9:00 p.m. and 9:00 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, and after 1:00 p.m. on Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (d) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.7.2012;
- (e) in relation to (d) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.10.2012;
- (f) the submission of the as-built drainage plan on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.7.2012;
- (g) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.7.2012;
- (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 6.7.2012;
- (i) in relation to (h) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.10.2012;

- (j) if any of the above planning conditions (a), (b) or (c) 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
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, or should there be any complaint against the site or local objection to any future application, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long that the subject lots were Old Schedule Agricultural Lots held under Block Government Lease under which no structures were allowed to be erected without the Government's prior approval. No approval was given for the specified structures as site offices, shelters for ancillary repair, guard house and toilet, and no permission was given for the occupation of substantial areas of government land (GL) of about 2 400m² which was included into the application site. Despite their repeated reminders/warnings, no application was received by his office to regularize the undertaking.

Enforcement action was being taken by his office against the unauthorized occupation of GL. Moreover, the site was accessible to Ka Lung Road via an informal local track on GL. His office did not provide maintenance works for the track on GL and did not guarantee right-of-way. The lot owner and the occupier of GL should apply to his office to permit structures to be erected or regularize any irregularities on site. If such application was approved, it would be subject to such terms and conditions including the payment of premium or fee;

- (e) to note the comments of the Commissioner for Transport that the site was connected to an unknown local access road which was not managed by Transport Department. The land status of the local access road should be checked with the lands authority, and the management and maintenance responsibilities of the same access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Ka Lung Road.;
- (g) to follow the 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 (DEP) to minimise any possible environmental nuisances;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that his department would inspect the completed drainage works jointly with the applicant with reference to the set of photographs and marked-up as-built drainage plan. Moreover, no public sewerage maintained by his department was currently available for connection. For sewage disposal and treatment, agreement from DEP should be obtained. The applicant should also note his other comments as detailed in Appendix V of the Paper;

- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation that the site boundary should be clearly demarcated by erecting hoarding and/or buffer planting, and damages to the mature trees surrounding the site and the adjacent wooded knoll, which was zoned “Green Belt”, should be avoided during operation;
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should demonstrate that the existing trees were sufficiently protected from the encroachment of vehicles in the resubmission of the landscape and tree preservation proposal;
- (k) to note the comments of the Chief Engineer/Development (2) of Water Supplies Department that the water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (l) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. In formulating the FSIs proposal, the applicant should make reference to the detailed requirements stated in Appendix V of the Paper; and
- (m) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that there was no record of approval by the Building Authority for the structures existed on the site. The applicant should also note his other comments as detailed in Appendix V of the Paper.

[The Chairman thanked Mr. Ernest C.M. Fung, STP/TMYL, for his attendance to answer Members’ enquires. Mr. Fung left the meeting at this point.]

Agenda Item 44

Section 16 Application

[Open Meeting]

A/YL-KTN/369 Proposed Temporary Vehicle Park for Private Cars with Ancillary Office for a Period of 3 Years in “Residential (Group D)” zone,
Lot 636 S.B ss.1 RP (Part) in D.D. 110 and
Adjoining Government Land, Kam Tin Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/369)

123. The Secretary said that on 15.12.2011, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the departmental comments.

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

Agenda Item 45

Section 16 Application

[Open Meeting]

A/YL-KTN/370 Proposed Residential Development (Houses)
in “Comprehensive Development Area” and “Undetermined” zones,
Various Lots in D.D. 107 and Adjoining Government Land
(to the East of the Fishery Research Station of the Agriculture, Fisheries
and Conservation Department), Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/370)

125. The Secretary reported that the application was submitted by a subsidiary of the

Sun Hung Kai Properties Limited (SHK). Mr. Y.K. Cheng and Professor Paul K.S. Lam had declared interests in this item as they had current business dealings with SHK. Ms. Anna S.Y. Kwong and Mr. Stephen M.W. Yip had also declared interests in this item as they had current business dealings with Environ Hong Kong Limited, one of the consultants of the application. The Committee noted that Mr. Cheng, Professor Lam and Mr. Yip had tendered apologies for unable to attend the meeting. As the applicant had requested to defer consideration of the application, Members agreed that Ms. Kwong was allowed to stay in the meeting.

126. The Secretary said that on 15.12.2011, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments of relevant government departments.

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

Agenda Item 46

Section 16 Application

[Open Meeting]

A/YL-KTN/371 Proposed Residential Development (Houses)
in "Comprehensive Development Area" and "Undetermined" zones,
Various Lots in D.D. 107 and Adjoining Government Land,
(to the South of Cheung Chun San Tsuen), Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/371)

128. The Secretary reported that the application was submitted by a subsidiary of the Sun Hung Kai Properties Limited (SHK). Mr. Y.K. Cheng and Professor Paul K.S. Lam

had declared interests in this item as they had current business dealings with SHK. Ms. Anna S.Y. Kwong and Mr. Stephen M.W. Yip had also declared interests in this item as they had current business dealings with Environ Hong Kong Limited, one of the consultants of the application. The Committee noted that Mr. Cheng, Professor Lam and Mr. Yip had tendered apologies for unable to attend the meeting. As the applicant had requested to defer consideration of the application, Members agreed that Ms. Kwong was allowed to stay in the meeting.

129. The Secretary said that on 15.12.2011, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments of relevant government departments.

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

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/553 Temporary Public Car Park (Private Cars) for a Period of 3 Years
in "Agriculture" zone,
Lots 111 RP, 112 (Part), 113, 115 RP, 116 (Part) and
117 RP in D.D. 113, Kam Tin South, Yuen Long
(RNTPC Paper No. A/YL-KTS/553)

Presentation and Question Sessions

131. Mr. W.W. Chan, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public car park (private cars) for a period of three years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as there was agricultural activity in the vicinity of the site and the potential of the site for agricultural rehabilitation was high. The Director of Environmental Protection (DEP) advised that four substantiated environmental complaints were received in the past three years. Three of them related to a concrete batching plant within the site and the dust generated by the plant. The other complaint related to the dust generated by a carpark within the site;
- (d) during the first three weeks of the statutory publication period, a public comment was received. The commenter objected to the application as the previous application/development at the site had contravened the Town Planning Ordinance; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) although the public car park (private cars) under application was not in line with the planning intention of the “Agriculture” (“AGR”) zone, it could satisfy some of the local parking demand. While DAFC did not support the application because of the high potential of the site for agricultural rehabilitation, this view had already been considered by the Town Planning Board (the Board) in approving the previous application (No. A/YL-KTS/384) on review on 12.1.2007. The planning permission was granted mainly on

sympathetic grounds in that the application was a special case with its unique history and circumstances, and the site had been used as a works area for an infrastructure project and it might take years for the applicant to rehabilitate the site for agricultural activities. Approval of the current application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone;

- (ii) the applied use was considered not incompatible with the surrounding land uses which were predominated by fallow agricultural land, orchards, a few residential structures, storage yards, warehouses and vacant/unused land. Previous approvals for the same use had been granted by the Committee or the Board on review and there was no major change in the planning circumstances since the last planning approval (Application No. A/YL-KTS/519) granted on 14.1.2011. Since the approval under Application No. A/YL-KTS/492 was revoked due to non-compliance with the approval condition related to the prohibition of parking/storage of medium or heavy goods vehicles and container vehicles, a shorter approval period of one year was granted for the last approved application (No. A/YL-KTS/519) to monitor the situation on-site. Though the last application was revoked due to non-compliance with approval conditions related to the provision of fencing and the implementation of drainage facilities, the applicant under the last application had complied with the approval conditions which prohibited the parking/storage of medium or heavy goods vehicles and container vehicles, and required the submission of drainage proposal and the submission/implementation of fire service installations. Besides, it was noted that the site was partly fenced based on recent site inspections and a drainage proposal had also been submitted under the current application (though it was not yet accepted by the Drainage Services Department) taking into account the revised site area. Hence, sympathetic consideration could be given to the current application;

- (iii) relevant government departments, except DAFC, had no adverse comments on the application. Although four substantiated environmental complaints were received by DEP in the past three years, three of them were related to a temporary concrete batching plant which had been demolished. While the other environmental complaint was related to the dust generated by the carpark within the site, it should be noted that the site had been paved and the applied use was for parking of private vehicles only and no medium or heavy goods vehicles and container vehicles were parked within the site. To minimize any possible environmental nuisance generated by the temporary use, approval conditions restricting the types of vehicles and prohibiting vehicle dismantling, maintenance, repairing, cleansing, paint-spraying or other workshop activities were recommended. Moreover, the technical requirements on traffic, landscape, drainage and fire safety aspects could be addressed through the implementation of relevant approval conditions;
- (iv) since the last approval (Application No. A/YL-KTS/519) was revoked due to non-compliance with approval conditions related to the provision of fencing and implementation of drainage facilities within a specified time limit, shorter compliance periods were recommended to monitor the progress of fulfilment of approval conditions. Moreover, the applicant would be advised that should he fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application; and
- (v) regarding the local objection stating that the previous application/development at the site had contravened the Town Planning Ordinance, it should be noted that the Committee was considering the current application on the terms of the application as submitted to the Committee.

132. Members had no question on the application.

Deliberation Session

133. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.1.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (e) no right turning of vehicles from the access road to Kam Ho Road was allowed at any time during the planning approval period;
- (f) no vehicles exceeding 7 metres long were allowed to enter the site through Kam Ho Road at any time during the planning approval period;
- (g) the maintenance of sufficient visibility without any physical obstruction at the egress point of the existing access road to Kam Ho Road at all times

during the planning approval period;

- (h) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.4.2012;
- (i) the submission of tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.4.2012;
- (j) in relation to (i) above, the implementation of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.7.2012;
- (k) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.4.2012;
- (l) in relation to (k) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.7.2012;
- (m) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.4.2012;
- (n) in relation to (m) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.7.2012;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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;

- (p) if any of the above planning conditions (h), (i), (j), (k), (l), (m) or (n) 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
- (q) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) shorter compliance periods were granted so as to monitor the fulfillment of the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the site 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. No approval had been given for the specified structure for site office. Moreover, the site was accessible to Kam Ho Road via an informal track on government land (GL). His office did not provide maintenance works on this GL or guarantee right-of-way. The lot owner should apply to his office to permit structures to be erected or regularize any irregularities on the site. If such application was approved, it would be subject to such

terms and conditions including the payment of premium or fee;

- (e) to adopt the latest '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;
- (f) to note the comments of the Commissioner for Transport 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, and the management and maintenance responsibilities of the same access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Ho Road;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as detailed in Appendix IV of the Paper;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed drainage pipes and a proposed catchpit should be constructed at the southern part of the site within the lot boundary. The applicant should clarify whether the drainage facilities as shown on the drainage proposal plan were new or existing and explain why the proposed drainage facilities at the southern part of the site were not provided along the site boundary. Besides, the adequacy of the proposed u-channels and drain pipes should be justified by design calculation. In addition, the size of the proposed catchpits and the details of connection with the existing culvert should be shown on the drainage proposal plan. The applicant should check and demonstrate that the hydraulic capacity of

the existing culvert would not be adversely affected by the development. DLO/YL and relevant lot owners should be consulted regarding all the proposed drainage works outside the site boundary or outside the applicant's jurisdiction;

- (j) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his department for approval. In formulating the FSIs proposal, the applicant should make reference to the requirements as detailed in Appendix IV of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided for his consideration; and

- (k) to note the comments of the Director of Electrical and Mechanical Services that if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for application site falling within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above. Prior to establishing any structure within 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. The applicant and his contractors should 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 the electricity supply lines.

Agenda Item 48

Section 16 Application

[Open Meeting]

A/YL-TT/284 Proposed Houses in “Residential (Group D)” zone,
Lots 4989 RP, 4990 and 4991 (Part) in D.D. 116,
Shung Ching San Tsuen, Tai Tong Road, Yuen Long
(RNTPC Paper No. A/YL-TT/284)

135. The Secretary said that on 15.12.2011, the applicant’s representative requested for a deferment of the consideration of the application for two more months in order to allow time for the applicant to prepare further information to address the comments of the Environmental Protection Department and the Urban Design and Landscape Section of Planning Department. According to the applicant, there was not sufficient time for him to engage consultants, especially experts in preventing noise pollution to his proposed development, and to find ways and means to tackle his problem. The applicant said that some professionals simply refused to take up such a small project. He however had employed a professional lately to conduct an environmental assessment.

136. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of further information, and since this was the third deferment and a total period of five months had been allowed, this was the last deferment of the application.

Agenda Item 49

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/296 Temporary Vehicles Trading
(Open Storage of Used Vehicles for Sale with Ancillary Office)
for a Period of 3 Years in “Village Type Development” zone,
Lots 4891 RP (Part), 4892 (Part) and 4893 (Part) in D.D. 116 and
Adjoining Government Land, Tai Tong Road, Yuen Long
(RNTPC Paper No. A/YL-TT/296)

Presentation and Question Sessions

137. Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary vehicles trading (open storage of used vehicles for sale with ancillary office) for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers including residential structures in the vicinity of the site (the closest one was about 5m to the east of the site) and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. It was noted from the aerial photos that the site was vacant and covered with grass in 2008 and had been disturbed since then. Although the site was currently hard paved with no significant vegetation and the proposed use would unlikely impose further adverse landscape impact on the site, the proposed open storage of used vehicles with ancillary office use was considered not compatible with the rural developments and village landscape character of the surrounding areas.

Moreover, there was no landscape proposal in the submission to mitigate the adverse landscape impact of the applied use. Approval of the application would set an undesirable precedent to attract more incompatible uses encroaching onto the “Village Type Development” (“V”) zone;

- (d) during the first three weeks of the statutory publication period, a public comment from a villager nearby was received raising objection to the application as the applied use posed pedestrian safety and generated environmental nuisances such as noise, glare, sewage and waste issues on the surrounding areas; and
- (e) the PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the applied use was not in line with the planning intention of the “V” zone. It was also incompatible with the surrounding areas which were predominantly rural and residential in character. The scattered open storage yards/warehouse in the area were mostly suspected unauthorized developments subject to enforcement action to be taken by the Planning Authority. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
 - (ii) the site fell within Category 4 areas under the Town Planning Board Guidelines No. 13E. The application was not in line with the guidelines in that there was no exceptional circumstances to merit approval of the application. Besides, there was no previous planning approval granted for the site and there were adverse departmental comments and local objection on potential adverse impacts of the applied use. In this regard, DEP did not support the application as there were sensitive receivers including residential structures in the vicinity of the site (with the nearest one about 5m away) and environmental nuisance was expected. Moreover, CTP/UD&L had

reservation on the application from the landscape planning point of view as the applied use was not compatible with the surrounding rural developments and village landscape character. No landscape proposal had been submitted under the application to mitigate adverse landscape impact of the applied use;

- (iii) two areas of some 28.22 ha were zoned “Open Storage” (“OS”) on the subject Outline Zoning Plan to cater for the demand of land for open storage uses. There was no information in the submission to demonstrate why suitable sites within these “OS” zones could not be made available for the applied use; and
- (iv) no planning approval had so far been given for similar uses in the subject “V” zone. The application was also different from the adjoining temporary shop and services (real estate agency) (Application No. A/YL-TT/289) to its immediate south approved by the Committee on 19.8.2011, which could serve the neighbouring residential developments and would unlikely generate environmental nuisance. Approval of the current application would set an undesirable precedent for other similar uses to proliferate into the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

138. Members had no question on the application.

Deliberation Session

139. 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 applied use was not in line with the planning intention of the “Village Type Development” zone on the Outline Zoning Plan (OZP), which was to designate both existing recognized villages and areas of land considered

suitable for village expansion. 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 surrounding which was predominantly rural and residential in character. No strong justification 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 (TPB) Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13E) in that there was no exceptional circumstances to merit approval of the case, there was no previous planning approval granted for the site and there were adverse departmental comments and local objection against the applied use. There was no information in the submission to demonstrate that the applied use would not cause adverse environmental and landscape impacts on the surrounding areas;
- (c) two areas were zoned “Open Storage” (“OS”) on the Tai Tong OZP to cater for the use under the application. There was no information in the submission to demonstrate why suitable sites within these “OS” zones could not be made available for the applied use; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate into the zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/297 Temporary Restaurant Groceries Warehouse with Ancillary Tools Shed
for a Period of 3 Years in “Village Type Development” zone,
Lot 1614 RP (Part) in D.D. 119, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/297)

Presentation and Question Sessions

140. Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary restaurant groceries warehouse with ancillary tools shed for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the north and in the vicinity of the site and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, two public comments were received from the Residents Association of Shap Pat Heung District and the village representative of Pak Sha Tsuen, Shap Pat Heung. The two commenters objected to the application because the applied use was not in line with the planning intention of the “Village Type Development” (“V”) zone and the planning guidelines for development within the “V” zone; it was not compatible with the surrounding rural uses; the use of medium and heavy goods vehicles would create traffic impact on the existing single-lane carriageway for two-way traffic leading to the site and affect the safety of the villagers; it would generate adverse impacts on

the environmental, visual and drainage aspects of the surrounding areas; and approval of the application would set an undesirable precedent for similar uses to proliferate into the “V” zone; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the warehouse under application was not in line with the planning intention of the “V” zone. The applied use was not meant to serve the village where it was located. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
 - (ii) the applied use, comprising a large warehouse structure of about 680m² in floor area and 6.5m in height, was not compatible with the surrounding rural and residential uses which were mostly Small Houses. While no application for Small House development on the site had been received, there were some applications for Small House development in the area to the east of the site being processed by the Lands Department, and four new Small Houses had recently been completed to the immediate north of the site. Although there were open storage yards, warehouses and workshop in the vicinity of the site, they were mostly suspected unauthorized developments subject to enforcement action taken by the Planning Authority. DEP did not support the application as there were sensitive receivers of residential uses in the vicinity and environmental nuisance was expected; and
 - (iii) there had not been any planning approval for temporary warehouse or storage use in the same “V” zone before. The previous applications (No. A/YL-TT/241 and 276) for temporary used clothes collection centre and retail shop for restaurant groceries at the site were rejected in 2009 and 2011 respectively. As there was no

change in the planning circumstances since then, rejection of the current application was consistent with the previous decisions of the Town Planning Board/the Committee. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “V” zone, causing degradation to the surrounding rural environment.

141. Members had no question on the application.

Deliberation Session

142. 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 applied use was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within the zone was primarily intended for development of Small Houses by indigenous villagers and for concentrating village type development within the zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applied use was considered not compatible with the surrounding rural land uses with existing residential dwellings and approved Small Houses located in its vicinity;
- (c) the applied use would generate adverse environmental impact on the residential uses to the immediate north and in the vicinity of the application site; and
- (d) the approval of the application would set an undesirable precedent for

similar uses to proliferate into the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 51

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/561 Temporary Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 990 (Part), 991 (Part), 994 (Part), 1020 (Part), 1022 (Part), 1023 (Part), 1024 (Part), 1025, 1026 and 1027 (Part) in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/561)

Presentation and Question Sessions

143. Mr. W.W. Chan, 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 machinery and construction materials for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate east, south and west and in the vicinity of the site, and environmental nuisance was expected. Moreover, there was an environmental complaint on soil dumping at the site received in 2010. His inspections revealed that the site was fenced, levelled and paved and no dumping or other activities could be spotted. No other environmental

issues were identified in his site inspections;

- (d) during the first three weeks of the statutory publication period, a public comment was received from a Yuen Long District Council member raising objection to the application as heavy vehicles travelling along the access road to the site would create noise nuisance to nearby residents. He also queried if approval had been obtained for occupying government land within the site, which accounted for 15% of the site area; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the application was generally in line with the Town Planning Board (TPB) Guidelines No. 13E in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. There were also similar applications in this part of the “Undetermined” (“U”) zone (i.e. Category 1 areas under TPB Guidelines No. 13E) that had been approved with conditions. Although the site was zoned “U” on the Outline Zoning Plan, the area was generally intended for open storage use but was designated with this zoning mainly due to concerns on the capacity of Kung Um Road. In this regard, the Transport Department had no adverse comment on the application. It was considered that approval of the application on a temporary basis would not frustrate the long-term use of the area;
 - (ii) the applied use was not incompatible with the surrounding areas which were mixed with warehouses and open storage yards. Although DEP did not support the application as there were sensitive receivers of residential uses to the immediate east, south and west and in the vicinity of the site, there was no substantiated environmental complaint in the past three years. The applicant also

proposed to provide boundary fence and not to operate at the site during night time between 11:00 p.m. and 7:00 a.m. and on Sundays and public holidays, and not to carry out workshop activities on the site. It was expected that the applied use would not generate significant environmental impacts on the surrounding areas. To address DEP's concerns, approval conditions requiring the provision of boundary fence, restricting the operation hours, prohibiting parking/storage of heavy goods vehicle and container tractor/trailer and prohibiting workshop activities were recommended;

- (iii) other government departments consulted had no adverse comments on the application. To address the technical requirements of departments, approval conditions were recommended to require the implementation of the accepted tree preservation and landscape proposals, the submission and implementation of drainage and fire service installations proposals and the provision of fire extinguisher(s); and
- (iv) regarding the local objection concerning possible environmental impact caused by the applied use and the occupation of government land, approval conditions had been recommended to address the environmental concerns, and the applicant would be advised to note the District Lands Officer/Yuen Long's comments on the need to apply for regularization of the irregularities on-site, including the occupation of government land.

144. In response to a Member's question, Mr. W.W. Chan said that the site was subject to planning enforcement action against unauthorized storage use.

Deliberation Session

145. In response to the Chariman's enquiry, Mr. W.W. Chan said that although there were residential uses in the immediate vicinity of the site, there was no substantiated environmental complaint related to the site in the past three years. Moreover, the site fell

within Category 1 areas under the TPB Guidelines No. 13E, within which favourable consideration would normally be given to applications for open storage and port back-up uses.

146. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.1.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 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, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, were allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (d) no dismantling, repairing, cleansing or other workshop activities, as proposed by the applicant, were allowed on the application site at any time during the planning approval period;
- (e) the provision of boundary fence for the application site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.7.2012;
- (f) the implementation of the accepted tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.7.2012;
- (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 6.7.2012;

- (h) in relation to (g) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.10.2012;
- (i) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.2.2012;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.7.2012;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.10.2012;
- (l) if any of the above planning conditions (a), (b), (c) or (d) 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;
- (m) if any of the above planning conditions (e), (f), (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; and
- (n) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the concerned lot owners and occupiers of government land should apply to his office to permit structures to be erected or regularize any irregularities on-site. If such application was approved, it would be subject to such terms and conditions including the payment of premium or fee. Besides, the site was accessible through an informal village track on government land and other private land extended from Kung Um Road. His office did not provide maintenance works for this track or guarantee right-of-way. Part of the government land was temporarily allocated to the Drainage Services Department (DSD) for the 'PWP Item 4368DS – Yuen Long South Branch Sewers' project;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority, and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the application site and Kung Um Road;
- (f) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisances;

- (g) to note the comments of the Chief Engineer/Mainland North, DSD that catchpit should be provided at the turning points along the proposed 375mm surface u-channel. The size of the proposed catchpits and the details of the connection with the existing surface drain should be shown on the drainage proposal. The applicant should check and demonstrate that the hydraulic capacity of the existing surface drain would not be adversely affected by the development. Moreover, DLO/YL and relevant lot owners should be consulted on all proposed drainage works to be carried out outside the site boundary or the applicant's jurisdiction;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for the provision of water supply to the development, the applicant might need to extend the 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. Besides, water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (i) to note the comments of the Director of Fire Services on the requirements in formulating fire service installations (FSIs) proposal as detailed in Appendix IV of the Paper. For the approval condition on the provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his Department for approval. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, justifications should be provided to his Department for consideration;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the existing structures at the site. If the existing structures were erected on leased land without BD's approval, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application.

Enforcement action might be taken by the BA to effect removal of any such unauthorized building works (UBW) in accordance with BD's enforcement policy as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. The temporary structures for office, storage and guardroom uses were considered as temporary buildings which were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Prior approval and consent of the BA should be obtained before any new building works were to be carried out on the site including temporary structures. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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 did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and

- (k) to note the comments of the Director of Electrical and Mechanical Services that if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior to establishing any structure within 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. The applicant and his contractors should 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 the electricity supply lines.

[The Chairman thanked Mr. W.W. Chan, STP/TMYL, for his attendance to answer Members' enquires. Mr. Chan left the meeting at this point.]

Agenda Item 52

Any Other Business

148. There being no other business, the meeting closed at 4:40 p.m..