

TOWN PLANNING BOARD

Minutes of 460th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 24.2.2012

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

Professor Edwin H.W. Chan

Mr. Timothy K.W. Ma

Dr. C.P. Lau

Dr. W.K. Lo

Ms. Anita W.T. Ma

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

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

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

Professor Paul K.S. Lam

Mr. Rock C.N. Chen

Dr. W.K. Yau

Mr. Stephen M.W. Yip

In Attendance

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

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

Town Planner/Town Planning Board
Mr. Vincent W.Y. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 459th RNTPC Meeting held on 10.2.2012

[Open Meeting]

1. The draft minutes of the 459th RNTPC meeting held on 10.2.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that on 7.2.2012, the Chief Executive in Council (CE in C) approved the To Kwa Peng and Pak Tam Au Development Permission Area (DPA) Plan (to be renumbered as DPA/NE-TKP/2) under section 9(1)(a) of the Town Planning Ordinance and the approval of the DPA Plans were notified in the Gazette on 17.2.2012.

3. The Secretary reported that on 7.2.2012, the CE in C referred the following approved OZPs to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Ordinance and the reference back of the OZPs were notified in the Gazette on 17.2.2012:

- (a) Central District (Extension) OZP No. S/H24/6;
- (b) The Peak Area OZP No. S/H14/11;
- (c) Kwun Tong (South) OZP No. S/K14S/16; and
- (d) Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/14.

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

A/MOS/81

Proposed House (New Territories Exempted House – Small House)

(Private Garden Ancillary to House) in Green Belt Zone

A piece of Government Land to the South of House No. 86,

Cheung Muk Tau Village, Sai Kung North, Ma On Shan, Sha Tin

4. The Secretary reported that an appeal against the Town Planning Board (TPB)'s decision to reject an application (No. A/MOS/81) on review for a proposed private garden ancillary to house at a site zoned "Green Belt" ("GB") on the Ma On Shan Outline Zoning Plan (OZP) was heard by the The Town Planning Appeal Board (Appeal Board) on 31.10.2011 and dismissed on 20.12.2011 mainly on the following grounds:

- (a) the proposed development was not in line with the planning intention of "GB" zone which was to preserve natural vegetation and the natural environment. Although the appellant was not seeking planning permission to construct any building structure and had planted flowers and plants on the site, it was not desirable to replace natural vegetation and natural environment by a private garden. Even though the natural vegetation had already been removed when the Appellant bought the site, it did not change the fact that the proposed private garden was still not in line with the planning intention of the "GB" zone;
- (b) the proposed development did not comply with TPB Guidelines No.10 in that the proposed development would cause adverse landscape impact on the natural environment. In addition, "passive recreational uses" mentioned in TPB Guidelines No. 10 referred to passive recreational uses for public purpose. The private garden was however a private garden for private use;
- (c) the Appeal Board considered that the security ground submitted by the appellant did not have much relevance as the user of the site as a private garden was not conducive to crime prevention;

- (d) although the appellant claimed that there was another private garden adjacent to House No. 85 within the same “GB” zone, the APB noted that it was an unauthorized use without planning permission;
- (e) although the management of land within the “GB” zone might need to be improved, the Appeal Board considered that converting such land into a private garden was not a desirable solution;
- (f) no other government departments raised objection to the proposed development because preserving the planning intention of the site fell exclusively within the jurisdiction of the PlanD;
- (g) the claim that the appellant had been misrepresented by the estate agent over the possible use of the site was not a relevant consideration for the appeal board to take into account; and
- (h) every application had to be considered in the light of its own facts and individual merits. In the present case, there was however insufficient individual merits or site-specific circumstances to justify a departure from the planning intention of the “GB” zone.

5. The Appeal Board also reminded the government that enforcement actions should be pursued not just on those who had taken the proper step in trying to apply for a planning permission but also on those who simply did not even bother to apply for a planning permission to rectify the unauthorized use of land.

6. The Chairman said that the Ma On Shan planning scheme area was not previously covered by a Development Permission Area Plan and hence there was no enforcement power under the Town Planning Ordinance.

7. The Secretary also reported that as at 24.2.2012, a total of 24 cases were yet to be heard by the Appeal Board. Details of the appeal statistics were as below:

Allowed	:	28
Dismissed	:	121
Abandoned/Withdrawn/Invalid	:	155
Yet to be Heard	:	24
Decision Outstanding	:	1
Total	:	329

Sai Kung and Islands District

Agenda Item 3

Section 16 Application

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

[Open Meeting]

A/I-CC/11 Proposed Minor Relaxation of Plot Ratio from 0.40 to 0.59, Site Coverage from 20% to 30% and Building Height Restrictions from 7.62m to 9m for Proposed “House” Development cum “Eating Place” and “Shop and Services” Uses in “Residential (Group C) 5” zone, Cheung Chau Lots No. 196 and 197 s.A, 120 San Hing Back Street, Cheung Chau
(RNTPC Paper No. A/I-CC/11)

8. The Secretary reported that Ms. Anna Kwong had declared an interest in this application as she had current business dealings with Lanbase Surveyors Ltd., one of the consultants of the application. The Committee noted that Ms. Kwong had yet to arrive at the meeting at this point.

9. The Secretary reported that on 15.2.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time to prepare the revised development layout and the landscape and tree preservation proposal in order to address the comments from Antiquities and Monuments Office, LCSD and other government departments.

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

[Miss Erica S.M. Wong and Mr. C.F. Yum, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/16 Proposed Three Houses
(New Territories Exempted House – Small House)
in “Green Belt” zone,
Lots 416 S.A ss.1, 416 S.B, 416 S.C ss.1, 416 S.C RP, 416 RP,
417 S.A RP, 417 S.A ss.1, 417 S.A ss.2 S.A, 417 S.A ss.2 RP &
417 S.B and Adjoining Government Land in D.D. 238, Ng Fai Tin,
Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBN/16)

Presentation and Question Sessions

11. Miss Erica S.M. Wong, STP/SKIs, informed the Committee that a letter was received from a commenter on 24.2.2012 which was tabled at the meeting for Members' information. The commenter said that the notice of the application at the application site was removed, hence the public did not know about the application. Miss Wong informed the meeting that after she had received report of missing notice, she had arranged to post the notice again on 27.1.2012. Miss Wong said that an additional notice was also posted at the notice board outside the village. Miss Wong then presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;

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

- (b) the proposed three houses (New Territories Exempted House – Small House);

- (c) departmental comments –

- (i) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view. The proposed development would cause adverse impact on the landscape resources and landscape character of the area. The proposed houses would result in haphazard development within the “GB” and cause adverse impact on the landscape character of the area. There was space on site for tree planting. However, the proposed new plantings were shrubs only. The proposed development would involve formation of a platform with a retaining wall of about 4m high. Although some climbers and shrubs were proposed along the retaining wall, the screening effect for the whole development was doubtful. Alternative screening proposal for the whole development should be further considered;

- (ii) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD) advised that there were no existing public drainage facilities maintained by DSD in the vicinity of the Site. The applicant should submit details of the existing stream and underground pipes to demonstrate that they were appropriate for the proposed drainage connection;

- (d) during the first three weeks of the statutory public inspection period, 19 public comments were received. Among them, 16 objected to the application (1 from Designing Hong Kong Ltd., 1 from Kadoorie Farm & Botanical Garden and 14 from the nearby residents) on the grounds of incompatibility with the planning intention of the “GB” zone, lack of sustainable layout of infrastructure and development, encouragement of ‘destroy first – develop later’ mentality, unfair allocation of government land for private development, possible abuse of the Indigenous Village House Policy, lack of parking and road access, adverse impact on road safety, disruption of seaview, obstruction of air ventilation and disruption of ‘fung shui’, adverse drainage impact on the environment, adverse impact on slope stability, lack of sewerage and lack of flushing water. The remaining 3 public comments supported the application (one from the Village Representative of Pan Long Wan Village, one from the Chairman of Hang Hau Rural Committee and the other one from a group of residents of Pan Long Wan Village) on the grounds that the Site fell within the ‘VE’ of Pan Long Wan, there was shortage of land for village house development within the village, the subject site was previously deserted agricultural land and the proposed development would not affect the nearby big trees;

- (e) during the first three weeks of the statutory public inspection period of the further information submitted on 1.9.2011, which ended on 7.10.2011, 18 public comments were received. All of them objected to the application (1 from Designing Hong Kong Ltd. and 17 from the nearby residents). The objections were generally similar to those grounds as mentioned in the above paragraph. They were concerned about the lack of sustainable

village layout, the proposed development would have adverse impact on the environment, the unnecessary high platform would impact on the surrounding properties, there was no guarantee of implementation and maintenance of proposed greenery, and wildlife habitats would be destroyed. The revised development proposal would still have visual and landscaping impacts as the photomontages and the revised site formation plans were misleading;

- (f) during the first three weeks of the statutory public inspection period of the further information submitted on 5.1.2012 and 9.1.2012, which ended on 7.2.2012, 11 public comments were received. All of them objected to the application (1 from Designing Hong Kong Ltd., 10 from the nearby residents). The objections were generally similar to those grounds mentioned in the above paragraphs. They were concerned that the proposed development would be against the planning intention of “GB” zone. There was a lack of confirmation of sufficient land being reserved for access and parking. The development would result in deterioration of the living environment. The unnecessary high platform would impact and block the views of the surrounding properties and the implementation and maintenance of the proposed greenery was not guaranteed. Moreover, the wildlife habitats would be destroyed and adverse impact on slope stability would be brought about. The revised development proposal would still have visual and landscaping impacts;

- (g) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper which were summarised below:
 - (i) the proposed development was not in line with the planning intention of the “GB” zone. There was a general presumption against development within this zone. There was no strong planning justification in the current submission for a departure from the planning intention;

- (ii) according to TPB Guidelines No. 10, development within the “GB” zone would only be considered under exceptional circumstances and must be justified with very strong planning grounds. According to the landscape proposal and photomontages submitted by the applicants, the proposed new planting were shrubs and no tree planting was provided. The proposed development would involve formation of a platform at a level of 90.2mPD above the existing level at 88.3mPD with a retaining wall of about 4m high. Although some climbers and shrubs were proposed along the retaining wall for landscape screen, the screening effect for the whole development was doubtful. Moreover, the colour and materials of the retaining wall should be compatible with the surrounding environment. The proposed development would thus cause adverse impact on the landscape resources and landscape character of the area. CTP/UD&L, PlanD objected to the application from landscape planning point of view;

- (iii) although the proposed development fell entirely within the VE of Pai Long Wan Village and there was a general shortage of land in meeting the Small House demand in the “V” zone, the proposed development did not comply with ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories’ in view of the adverse landscape impact;

- (iv) there was insufficient information in the current application to demonstrate that the proposed development would not have adverse drainage impact on the area;

- (v) approval of the application would set an undesirable precedent and attract similar applications for village houses within the “GB” zone on the OZP. The cumulative effect of approving such applications would have adverse impacts on the landscape character in the area, leading to degradation of the surrounding environment;

- (vi) an unauthorised tree felling/vegetation clearance near the Site was carried out from late 2009 to January 2010. Such practice contravened with the approaches announced by the Board to deter “destroy first, build later” activities in July 2011. However, AFCD had looked into the case but could not identify any suspect for the tree felling/vegetation clearance. Besides, DLO/SK had taken action to fence off the area to deter further unauthorised development. Since then, there had been no further report on unauthorised tree or vegetation clearance on the Site; and

- (vii) regarding the public comments which were mainly related to adverse visual and landscape impacts, lack of sustainable layout for access and parking development, ecological impacts, adverse road safety impact, insufficient car parking spaces, geotechnical safety, etc, the planning assessments which were not in support of the application had been set out in the Paper.

12. The Chairman asked whether this was a case of “destroy first and build later” noting the change in the vegetation cover as shown on the aerial photos in Plans A-3a and 3d in the Paper. Miss Wong said that according to the applicant, there used to be farming activities at the application site. Subsequently, the farming activities had ceased, and the trees at the application site were dead. The applicant cleared the dead trees in 2009 at the request of relevant government departments.

Deliberation Session

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

- (a) the proposed development 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

[Ms. Anita Ma arrived at the meeting at this point.]

Presentation and Question Sessions

14. The Secretary reported that Ms. Anna Kwong had declared an interest in this application as she had current business dealings with PlanArch Consultants Ltd., one of the consultants of the application. The Committee noted that Ms. Kwong had not yet arrived at the meeting at this point.

15. Mr. C.F. Yum, STP/SKIs, presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the two proposed Houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as given the availability of infrastructures such as access roads and irrigation source, the Site was believed to possess high potentiality 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 (Sai Kung), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper which were summarised below:
 - (i) according to the Interim Criteria, sympathetic consideration might be given to the application as the Site was located within the ‘VE’

and there was a general shortage of land in meeting Small House development in the “V” zone;

- (ii) the proposed NTEHs had no adverse drainage, landscape and environmental impacts on the surrounding areas. Concerned government departments had been consulted and no objection had been raised. Although DAFC advised that the Site had high potential for agricultural rehabilitation, there were no farming activities at the Site. Also, the proposed NTEHs were not incompatible with the surroundings. Similar applications for NTEHs had been approved in the vicinity of the Site; and
- (iii) no local objection and public comment had been received against the proposed development.

16. Members had no question on the application.

Deliberation Session

17. 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 24.2.2016, 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 landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

18. 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 fresh water supply to the 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 the WSD's standard;
- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department (LandsD);
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the subject site was within an area where there was no DSD's sewerage connection available in the vicinity at present;
- (d) to note the comments of the Commissioner for Transport that there was an existing local track leading to the application site which was not under Transport Department's management. The status of the vehicular access leading to the application site should be checked with the lands authority. The management and maintenance responsibilities of the same vehicular access should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) that the applicants should inform the AMO, LCSD in case of discovery of antiquities or proposed antiquities in the course of excavation; and
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that a group of transplanted trees (i.e. 1

Celtis sinensis, 7 Aleurites moluccana in fair to good condition) were found adjoining the northwest of the application site boundary. As the concerned trees were outside the application site, the applicants should obtain the approval of Tree Removal Application/Tree Preservation Proposal from the LandsD.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/193 Proposed Temporary Eating Place (Japanese Restaurant)
for a Period of 3 Years in “Road” zone,
G/F, 9A Po Tung Road, Lot 1773 in D.D. 221, Sai Kung
(RNTPC Paper No. A/SK-PK/193)

Presentation and Question Sessions

19. Mr. C.F. Yum, STP/SKIs, presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary eating place (Japanese Restaurant) for a period of 3 years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application;
- (d) one public comment was received from a Sai Kung District Councillor Member during the first three weeks of the statutory public inspection period. The commenter objected to the application on the grounds of adverse traffic impact and nuisance to the residents; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper which were summarised below:
- (i) the proposed temporary use was not incompatible with the surrounding land uses. Although the application premises fell within an area forming part of the land reserved for the future widening and junction improvement of Hiram's Highway, CHE/NTE, HyD advised that the Hiram's Highway Improvement Stage 2 project would not commence by mid-2015 and the application would not affect the project. It was therefore envisaged that the proposed eating place on a temporary basis for three years up to February 2015 would not frustrate the planning intention of the areas designated as 'Road', and the implementation of the road improvement works would not be affected;
 - (ii) the proposed eating place, occupying the ground floor of an existing village house, was small in scale and would cater for about 20 customers. It was considered not incompatible with the surrounding existing residential developments and there were unlikely any adverse traffic, environmental and infrastructural impacts on the locality. Relevant government departments consulted had no comment / no in-principle objection to the application; and
 - (iii) regarding the public concern on the adverse traffic impacts to Sai Kung Town and potential nuisance to the local residents, it should be noted that the proposed eating place was accommodated within an existing building and was small in scale. C for T had no objection to the application from traffic planning point of view. Regarding the concern on potential nuisance to the residents, an approval condition to restrict the operation hours of the proposed restaurant from 11:00am to 11:00pm as proposed by the applicant was recommended to address the commenter's concern;

20. A Member noted that there was a rooftop structure at the building of which the application premises was located and asked if that was an unauthorised building works. The Chairman said that since the application premises was only on the ground floor, other parts of the building was outside the scope of the application.

Deliberation Session

21. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.2.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) operation hours were restricted between 11:00 a.m. to 11:00 p.m. as proposed by the applicant on the application premises during the approval period;
- (b) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.8.2012;
- (c) in related to (b) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 24.11.2012;
- (d) if the above planning condition (a) 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
- (e) if any of the above planning conditions (b) or (c) 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 note the comments of District Lands Officer/Sai Kung, Lands Department that the subject lot (Lot No. 1773 in D.D. 221) should be used for private residential purposes. A temporary waiver No. SW166 to permit the use of the ground floor of the building erected on the subject lot containing a floor area of 65.03m² (“the waiver area”) for non-industrial purposes for a term of two years commencing from 1.10.1982 and thereafter quarterly had been granted;

- (b) to note the comments of Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that for unauthorised building works (UBW), if any, erected on leased land, enforcement action might be taken by the Building Authority to effect their removal in accordance with the department’s enforcement policy against UBW as and when necessary. The granting of any planning approval should not be constructed as an acceptance of any existing building works or UBW, if any, on the application premises under the Buildings Ordinance. The applicant should be reminded that the existing premises on the application premises intended to be used for “Eating Place” was required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority;

- (c) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of fresh water supply to the application premises, 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 connection, operation and maintenance of the inside services within the private lots to WSD’s standards; and

- (d) to approach the Director of Food and Environmental Hygiene on the licensing requirements and apply for new licences if required.

[The Chairman thanked Miss Erica S.M. Wong and Mr. C.F. Yum, STPs/SKIs, for their

attendance to answer Members' enquires. Miss Wong and Mr. Yum left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr. W. K. Hui, District Planning Officer/Shan Tin, Tai Po and North, Ms. Doris S.Y. Ting, Mr. Anthony K.O. Luk, Mr. David Y.M. Ng and Mr. Edward W.M. Lo, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 7

[Open Meeting]

Proposed Amendments to the Approved Lung Yeuk Tau
and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/14
(RNTPC Paper No. 4/12)

[Ms. Anita Lam arrived at the meeting at this point.]

23. With the aid of a powerpoint presentation, Ms. Doris S. Y. Ting briefed Members on the proposed amendments to the approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) as detailed in the Paper and covered the following main points:

Background

- (a) the former Burma Lines military site (the Site) (about 28.4 ha of government land) was located in a rural setting some 2 km northeast of Fanling and Sheung Shui new towns. The majority of the site was zoned "CDA" for comprehensive residential cum open space development subject to a maximum total GFA of 289,300 m² and a maximum building height of 14 storeys over 2 levels of carports, and "G/IC" for school use on a long term basis;
- (b) according to a consultancy study undertaken in 1995 and subsequent

review by concerned government departments in 1997, the Site could be developed for residential use up to a maximum plot ratio of 1.1, calculated on net site area of 26.3ha excluding the “Government, Institution or Community” (“G/IC”) portion of the site, which was equivalent to GFA of 289,300m² subject to infrastructural improvement works including widening of Lung Ma Road leading from Sha Tau Kok Road to the Site and installation of new sewers and sewerage connection from the Site to public sewer along Sha Tau Kok Road;

- (c) to enhance Hong Kong’s status as a regional education hub for promotion of education services in the Six Industries, the Education Bureau (EDB) approached the Development Bureau for potential sites for developing self-financing post-secondary educational institutions and the Site was considered suitable for the purpose though the scale of development was yet to be worked out. Based on the latest advice of the EDB, the Site was intended to be developed into one to two post-secondary college(s) and/or an international school, providing some 8,000 student places and boarding facilities of about 4,000 bed spaces;
- (d) to take forward the EDB’s proposal, zoning amendments to the approved Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/14 were considered necessary. Opportunity was also taken to adjust the zoning boundary of the Site on the OZP to tally with the boundary of the relevant Government Land Allocation (GLA) for the Site;

Amendments to facilitate the proposed post-secondary college(s) and/or international school

Item A – Rezoning the major portion of the former Burma Lines military site from “Comprehensive Development Area” (“CDA”) to “Government, Institution or Community (2)” (“G/IC(2)”) (about 21.4 ha)

Item C – Rezoning the eastern portion of the former Burma Lines military site from “Government, Institution or Community” (“G/IC”) to “Government, Institution or Community (2)” (“G/IC(2)”) (about 2.2 ha)

- (e) the area under amendment Item A comprised open flat areas of three football fields in the central and western portions, and vacant buildings / structures situated on stepped platforms interspersed with mature trees and vegetation. The existing topography and vacant buildings / structures within the area form a stepped height profile ascending from the northern portion of the area towards the hillside in the southern portion of the area. The Hindu Temple / Gurkha Temple, which was a Grade 3 historic building, was located in the south-eastern portion of the area. The area under amendment Item C in the eastern portion of the former Burma Lines military site was occupied by vegetated slopes and vacant buildings / structures of the former Burma Lines military site on platforms ranging from about 21 to 43 mPD. The existing topography and vacant buildings / structures within the area formed a stepped height profile ascending from the southern portion towards the hillside in the northern portion. Although the “G/IC” site was originally reserved for school development, the lack of a separate and proper vehicular access for the area might render it not feasible for development on its own. In this regard, it was considered more appropriate to develop the site together with the adjoining larger site to allow more flexibility in future developments;

- (f) the proposed amendments were to facilitate the development of the proposed one to two post-secondary college(s) and/or an international school though the exact boundary for these schools were yet to be fixed. Any development of the Site would require the approval of the Board through planning application under section 16 of the Town Planning Ordinance with the submission of a layout plan accompanied by landscape, tree preservation, and urban design proposals, visual impact, air ventilation, and other technical assessments, so as to demonstrate the sustainability of the development on landscape, visual, environmental, traffic, geotechnical and infrastructure terms. Besides, relevant approval conditions could be imposed to require the future developer(s) of the “G/IC(2)” site to implement appropriate mitigation measures to minimize adverse impacts on the surrounding areas should the application for educational institutions/international schools be approved;

- (g) with the presence of the graded Hindu Temple / Gurkha Temple within the proposed “G/IC(2)” site, the future operator(s) of the proposed post-secondary college(s) and/or international school would be responsible for management and maintenance of the historic building for adaptive re-use as appropriate;
- (h) a building height restriction of 30 metres would be stipulated for the proposed “G/IC(2)” zone;

Amendments for preservation of vegetated woodlands and exclusion of graves

Item B1 – Rezoning the southern portion of the former Burma Lines military site (about 3.4 ha) from “Comprehensive Development Area” (“CDA”) to “Green Belt” (“GB”)

- (i) the area was mostly occupied by vegetated woodland with the south-eastern portion occupied by vacant structures of ex-dog kennels of Police Dog Unit Headquarters. With a view to preserving the natural landscape character of the area and to avoiding developments affecting this largely undisturbed woodland, it was proposed to rezone the area to “GB” which also served as a logical extension of the adjoining “GB” zone to the immediate south;

Item B2 – Rezoning an area (about 1,960 m²) at the north-eastern portion of the former Burma Lines military site from “Comprehensive Development Area” (“CDA”) to “Green Belt” (“GB”)

- (j) item B2 was proposed to rationalize the zoning boundary by excluding the two existing graves and their adjoining vegetated knolls at the north-eastern fringe of the Site at the toe of Queen’s Hill. It was considered more appropriate to include this area as part of the adjoining “GB” zone of Queen’s Hill to the immediate east for preserving the natural landscape character of the area;

Item B3 – Rezoning an area (about 4,032 m²) at the eastern portion of the former Burma Lines military site from “Comprehensive Development Area” (“CDA”) to “Green Belt” (“GB”)

- (k) the area under amendment Item B3 which was mostly occupied by vegetated slope with a water tank in the central portion formed part of the adjoining Queen’s Hill. It was considered appropriate to rezone the site to “GB” to reflect the existing natural topography which was a logical extension of the adjoining “GB” zone of Queen’s Hill to the immediate east;

Amendments to tally with the allocation boundary

Item D – Rezoning an area (about 346 m²) at the south-eastern portion of the former Burma Lines military site from “Government, Institution or Community” (“G/IC”) to “Green Belt” (“GB”)

- (l) the area under amendment Item D was a private lot (Lot 619 RP in D.D. 85) which was not included in the boundary of the Government Land Allocation (GLA) for the former Burma Lines military site. As the area was currently occupied by dense vegetation and there was no intention to include this area into future development for educational uses, it was proposed to rezone the private lot to “GB” zone for rationalization of the zoning boundary to tally with the allocation boundary and to reflect the site conditions;

Proposed Amendments to the Notes and ES of the OZP

- (m) consequential to the proposed amendment Items A and C above, a new set of Notes for the proposed “G/IC(2)” zone specifying the proposed schedule of uses and stipulating maximum building height restriction of 30m for the zone was added. In the Notes for the proposed “G/IC(2)” zone, all developments including the intended ‘Educational Institution’ and ‘School’ uses were put under Column 2 which required planning permission from

the Town Planning Board. Appropriate planning control over the scale, design and layout of development, taking account of the natural landscape features of the Site could be achieved;

- (n) to allow for design flexibility, a minor relaxation clause in respect of the building height restriction was incorporated into the Notes of the proposed “G/IC(2)” zone of the OZP;
- (o) to reflect the rezoning of the Site from “CDA” to “G/IC(2)” and “GB”, the Notes for the “CDA” zone would be amended by deleting the original schedule for the former Burma Lines military site;
- (p) the Explanatory Statement (ES) had been revised to take into account the proposed amendments as mentioned in the above paragraphs;

Consultation

- (q) the proposed amendments had been circulated to relevant government departments for comments and their comments had been incorporated in the proposals, where appropriate; and
- (r) the North District Council and the Fanling District Rural Committee would be consulted on the amendments during the exhibition period of the draft Lung Yeuk Tau and Kwan Tei South OZP.

24. A Member enquired about whether the proposed 30m height restriction at the “G/IC(2)” zone was similar to other tertiary educational institution in Hong Kong. Mr. W. K. Hui, DPO/STN, said that during the formulation of the proposed building height restriction for the “G/IC(2)” site, he had made reference to the Chinese University of Hong Kong (CUHK), the Hong Kong Institute of Education as well as other tertiary educational institutions. Mr. Hui said that for the Hong Kong Institute of Education, the building height restriction (in mPD) was to reflect the existing building height. Since the stipulation of building height restriction at the “G/IC(2)” site was intended to maintain the stepped height profile following the natural topography and the existing stepped platforms, and the

floor-to-floor height for various functional requirements of educational uses could vary, it was recommended to stipulate the building height restriction in terms of metres rather than number of storeys having considered the visual compatibility with the surrounding low-rise and rural context. The Chairman said that the proposed building height restriction had referenced to some existing educational facilities, with consideration given to ensure that the proposed development was compatible with the surrounding area. He pointed out that a minor relaxation clause in respect of the building height restriction was incorporated to allow for design flexibility and each planning application for minor relaxation would be considered on its own merits. The Secretary added that although there was no building height restriction on the OZP for the CUHK site, there was a master layout plan for CUHK which governed the height of buildings within the site.

25. Mr. Hui further explained that the proposed building height restriction of 30m was based on an assumption of 10 storeys, which had taken into consideration the building height of the Chinese University of Hong Kong, the Hong Kong Institute of Education, and the surrounding “V” zone of 3 storeys in height. Although a storey height of 3m and 3.5m had been considered, given the surrounding low-rise village development and rural context, a storey height of 3m was adopted and a total building height of 30m was proposed. He said that as the proposed educational institution would require planning permission, the overall design and layout would be subject to the scrutiny of the Town Planning Board, and if necessary, the project proponent could also apply for minor relaxation of building height restrictions.

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

26. A Member asked if the 30m building height restriction would be flexible enough to facilitate the development of an iconic building, and whether it was appropriate to impose a requirement in the OZP for the project proponent to come up with innovative architectural design. The Chairman said that any development under the “G/IC(2)” zone would require planning permission from the Board and hence any proposal with iconic buildings or special architectural design would have to be considered by the Board together with the overall design and layout. The Chairman considered that it would be more appropriate to encourage creativity in the future design rather than prompting for an iconic building in the future development.

27. A Member said that the site was large enough for the development of an education institutions for 8,000 students and hence a lower building height of 30m was suitable. That Member said that the development of an iconic building with a building height taller than 30m could be considered through the planning application as there was provision of minor relaxation of building height. In response to an enquiry for a Member concerning the practice of imposing building height restriction for GIC buildings, the Secretary said that the formulation of building height restriction for “G/IC” sites with and without existing building were different. For a “G/IC” site with existing development, the number of storey of the existing building would be adopted as the building height restriction. However, if there was an acceptable expansion scheme, the building height restriction would reflect the expansion scheme. For the subject “G/IC(2)” site, as the proposed education institution had yet to be developed, the building height restriction proposed by PlanD was based on the assessment of the existing profile of the site and its surroundings. Another Member said that with reference to the campuses of tertiary education institutions in the territory, the subject “G/IC(2)” site should be adequate for tertiary educational institution of 8,000 students in terms of its size and scale.

28. A Member enquired about whether the site would require a tall water tower similar to that in the Chinese University of Hong Kong. In response, Mr. Hui said that Water Supplies Department did not express such requirement during department consultation of the proposed rezoning.

29. Noting the large scale educational institution planned for at the “G/IC(2)” site, the Chairman asked whether consideration had been given to the impact on the land use in the surrounding areas. In response, Mr. Hui said that some of the surrounding areas were rezoned to “GB” in order to preserve the natural landscape character and existing topography. The “V” zone to the north of the site could provide some daily services for the students such as shop and services as well as eating places, which were always permitted on the ground floor of an NTEH. The “R(C)” zone to the north of the site might also provide accommodation for the students. With regard to the traffic aspect, Mr. Hui said that the future operator of the education institution would need to carry out traffic impact assessment to demonstrate that the future development was acceptable from traffic point of view. He also said that Lung Ma Road which led to the site from Sha Tau Kok Road would be widened

to cater for the proposed education institution. A Member further advised that given the amount of student accommodation that would be provided in the future educational institution, local convenience shops and eating place outside the campus would be in demand. That Member suggested that the land use in the surrounding areas should facilitate the provision of such services to the students. Another Member agreed that the land use of the surrounding areas should be further reviewed to meet the students' needs at the proposed educational institution.

30. Another Member enquired about the accessibility of the site. In response, Mr. Hui said that the main access to the "G/IC(2)" site was from the north via Lung Ma Road, which would be widened and the open storage sites along Lung Ma Road which fell under "R(C)" zone might be phased out after the proposed educational institution was implemented. The "G/IC(2)" site would also be served by Po Kak Tsai Road in the south which was relatively steep and narrow.

31. Noting Members' view to encourage innovative architectural design at the "G/IC(2)" site, the Secretary suggested that the ES of the OZP should be revised to incorporate such requirement. Also, EDB should be requested to remind the future operator to take note of Member's concerns. Members agreed to the suggestion and considered the proposed building height restriction of 30m was appropriate. The Chairman said that PlanD should review the land uses of the surrounding areas at a later stage taking into account the needs of the students at the proposed educational institution and to incorporate amendments, if required, in the next round of revision of the OZP.

32. After deliberation, the Committee decided to :

- (a) the proposed amendments to the approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/14 and that the draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/14A at Attachment II (to be renumbered to S/NE-LYT/15 upon exhibition) and its Notes at Attachment III were suitable for exhibition under section 5 of the Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) at Attachment IV of the

Paper for the draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/14A incorporating amendments made at the meeting as an expression of the planning intentions and objectives of the Board for the various land use zonings on the Plan. The revised ES would be published together with the draft Lung Yeuk Tau and Kwan Tei South OZP.

Agenda Item 8

Section 16 Application

[Mr. Walter Chan returned to the meeting at this point.]

[Open Meeting]

A/FSS/209

Proposed Wholesale Conversion of an Existing Industrial Building for Shop and Services and Eating Place in “Industrial” zone,
6 Choi Fai Street, Sheung Shui (FSSTL 147)
(RNTPC Paper No. A/FSS/209)

33. The Secretary reported that Ms. Anna Kwong and Mr. Stephen Yip had declared an interest in this application as they had current business dealings with Environ Hong Kong Ltd., one of the consultants of the application. The Committee noted that Ms. Kwong had not arrived at the meeting at this point and Mr. Yip had tendered his apologies for not being able to attend the meeting.

34. The Secretary reported that on 22.2.2012, the applicant requested the Board to defer making decision on the application for two months in order to allow time to prepare further information to address Transport Department’s comments.

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 two months were allowed

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

Agenda Item 9

Section 16 Application

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

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/146 Temporary Private Container Vehicle Park
(including Light and Heavy Goods Vehicles) for a Period of 5 Years
in “Open Storage” zone,
Lot 91 and 94 S.A RP in D.D. 95, Ho Sheung Heung, Sheung Shui
(RNTPC Paper No. A/NE-KTN/146B)

Presentation and Question Sessions

36. 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 temporary private container vehicle park (including light and heavy goods vehicles) for a period of 5 years;
- (c) departmental comments –
 - (i) Director of Environmental Protection (DEP) advised that he had no objection to the application. However, there were two records of air and noise nuisance complaints for the application site in 2009. The two complaints were related to the operation of a vehicle repair workshop. The on-site investigation revealed that acceptable noise was observed and no painting was scented in the complaint site.

Moreover, neither excessive noise nor malodour was detected during the peripheral inspection; and

- (ii) District Officer/North, Home Affairs Department (DO/N, HAD) advised that the Chairman of Sheung Shui District Rural Committee (SSDRC), the concerned North District Council (NDC) member, Resident Representatives (RRs) of Kwu Tung (South and North) and Indigenous Inhabitant Representatives (IIRs) of Ho Sheung Heung raised objection to the application mainly on grounds that the vehicular access leading to the application site was substandard and busy, the development would increase vehicular flow and lead to congestion, pose threat to pedestrian safety, cause noise nuisance and air pollution to local residents, and ruin the ecological environment;

- (d) four public comments were received during the first three weeks of the statutory publication period of which two were from the North District Councillors, one from Village Representative of Kwu Tung Village (North) and one from the general public. While one North District Councillor had no comment on the application, the other three commenters objected to the application mainly on the following grounds:
 - (i) Ho Sheung Heung Road was a substandard road which was heavily loaded. Frequent use of the road by heavy vehicles would cause traffic congestion, pose threat to other road users and affect daily lives of local villages;
 - (ii) increased traffic would cause air, noise and water pollution and damage the tranquil environment;
 - (iii) container vehicle park would affect drainage and cause flooding;

[Dr. James Lau returned to the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of five years based on the assessments made in paragraph 12 of the Paper, which were summarised below:
- (i) the development was not incompatible with the surrounding land uses. The development was considered generally in line with the planning intention of the “OS” zone;
 - (ii) the application generally complied with the TPB Guidelines No. 13E in that the application site fell within Category 1 area where favourable consideration would normally be given and there were no major adverse departmental comments on the application. Technical assessments on parking and internal circulation arrangement had been provided by the applicant and TD had no in-principle objection to the application. The applicant would be advised to undertake environmental mitigation measures as set out in the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to address DEP’s comments. Relevant approval conditions restricting the operation hours, the maximum number of parking spaces to be provided within the application site were also recommended to address the concerns of environmental nuisance to the residents of temporary domestic structures nearby;
 - (iii) it was anticipated that the development under application should not cause significant adverse traffic, environmental, drainage and landscape impacts on the surrounding area. Concerned government departments had no adverse comments on the application. Moreover, there were other similar container vehicle parks in the adjoining “OS” zone which had previously been approved by the Committee; and
 - (iv) although local objections and public comments were received

against the application on grounds that the use under application might result in traffic congestion, pose threat to pedestrian safety, air pollution, concerned departments including TD and DEP had no adverse comments or no objection to the application. Relevant approval conditions and advisory comments were recommended to address the environmental concerns raised by the local residents.

37. Members had no question on the application.

Deliberation Session

38. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 24.2.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) the proposed development should not be opened for public use during the planning approval period;
- (c) not more than 25 vehicles were allowed to be parked on the application site during the planning approval period;
- (d) no vehicle repairing and other workshop activities and loading/unloading of containers were allowed to be carried out on the application site during the planning approval period;
- (e) the area within 3 metres of the near-side bank of the existing watercourse running along the north-eastern boundary of the application site should be clear of any structure or obstruction to permit free access along the watercourse at all times during the planning approval period;

- (f) the submission of layout proposals for vehicular access, parking and loading/unloading facilities within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 24.8.2012;
- (g) in relation to (f) above, the provision of vehicular access, parking and loading/unloading facilities within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 24.11.2012;
- (h) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.8.2012;
- (i) in relation to (h) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.11.2012;
- (j) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 24.8.2012;
- (k) in relation to (j) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 24.11.2012;
- (l) the submission of tree preservation and landscape proposals within 6 months from the date of approval to the satisfaction of the Director of Planning or of the TPB by 24.8.2012;
- (m) in relation to (l) above, the implementation of tree preservation and landscape proposals within 9 months from the date of approval to the satisfaction of the Director of Planning or of the TPB by 24.11.2012;

- (n) 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; and
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to apply to the District Lands Office/North, Lands Department for a Short Term Waivers (STW) for the regularization of structures to be erected on the application site. There was no guarantee that the STW would be granted. If the STW was granted, the grant would be made subject to such terms and conditions to be imposed as the Government should deem fit to do so including the payment of STW fee;
- (c) to note the following comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD):
 - (i) if the existing structures were erected on leased land without approval of the BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned 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 be reminded 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) the temporary converted containers for canteen with kitchen/storage/meter room and 2-storey office building were considered as temporary buildings subject to control under the Building (Planning) Regulations Pt. VII; and
 - (vi) formal submission under the BO was required for any proposed new works, including any temporary structures;
- (d) to note the comments of the Commissioner for Transport that the vehicular access to the application site was via a narrow strip of land between the application site and Ho Sheung Heung Road which was not under Transport Department's management. The land status of the access leading to the application site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the Chief Engineer/Development(2), Water Supplies Department's comments that the application site was within flood pumping ground;
- (f) to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances;
- (g) to note the comments of the Director of Fire Services that:
 - (i) if no building plan would be circulated to his department via the Centralized Processing System of BD and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed site, the applicant was required to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval and to subsequently provide the FSIs in accordance with the approved proposals. In preparing the submission:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the location of where the proposed FSI to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that:
 - (i) the application site was in an area where no public sewerage connection was available. Environmental Protection Department

should be consulted regarding the sewage treatment/disposal facilities for the proposed development; and

- (ii) the applicant should allow the personnel of DSD or its agents to enter upon or access through the application site for purposes of inspection and maintenance of the watercourse within a notice of, say, 14 days issued by DSD in writing during the planning approval period.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/378 Temporary Telephone Exchange for a Period of 5 Years
in “Agriculture” and “Road” zones,
Government Land in D.D. 82, Ping Che Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/378)

[Ms. Anna S. Y. Kwong arrived at the meeting at this point.]

Presentation and Question Sessions

40. 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 temporary telephone exchange for a period of 5 years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application;
- (d) one public comment was received during the first three weeks of the

statutory publication period from a North District Council member supporting the application without giving any reason; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of five years based on the assessment made in paragraph 10 of the Paper which were summarised below:
 - (i) the temporary telephone exchange in the current application was for the provision of telephone services for the Ta Kwu Ling area. Director-General of Telecommunications had no comment on the application. The application site was the subject of five previous applications for the same use submitted by the same applicant. The current application was the same as the last approved application in terms of the applied use, site area and boundary, number of structure and building height and there had been no material change in the planning circumstances for the application site and surrounding areas. Although the last approval under application No. A/NE-TKL/355 was revoked by the Board on 15.7.2011 due to non-compliance of approval conditions including submission of drainage, landscape and fire service installations (FSIs) proposals, the applicant had submitted drainage, landscape and FSIs proposals in the current application to demonstrate his sincerity to comply with relevant approval conditions. Hence, sympathetic consideration could be given to the current application;
 - (ii) the use under application was small in scale and was considered not incompatible with the surrounding rural character. It was considered that the use under application was unlikely to cause adverse environmental, landscape, drainage and traffic impacts on the surrounding areas. Concerned government departments had no adverse comment on or no objection to the application. Besides, there was a public comment indicating support to the application. Moreover, there was no local objection against the application;

- (iii) the application site fell within the future Ping Che/Ta Kwu Ling New Development Area (NDA) and would fall within an area shown as 'Road' on the Ping Che / Ta Kwu Ling Preliminary Outline Development Plan (PODP) of the North East New Territories (NENT) NDA Study. PM(NTN&W), CEDD had advised that the site formation works for the NDAs development were tentatively scheduled to commence in 2017 subject to review under the NENTs NDA Study and had no objection to the proposed temporary use for 5 years. In this regard, it was anticipated that the proposed temporary use for 5 years would not jeopardize the implementation of the NDA;

- (iv) since the last two approvals (Application Nos. A/NE-TKL/337 and 355) were revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. Moreover, the applicant would be advised that should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application.

41. In response to a Member's enquiry, Ms. Ting clarified that the approval conditions regarding the submission of drainage proposals and proposals on fire service installations were only incorporated in the last two previous approvals. Since the applicant had missed the deadline of compliance of those approval conditions, the last two planning permissions were revoked.

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

Deliberation Session

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

temporary basis for a period of 5 years until 24.2.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.8.2012;
- (b) the submission and implementation of proposals for 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 24.8.2012;
- (c) the submission and implementation 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 24.8.2012; and
- (d) if any of the above planning conditions (a), (b) or (c) 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.

43. 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) a shorter compliance period for approval conditions was granted in order to closely monitor the progress in compliance with application conditions;
- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department to apply excavation permit from the District Lands

Officer/North for any excavation carried out on site, as the application site was outside his department's jurisdiction;

- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (f) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the application site was located within the flood pumping gathering ground;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the size of the existing planters was not capable to accommodate the number of the proposed shrub species, and the landscape proposal should be reviewed; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
 - (i) if the existing structures were erected on government land under Short Term Tenancy (STT) without approval of the BD, they were unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) for unauthorized building works (UBW) erected on government land under STT, enforcement action might be taken by the Building Authority (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;
 - (iii) before any new building works were to be carried out on the application site, the prior approval and consent of the BA should be

obtained, otherwise they were UBW. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO;

- (iv) the temporary converted containers for machine room were considered as temporary buildings subject to control under Building (Planning) Regulations Part VII; and
- (v) formal submission under the BO was required for any proposed new works, including any temporary structures.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/774 Shop and Services (Cake Shop) in “Industrial” zone,
Workshop R3-A, G/F, Valiant Industrial Centre,
Nos. 2-12 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/774)

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

Presentation and Question Sessions

44. Mr. W. K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (cake shop);
- (c) departmental comments – concerned 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 (Sha Tin), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessment made in paragraph 11 of the Paper which were summarised below:
 - (i) the cake shop under application was considered not incompatible with the land uses in the subject industrial building and the surrounding developments. Similar applications for shop and services use had been approved for other units on the ground and lower ground floors of the subject industrial building and its vicinity;
 - (ii) although the application premise was operating as cake shop with seating accommodation, the applicant clarified that the current application (Shop and Services) did not involve any seating accommodation and the tables and seats within the application premises would be removed. An advisory clause regarding this aspect was recommended should the application be approved;
 - (iii) D of FS advised that the cake shop under application should be counted up to the aggregate commercial floor area of 460m² for the subject industrial building. Currently the approved aggregate commercial floor area of the subject building was 325.14m². If the floor area of the application premises (25.9m²) was included, the aggregate commercial floor area would be 351.04m², which was within the maximum permissible limit of 460m²;
 - (iv) the application generally complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D including

the fire safety and traffic aspects. Relevant government departments had no objection or no adverse comments on the application;

- (v) no local objection and public comment had been received against the proposed development;
- (vi) a temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

45. Members had no question on the application.

Deliberation Session

46. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.2.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 24.8.2012; and
- (b) if the above planning condition (a) 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.

47. 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 premises. The permission was for 'Shop and Services (Cake Shop)' use without any seating accommodation;

- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls, lobbies and floors having a fire resisting period of not less than two hours, and the means of escape of the existing premises should not be adversely affected. Building safety requirements would be formulated upon receipt of food premises licence application, where appropriate;
- (f) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application; and
- (g) 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.

[Prof. Edwin Chan left the meeting temporarily at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-HH/11 Proposed House (New Territories Exempted House – Small House)
in “Unspecified Use” zone,
Government Land in D.D. 283, Hoi Ha Village, Sai Kung North
(RNTPC Paper No. A/DPA/NE-HH/11)

Presentation and Question Sessions

48. Mr. David Y.M. Ng, STP/STN informed the Committee that a replacement page 11 with revision on paragraph (c) of the proposed approval conditions was tabled at the meeting. Mr. Ng then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House – Small House);
- (c) departmental comments – 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 a piece of government land was sandwiched between the site and existing path, vegetation clearance was anticipated for providing a temporary access during construction and an existing footpath connection to the site afterward. As the proposed small house development fully occupied the application site, there was no space available for landscape mitigation measures. Also, an existing stream was noted adjacent to the application site. However, no information was provided to demonstrate that the proposed development would have no adverse impact to the existing environment. He also advised that approval of the application would set an

undesirable precedent for other similar NTEH applications in areas of high landscape values;

- (d) one comment was received during the first three weeks of the statutory publication period from a group of 13 villagers. The group of villagers said that the site was at the “White Tiger Mouth” of their village (Hoi Ha Village). Since the establishment of Hoi Ha Village some two hundred years ago, ancestors of the village had agreed that no descendents should be allowed to construct any houses at the “White Tiger Mouth” of the village so that the view of the ancestral hall would not be affected. As such, villagers of Hoi Ha Village raise objection to the current planning application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper which were summarised below:
 - (i) the development should not cause any pollution to the natural streamcourse, the marine waters and the surrounding coastal environment during and after the construction. However, DEP advised that whilst one NTEH alone was unlikely to cause major pollution, there was a water course at about 15m from the site boundary which should be protected from expedient discharges. Nevertheless, the above concerns could be addressed by imposing relevant approval condition should the application be approved;
 - (ii) DAFC advised that felling of three immature trees within the proposed site and minor trimming of two other semi-mature/mature trees due east to it were required, but since the trees within the proposed site were entangled by vines and were in poor conditions, he had no strong view to the removal if it was practically unavoidable. CTP/UD&L advised that for the piece of government land sandwiched between the site and existing path, vegetation clearance was anticipated for providing a temporary access to the

site during construction and a permanent access afterward. He advised that approval of the application would set an undesirable precedent for other similar NTEH applications in areas of high landscape values. DAFC advised that with the site located on a vegetated slope, it was uncertain that if the proposed development would require vegetation clearance/tree removal in association with the slope cutting and site formation works, which might affect an area larger than the proposed site and other natural habitats in vicinity. However, the site was located on a gentle slope covered with some fallow land, shrubs and trees that were entangled with vines and separated from the major woodland located to the east of the footpath. Besides, the site was quite close (2-4m) to the existing footpath. The vegetation clearance for providing the temporary and permanent access was not expected to be substantial. Regarding the concern of setting an undesirable precedent, it was noted that each application would be assessed by the Board on individual merits;

- (iii) the application was considered in compliance with the Interim Criteria and sympathetic consideration could be given to this application. Concerns raised by government departments could be addressed by imposing approval condition should the application be approved; and
- (iv) regarding the public comment received against the proposed Small House on grounds of *fung shui*, it should be noted that *fung shui* was not a consideration by the Town Planning Board.

49. Members had no question on the application.

Deliberation Session

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

should be valid until 24.2.2016, 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 and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the design and provision of sewage disposal facilities for the application site and measures to protect the stream to the satisfaction of the Director of Environmental Protection or of the TPB.

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

- (a) to note the comments of the Director of Agriculture, Fisheries and Conservation that the development should not cause any pollution to the natural streamcourse, the marine waters and the surrounding coastal environment during and after the construction, and there should not be any direct sewage/drainage discharge and other effluent output arising from the proposed development;
- (b) to note Director of Environmental Protection's comment that there was no existing or planned public sewerage for the area, and there was a water course at about 15 metres from the site boundary which should be protected from expedient discharges;
- (c) to note the comments of the Antiquities and Monuments Office (AMO) of Director of Leisure and Cultural Services that the applicant was required to notify the AMO two weeks prior to the commencement of construction work so as to facilitate the staff of AMO to conduct site inspection in the course of excavation;

- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there were no existing DSD maintained public stormwater drains available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems. Also, for works to be undertaken outside the lot boundary, the applicant should consult the District Lands Officer/Tai Po, Lands Departments (DLO/TP, LandsD) and seek consent from relevant lot owners before commencement of the drainage works;

- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Base on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:
 - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage 132KV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;

 - (ii) 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; and

- (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
- (f) to note the comment of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (g) to note the comments of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to the DLO/TP, LandsD to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP No. APP-56. If such exemptions were not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (h) to note the comment of the Chief Highway Engineer/New Territorial East, Highways Department that the access adjoining the subject site was not under the maintenance by his Office;
- (i) to note the comments of the DLO/TP that if and after planning approval had been given by the TPB, his Office would process the Small House application, and if the Small House application was approved by the LandsD acting in the capacity as landlord at its sole discretion, such approval would be subject to such terms and conditions as might be imposed by LandsD; and
- (j) 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 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 with the private lots to WSD's standards. The water mains in the vicinity of the site could not provide with the standard pedestral hydrant.

Agenda Item 13

Section 16 Application

[Open Meeting]

A/DPA/NE-TKP/2 Proposed 5 Houses
(New Territories Exempted Houses – Small Houses)
in “Unspecified Use” zone,
Various Lots in D.D. 255, Pak Tam Au, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/2)

52. The Secretary reported that on 22.2.2012, the applicant had submitted a letter requesting the Board to defer making a decision on the applicant for two months in order to allow sufficient time to address comments raised by relevant government departments on the application.

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-TKP/3 Proposed 19 Houses

(New Territories Exempted Houses – Small Houses)

in “Unspecified Use” zone,

Various Lots in D.D. 293, To Kwa Peng, Sai Kung North

(RNTPC Paper No. A/DPA/NE-TKP/3)

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

Presentation and Question Sessions

54. The Secretary reported that Ms. Anna Kwong had declared an interest in this application as she was the Authorized Person responsible for a residential development in the To Kwa Ping Area. As her project at To Kwa Peng would be affected by the proposed Small Houses at the application site, the Committee agreed that Ms. Kwong should be invited to leave the meeting temporarily for the item.

[Ms. Anna S. Y. Kwong left the meeting temporarily at this point.]

55. Mr. David Y.M. Ng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed 19 Houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) departmental comments –
 - (i) Director of Environmental Protection (DEP) advised that there was no existing or planned public sewerage in the area and he had

serious concern on the potential undesirable water quality impact. Development of this scale would have undesirable water quality impact on the nearby water bodies, he inclined not to support the application unless there was a detailed proposal of demonstrably effective means, such as communal waste water treatment plant, to ensure that the effluent water quality was acceptable;

- (ii) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view as the 19 houses were proposed in a haphazard manner without landscape proposal within the countryside setting and would further degrade the landscape quality and landscape resources of the area. The proposed houses would have adverse impacts on the landscape resource of the area by extending the village development towards the coast at the north where the species-rich mudflat and estuarine mangrove were located;

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

- (d) During the first three weeks of the statutory public inspection period, a total of 805 public comments were received from WWF Hong Kong, Kadoorie Farm and Botanic Garden Corporation, The Conservancy Association, The Hong Kong Bird Watching Society, Association for Tai O Environment and Development, Green Lantau Association, two members of Designing Hong Kong Limited, Friends of Sai Kung, a Legislative Councillor, four IIRs and 794 members of the public. WWF Hong Kong, Kadoorie Farm and Botanic Garden Corporation, The Conservancy Association, The Hong Kong Bird Watching Society, Association for Tai O Environment and Development, Green Lantau Association and six members of the public objected to or had adverse comments on the application and their major views were summarised as follows:

- (i) the proposed development was not in line with the general planning

intention of the area;

- (ii) the proposed development and associated construction activities would cause destruction and pollution to the stream and the coastal area of Ko Tong Hau, generating adverse impacts to the natural landscape, wildlife and marine ecology of the area;
- (iii) a protected species, *Ceratopteris thalictroides* was found in the mangrove area of To Kwa Peng. The proposed development would threaten the precious species in the area and the mangroves in the vicinity;
- (iv) there should be no large-scale village house developments in Sai Kung East which was renowned for its ecological beauty;
- (v) increase in people and traffic flow due the proposed Small House developments would threaten the native and rare animal in the area;
- (vi) there were no sewage treatment facilities in the area. The construction works and the Small Houses would pollute the streams, and being serious and long-term damage to the ecology;
- (vii) there was no proper and legal vehicular access to the application site. The heavy vehicles entering and exiting the site during the construction phase would have adverse impacts on both the surrounding ecology and the safety of pedestrians. Subsequently, the proposed developments, which require construction of access road, would generate adverse impact to the surrounding Country Park;
- (viii) the application site was the subject of unauthorized site formation works in the past and its safety was doubtful due to the lack of supervision by qualified persons. The approval of the application would set a bad precedent for similar development in the future and encourage the practice of destruction before application for

development;

- (ix) no development should be approved in the area at this stage until appropriate land uses with clear planning intention had been established. Consideration of the application should be postponed.
- (e) two members of Designing Hong Kong Limited and a total of 711 standard letters from Friends of Sai Kung and other members of the public objected to the continuous processing and approval of the application in the DPA Plan prior to the preparation of OZP on the following grounds:
- (i) the proposed Small House developments were haphazard and located in close proximity to mangroves and the Country Park;
 - (ii) there was no assessment under the Environmental Impact Assessment Ordinance nor assessment on the traffic, drainage and sewerage impacts of the proposed developments and the associated construction activities to the landscape and natural environment of the area and approval of the application would set a bad precedent of condoning a “destroy first, develop later” attempt in other enclaves;
 - (iii) there was a lack of sustainable development plan and infrastructure for the development of the area;
 - (iv) it was considered that the continuation in processing and approving the planning application was inconsistent with the government policy on “Country Park Enclaves” and would pre-empt the Board’s decision on the future uses of the area.
 - (v) the construction of Small Houses which had already commenced in July 2010 could be allowed to proceed for fairness. However, for those developments approved by the Lands Department but their construction had not yet started should be deferred until after the

proper use of the area had been determined. Any other planning applications should be deferred until the DPA had expired and was replaced by an OZP.

- (f) a Legislative Councillor, with reference to the subject application and another two applications nearby, raised concern that large-scale Small House developments would have adverse impacts on the natural landscape, mangrove and mudflats along the coast. The Councillor requested the Board to seriously consider the ecological value of the area, the scale of the proposed development and the planning intention of the DPA Plan. In the absence of detailed analysis of land uses and study of the adequacy of infrastructural provision, the application should not be approved at this stage;
- (g) another 77 members of the public expressed diverse opposing views to the application and their major views were summarized below:
 - (i) there was no vehicular access to the site. Both temporary provision or permanent construction of an access road to the site would adversely affect the natural environment of the area;
 - (ii) the application was a case of “destroy first, develop later” attempt. Approval of the application would form a precedent for another two similar applications for Small House developments in the vicinity and lead to adverse environmental impact to the surrounding area during and after the construction works;
 - (iii) the proposed development was located in an uninhabited area and comprised a haphazard layout of Small Houses in close proximity to mangroves and sea grass and the Country Park;
 - (iv) the application site was located between Sai Kung East Country Park and Sai Kung West Country Park and was designated for “Unspecified Uses” in the DPA, which was not for the development

of village houses. The application should be rejected to prevent the developer from damaging the natural environment and ecology;

- (v) the proposed development was against the public interest and the established policy for protecting the Country Park enclaves. Given its scale and close proximity to the mangroves, the proposed Small Houses were incompatible with the surrounding natural environment;
- (vi) the proposed Small Houses were not for the indigenous inhabitants of To Kwa Peng but large scale residential development for profit making;
- (vii) To Kwa Peng was a popular spot for hiking, tourism and water sports. The areas surrounding the application site with outstanding landscape and natural environment warrants protection;
- (viii) there were inadequate infrastructures to the application site. The construction of access road and the proposed Small Houses would lead to the degradation of the surrounding Country Park, pollute the coastal area and threaten the habitats of wildlife and rare mangroves;
- (ix) there was no assessment of the impacts of the proposed use and associated construction activities on the surrounding environment, which indicated a lack of care for the landscape and ecological value of To Kwa Peng;
- (x) approval of the application would set a bad example for widespread exploitation of similar coastal areas across Hong Kong;
- (xi) the proposal might have adverse impacts on the bat colony in the abandoned old village house;

- (h) One public comment from four IIRs supported the proposed Small Houses. The commenters also expressed discontent as they considered that the traditional right and interest of the indigenous villager to build Small Houses had been deprived of and they urged the Board to permit Small House developments within the “VE” of To Kwa Peng. Another public comment just stated that “please protect To Kwa Peng” without indicating support or objection to the application;

- (i) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper which were summarised below:
 - (i) the application was considered not compatible with the existing natural environment of the area as the application site was located near the scenic waterfront of Ko Tong Hau;

 - (ii) there was no existing and planned public sewer in the area. The proposed developments would use septic tanks. DEP had serious concern on potential undesirable water quality impact. Development of this scale would have undesirable water quality impact on the nearby water bodies. There was insufficient information in the submission to address the concerns of DEP;

 - (iii) there was insufficient information in the submission to address DAFC’s concerns on the ecological and visual quality aspects. Besides, the riparian zone might be affected owing to the close proximity of some of the proposed houses to the natural stream. It was also likely that the application involving the building and earth works at the given scale would inevitably cause negative impact to the ecology and visual quality of the country park environment;

 - (iv) CTP/UD&L, PlanD objected to the application from the landscape aspect as the 19 houses were proposed in a haphazard manner without a landscape proposal. The proposed houses would have

adverse impacts on the coastal landscape resource at the north. It would also result in haphazard village development within the countryside setting and further degrade the landscape quality and landscape resources of the area. Approval of the application would set an undesirable precedent for other similar applications in areas with high landscape values. The cumulative effect of approving similar applications would result in a general degradation of the environment;

- (v) the application site was located in a remote area without vehicular access. There was insufficient information to demonstrate how the future residents could be served by the existing narrow footpath. C for T also had reservation on the subject application as approval of the application would set an undesirable precedent case for similar applications in the future;
- (vi) H(GEO), CEDD commented that the proposed house nos. 39, 40, 43 and 44 were located below steep natural hillside and met the alert criteria requiring a Natural Terrain Hillside Study (NTHS). No relevant assessment had been included in the submission to address H(GEO), CEDD's concern;
- (vii) there was one similar application (No. A/DPA/NE-TKP/4) for 16 proposed Small Houses to the immediate north of the application site. On 22.7.2011, the Committee decided to reject the application as the proposed Small House developments were not compatible with the existing natural environment; the proposed effluent disposal arrangement by septic tanks was considered unacceptable; the applicant failed to demonstrate that the proposed Small Houses would not cause adverse environmental and ecological impacts on the area and that proper access arrangement could be provided for the proposed Small Houses; and the setting of undesirable precedent. Therefore, the approval of the subject application would set an undesirable precedent for other similar

applications;

- (viii) the majority (803 out of a total of 805) of the public comments objected to or had adverse comments on the proposal mainly on the grounds that it would have adverse impacts on the natural habitats and wildlife, water quality, environmental, ecological and landscape of the area. For the comments to defer all planning applications until an OZP had been prepared, it should be noted that it was not the intention of the DPA Plan to prohibit development but rather to establish planning control of the area pending the completion of detailed analysis and studies to establish land uses in the course of preparing an OZP. Applications for development in this period could be considered on a case-by-case basis, having regard to the relevant guidelines and departmental comments; and

- (ix) notwithstanding that the proposed Small House developments fell entirely within the 'VE' of To Kwa Peng Village, where there was outstanding demand for Small House, the application did not comply with the Interim Criteria as it was not compatible with the surrounding natural environment and the applicants failed to demonstrate that the proposal would not cause adverse geotechnical, landscape, water quality, environmental and ecological impacts on the area.

56. Members had no question on the application.

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

Deliberation Session

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

- (a) the proposed developments did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in the New Territories as they were not compatible with the surrounding natural environment and the applicants failed to demonstrate that the proposal would not cause adverse geotechnical, landscape, water quality, environmental and ecological impacts on the area; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area, the cumulative impact of which would result in a general degradation of the surrounding environment.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-TKP/5 Proposed 2 Houses

(New Territories Exempted Houses – Small Houses)

in “Unspecified Use” zone,

Various Lots in D.D. 293, To Kwa Peng, Sai Kung North

(RNTPC Paper No. A/DPA/NE-TKP/5)

Presentation and Question Sessions

58. The Secretary reported that Ms. Anna Kwong had declared an interest in this application as she was the Authorized Person responsible for a residential development in the To Kwa Ping Area. The Committee noted that Ms. Kwong had left the meeting temporarily at this point.

59. Mr. David Y.M. Ng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) two proposed Houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view as no landscape proposal was submitted for the non-building area of the application site. The proposed houses would have adverse impacts on the landscape resource of the area by extending the village development near the coast at the north where the species-rich mudflat and estuarine mangrove were located. The 2 proposed houses would result in haphazard village development within the rural setting and further degrade the landscape quality and landscape resources of the area. An approval condition on the submission and implementation of landscape proposals was required should the application be approved;
- (d) During the first three weeks of the statutory public inspection period, a total of 793 public comments were received from WWF Hong Kong, Kadoorie Farm and Botanic Garden Corporation, The Conservancy Association, The Hong Kong Bird Watching Society, Association for Tai O Environment and Development, Green Lantau Association, Green Animals Education Foundation Limited, two members of Designing Hong Kong Limited, Friends of Sai Kung, a Legislative Councillor, four IIRs and 781 members of the public. WWF Hong Kong, Kadoorie Farm and Botanic Garden Corporation, The Conservancy Association, The Hong Kong Bird Watching Society, Association for Tai O Environment and Development, Green Lantau Association, Green Animals Education Foundation Limited and five members of the public object to or had adverse comments on the application and their major views were summarised as follows:
 - (i) the proposed development was not in line with the general planning intention of the area;
 - (ii) the proposed development and associated construction activities would cause destruction and pollution to the stream and the coastal

area of Ko Tong Hau, generating adverse impacts to the natural landscape, wildlife and marine ecology of the area;

- (iii) a protected species, *Ceratopteris thalictroides* was found in the mangrove area of To Kwa Peng. The proposed development would threaten the precious species in the area and the mangroves in the vicinity;
- (iv) there should be no large-scale village house developments in Sai Kung East which was renowned for its ecological beauty;
- (v) increase in people and traffic flow due the proposed Small House developments would threaten the native and rare animal in the area;
- (vi) there were no sewage treatment facilities in the area. The construction works and the Small Houses would pollute the streams, bringing serious and long-term damage to the ecology;
- (vii) there was no proper and legal vehicular access to the application site. The heavy vehicles entering and exiting the site during the construction phase would have adverse impacts on both the surrounding ecology and the safety of pedestrians. The proposed developments would require the construction of an access road, and this would generate adverse impact to the surrounding Country Park;
- (viii) the application site was the subject of unauthorized site formation works in the past and its safety was doubtful due to the lack of supervision by qualified persons. The approval of the application would set a bad precedent for similar development in the future and encourage the practice of destruction before application for development;
- (ix) no development should be approved in the area at this stage until

appropriate land uses with clear planning intention had been established. Consideration of the application should be postponed.

- (e) two members of Designing Hong Kong Limited and a total of 711 standard letters from Friends of Sai Kung and other members of the public objected to the continuous processing and approval of the application in the DPA Plan prior to the preparation of OZP on the following grounds:
 - (i) the proposed Small House developments were haphazard and located in close proximity to mangroves and the Country Park;
 - (ii) there was no assessment under the Environmental Impact Assessment Ordinance nor assessment on the traffic, drainage and sewerage impacts of the proposed developments and the associated construction activities to the landscape and natural environment of the area and approval of the application would set a bad precedent of condoning a “destroy first, develop later” attempt in other enclaves;
 - (iii) there was a lack of sustainable development plan and infrastructure for the development of the area;
 - (iv) it was considered that the continuation in processing and approving the planning application was inconsistent with the government policy on “Country Park Enclaves” and would pre-empt the Board’s decision on the future uses of the area;
 - (v) the construction of Small Houses which had already commenced in July 2010 could be allowed to proceed for fairness. However, for those developments approved by the Lands Department but their construction had not yet started should be deferred until after the proper use of the area had been determined. Any other planning applications should be deferred until the DPA had expired and was replaced by an OZP;

- (f) a Legislative Councillor, with reference to the subject application and another two applications nearby, raised concern that large-scale Small House developments would have adverse impacts on the natural landscape, mangrove and mudflats along the coast. The Councillor requested the Board to seriously consider the ecological value of the area, the scale of the proposed development and the planning intention of the DPA Plan. In the absence of detailed analysis of land uses and study of the adequacy of infrastructural provision, the application should not be approved at this stage;
- (g) another 66 members of the public expressed diverse opposing views to the application and their major views were summarized below:
 - (i) there was no vehicular access to the site. Both temporary provision or permanent construction of an access road to the site would adversely affect the natural environment of the area;
 - (ii) the application was a case of “destroy first, develop later” attempt. Approval of the application would form a precedent for another two similar applications for Small Houses developments in the vicinity and lead to adverse environmental impact to the surrounding area during and after the construction works;
 - (iii) the proposed development was located in an uninhabited area and comprised a haphazard layout of Small Houses in close proximity to mangroves and sea grass and the Country Park;
 - (iv) the application site was located between Sai Kung East Country Park and Sai Kung West Country Park and was designated for “Unspecified Uses” in the DPA, which was not for the development of village houses. The application should be rejected to prevent the developer from damaging the natural environment and ecology;

- (v) the proposed development was against the public interest and the established policy for protecting the Country Park enclaves. Given its scale and close proximity to the mangroves, the proposed Small Houses were incompatible with the surrounding natural environment;
 - (vi) the proposed Small Houses were not for the indigenous inhabitants of To Kwa Peng but large scale residential development for profit making;
 - (vii) To Kwa Peng was a popular spot for hiking, tourism and water sports. The areas surrounding the application site with outstanding landscape and natural environment warranted protection;
 - (viii) there were inadequate infrastructures to the application site. The construction of access road and the proposed Small Houses would lead to the degradation of the surrounding Country Park, pollute the coastal area and threaten the habitats of wildlife and rare mangroves;
 - (ix) there was no assessment of the impacts of the proposed use and associated construction activities on the surrounding environment, which indicated a lack of care for the landscape and ecological value of To Kwa Peng;
 - (x) approval of the application would set a bad example for widespread exploitation of similar coastal areas across Hong Kong;
 - (xi) the proposal might have adverse impacts on the bat colony in the abandoned old village house;
- (h) One public comment from four IIRs supported the proposed Small Houses. The commenter also expressed discontent as they considered that the traditional right and interest of the indigenous villager to build Small

Houses had been deprived of and they urged the Board to permit Small House developments within the “VE” of To Kwa Peng;

- (i) the Planning Department (PlanD)’s views –PlanD did not support the application based on the assessment made in paragraph 12 of the Paper which were summarised below:
 - (i) the application was considered not compatible with the existing natural environment of the area as the application site was located near the scenic waterfront of Ko Tong Hau;
 - (ii) there was no existing and planned public sewer in the area. However, DEP commented that the application alone was unlikely to cause major pollution in view of the small scale of the proposed development;
 - (iii) although the application site was only covered with grass and shrubs of common species, DAFC commented that approval of the subject application would set a precedent for other similar applications to proliferate into the area;
 - (iv) CTP/UD&L, PlanD objected to the application from the landscape aspect as no landscape proposal had been submitted for non-building area of the application site. The proposed houses would have adverse impacts on the coastal landscape resource at the north. It would also result in haphazard village development within the countryside setting and further degrade the landscape quality and landscape resources of the area. Approval of the application would set an undesirable precedent for other similar applications in areas with high landscape values. The cumulative effect of approving similar applications would result in a general degradation of the environment;
 - (v) the application site was located in a remote area without vehicular

access. There was insufficient information to demonstrate how the future residents could be served by the existing narrow footpath. C for T also had reservation on the subject application as approval of the application would set an undesirable precedent case for similar applications in the future;

- (vi) there was one similar application (No. A/DPA/NE-TKP/4) for 16 proposed Small Houses to the immediate north of the application site. On 22.7.2011, the Committee decided to reject the application as the proposed Small House developments were not compatible with the existing natural environment; the proposed effluent disposal arrangement by septic tanks was considered unacceptable; the applicant failed to demonstrate that the proposed Small Houses would not cause adverse environmental and ecological impacts on the area and that proper access arrangement could be provided for the proposed Small Houses; and setting of undesirable precedent. Therefore, the approval of the subject application would set an undesirable precedent for other similar applications;
- (vii) the majority (792 out of a total of 793) of the public comments objected to or had adverse comments on the proposal mainly on the grounds that it would cause adverse impacts on the natural habitats and wildlife, water quality, environmental, ecological and landscape of the area. For the comments to defer all planning applications until an OZP had been prepared, it should be noted that it was not the intention of the DPA Plan to prohibit development but rather to establish planning control of the area pending the completion of detailed analysis and studies to establish land uses in the course of preparing an OZP. Applications for development in this period could be considered on a case-by-case basis, having regard to the relevant guidelines and departmental comments; and
- (viii) notwithstanding that the proposed Small House developments fell

entirely within the 'VE' of To Kwa Peng Village, where there was outstanding demand for Small House, the application did not comply with the Interim Criteria as it was not compatible with the surrounding natural environment and the applicants failed to demonstrate that the proposal would not cause adverse geotechnical, landscape, water quality, environmental and ecological impacts on the area.

60. Members had no question on the application.

Deliberation Session

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

- (a) the proposed developments did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in the New Territories as they were not compatible with the surrounding natural environment and the applicants failed to demonstrate that the proposal would not cause adverse landscape impact on the area; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area, the cumulative impact of which would result in a general degradation of the surrounding environment.

Agenda Items 16 to 21

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-TKP/7 Proposed House (New Territories Exempted House – Small House)
in “Unspecified Use” zone,
Government Land in D.D. 255, Pak Tam Au, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/7)

A/DPA/NE-TKP/8 Proposed House (New Territories Exempted House – Small House)
in “Unspecified Use” zone,
Government Land in D.D. 255, Pak Tam Au, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/8)

A/DPA/NE-TKP/9 Proposed House (New Territories Exempted House – Small House)
in “Unspecified Use” zone,
Government Land in D.D. 255, Pak Tam Au, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/9)

A/DPA/NE-TKP/10 Proposed House (New Territories Exempted House – Small House)
in “Unspecified Use” zone,
Government Land in D.D. 255, Pak Tam Au, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/10)

A/DPA/NE-TKP/11 Proposed House (New Territories Exempted House – Small House)
in “Unspecified Use” zone,
Government Land in D.D. 255, Pak Tam Au, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/11)

A/DPA/NE-TKP/13 Proposed House (New Territories Exempted House – Small House)
in “Unspecified Use” zone,
Government Land in D.D. 255, Pak Tam Au, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/13)

Presentation and Question Sessions

62. The Committee noted that the six applications were similar in nature and the application sites were located next to one another within the same area designated as “Unspecified Use” on the DPA Plan. The Committee agreed that the six applications could be considered together.

63. Mr. David Y.M. Ng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) one proposed House (New Territories Exempted House – Small House) for each application;
- (c) departmental comments –
 - (i) Chief Engineer/Development(2), Water Supplies Department (CE/D(2), WSD) objected to the application as the sites encroached upon the Upper Indirect Water Gathering Grounds. They were within an area where there was no DSD sewerage connection available in the vicinity at present. Hence, compliance with the Interim Criteria could not be established;
 - (ii) Director of Environmental Protection (DEP) advised that the sites were located within the water gathering ground where no public sewer was available. He did not support the applications to prevent contamination of waters which were designated by statute for potable supply. He also advised that the use of septic tank and soakaway systems for sewage treatment and disposal was not considered as an acceptable means for new village developments located in water gathering ground;
 - (iii) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that the application sites had a tranquil rural setting with high landscape value. The

proposed houses were located on a piece of grassland that appeared to be fallow farmland. It was in the mid-way between the existing Pak Tam Au village area and the edge of the woodland extending from the country park at the south. The sites were flat and covered with wild grass. Significant impact to the existing on-site landscape resources was not anticipated. However, the proposed developments would encourage other similar developments and cumulatively result in haphazard village development within the rural setting. Therefore, she had some reservations on the applications from the landscape planning point of view;

- (d) for Application Nos. A/DPA/NE-TKP/7 to 10, nine public comments from Green Animals Association and eight members of the public were received for each of the application during the first three weeks of the statutory publication period. Green Animals Association and five members of the public objected to these applications mainly on the grounds that the application, if approved, would set a bad precedent for similar development in the future and encourage the practice of destruction before application for development; there should be no large-scale village house developments in Sai Kung East which was renowned for its ecological beauty; the increase in people and traffic flow would threaten the native and rare animal in the area; and there were no sewage treatment facilities in the area. The construction works and the Small House would pollute the streams, bringing serious and long-term damage to the ecology. The remaining three members of the public objected to the applications on the grounds that the proposed developments would induce adverse water quality and ecological impacts; the proposed development would cause access problems to the village of Pak Tam Au during the construction phase and when the Small Houses were occupied; it was more sensible to consider the application when the future zoning and land use of the area had been determined; most of the local residents were against the applications; the proposal might cause damage or destruction of some or all of the surrounding trees; and the applications contained no plan for community space, including sitting out areas, open space and car parks;

- (e) for Application No. A/DPA/NE-TKP/11, a total of seven public comments were received from Green Animals Association Ltd and six members of the public during the first three weeks of the statutory public inspection period. Green animals Associations Ltd and four members of the public, and two individual members of the public objected to the application on similar grounds as those provided for Application Nos. A/DPA/NE-TKP/7 to 10;

- (f) for Application No. A/DPA/NE-TKP/13, a total of four public comments from Kadoorie Farm and Botanic Garden Corporation and three members of the public were received during the first three weeks of the statutory public inspection period. Kadoorie Farm and Botanic Garden Corporation proposed to reject/freeze the application mainly on the grounds that the area was bounded by secondary woodland ecologically linked to Sai Kung East and West Country Parks. Species of conservation value, such as an East Asian Porcupine *Hystrix brachyura*, Hong Kong Paradise Fish *Macropodus hongkongensis*, were found in the surrounding areas; the watercourses within the area were upstream tributaries of Pak Tam Chung Stream. Any runoff entering the watercourses would flow downward and affect Pak Tam Chung Stream; the proposed development and the associated potential road widening might have adverse ecological impacts; and the approval of the application would encourage numerous similar applications which were against the intention of the Government. The remaining three members of the public objected to the application on similar grounds as those made by members of the public in Application Nos. 7 to 11. The commenters also indicated that with the unique ecosystem of the valley providing a number of ponds, waterways and high quality grazing, the area played a crucial role for accommodating feral cattle in the territory;

- (g) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessment made in paragraphs 11 and 12 of the Papers which were summarised below:

- (i) the sites were located within the Upper Indirect Water Gathering Grounds where public sewer was not available. DEP was of the view that the use of septic tank and soakaway systems for sewage treatment and disposal were not considered as an acceptable means for new village developments located in water gathering ground. While there was no information in the submissions to demonstrate that the water quality within water gathering grounds would not be affected by the proposed developments, the proposals failed to comply with the Interim Criteria (i). In this regard, CE/D(2), WSD and DEP did not support the application;
- (ii) on the landscape aspect, CTP/UD&L, PlanD commented that the application sites had a tranquil rural setting with high landscape value. Although significant impact to the existing on-site landscape resources was not anticipated, the proposing developments would encourage other similar developments and cumulatively result in haphazard village development within the rural setting. Therefore, she had some reservations on the applications from the landscape planning point of view;
- (iii) all the public comments received during the statutory publication period objected to the application mainly on the grounds of adverse drainage, sewage, water quality, traffic, ecological and landscape impacts. For the public comment proposed to freeze the application, it should be noted that the intention of the DPA Plan was not to prohibit development but rather to establish planning control of the Area pending detailed analysis and studies to establish land use in the course of preparing an OZP. Applications for developments in this period would be considered on a case-by-case basis, having regard to the relevant guidelines and departmental comments; and
- (iv) notwithstanding that the proposed Small House development fell entirely within the 'VE' of Pak Tam Au Village, where there was

outstanding demand for Small House, the applications did not comply with the Interim Criteria as the sites were located within the Upper Indirect Water Gathering Grounds where public sewer was not available and the applicants failed to demonstrate that the proposals would not cause adverse water quality impact on the area.

64. Members had no question on the application.

Deliberation Session

65. After deliberation, the Committee decided to reject the applications. Members then went through the reasons for rejection as stated in paragraph 13 (for Application Nos. A/DPA/NE-TKP/7 to 11) and paragraph 12 (for Application No. A/DPA/NE-TKP/13) of the Papers and considered that they were appropriate. The reasons for each of the application No. A/DPA/NE-TKP/7, 8, 9, 10, 11 and 13 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 as the site was located within the Upper Indirect Water Gathering Grounds where public sewer was not available and the applicant failed to demonstrate that the proposal would not cause adverse water quality impact on the area; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area, the cumulative impact of which would result in an adverse impact of the water quality in the area.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/436 Proposed Public Utility Installation
(Sewage Pumping Station) and Excavation of Land
in “Village Type Development” zone,
Lot 75 RP (Part) in D.D. 7 and Adjoining Government Land,
Tai Hang Village, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/436)

Presentation and Question Sessions

66. Mr. Edward W.M. Lo, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (sewage pumping station) and excavation of land;
- (c) departmental comments – concerned 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), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper which were summarised below:
 - (i) the proposed sewage pumping station and associated excavation of land was part of the North District Sewerage Stage 2 Phase 1 Project

for collecting and conveying the sewage generated from Tai Hang Village to Shek Wu Hui Sewage Treatment Works for proper treatment and disposal. It did not contravene the planning intention of the “V” zone as it was a public utility installation with small development footprint to meet the needs of local villagers and the water quality of the village area could be improved upon the completion of the sewerage scheme. DLO/TP had no comment on the application and advised that the subject site did not involve any Small House application;

- (ii) after careful consideration on technical grounds and consultation, DSD identified the subject site as the most suitable site for the proposed sewage pumping station. The Tai Po Rural Committee, concerned Village Representatives and local villagers as well as the Environment, Hygiene and District Development Committee of the Tai Po District Council had been consulted and they generally supported the implementation of the proposed sewerage scheme, including the proposed sewage pumping station for alleviating the water pollution problem and to improve the water quality of the area. The proposed sewerage works were also authorized under Roads (Works, Use and Compensation) Ordinance (Cap.370) as applied by section 26 of the Water Pollution Control (Sewerage) Regulation (Cap. 358 Subsidiary Legislation) on 22.12.2011;
- (iii) the application site was within Tai Hang Village and the nearest sensitive receiver was about 45m to the east of the site. The pumping facilities in the proposed pumping station would be located underground and enclosed in a reinforced concrete structure with acoustic louvers. This would minimise possible noise impact. Deodorisation equipment would also be installed for removing odour gas from the proposed pumping station. With the implementation of mitigation measures as recommended by the applicant, the proposed sewage pumping station would unlikely cause adverse noise, odour and other environmental impacts on the

nearby sensitive receivers during both the construction and operation stages. DEP had no objection to the application;

- (iv) while the site was located within the Water Gathering Ground (WGG), the applicant had proposed mitigation measures and contingency plans to minimise the chance of sewage overflow to the surrounding areas. CE/Dev(2), WSD had no objection to the application subject to the incorporation of approval conditions;
- (v) the proposed pumping station with a height of about 5.6m and a gross floor area of about 198 m² was considered not incompatible with the surrounding landscape character. As the site was vacant with no existing tree and significant adverse impact on landscape resources was not anticipated, and the applicant had proposed to have landscape treatment for the pumping station building, CTP/UD &L, PlanD had no objection to the application subject to the incorporation of approval condition on the implementation of the landscape proposal;
- (vi) regarding DO/TP, HAD's concern on the footpath affected by the proposed development, the applicant would re-provision the footpath leading to a piece of government land on the southern end which was vacant and villagers would still be able to use the footpath; and
- (vii) No local objection and public comment had been received against the proposed development.

67. Members had no question on the application.

Deliberation Session

68. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 24.2.2016, 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 implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the applicant should resolve any land issue relating to the development with the concerned owners of the application site;
- (b) to note the comments of Director of Environmental Protection to fully implement the mitigation measures recommended in the Planning Statement at Appendix Ia of the Paper;
- (c) to note the comments of Director of Agriculture, Fisheries and Conservation to minimize impact to the trees to the northwest of the site (Plan A-4a of the Paper);
- (d) to note the conditions of the Chief Engineer/Development (2), Water Supplies Department in Appendix II of the Paper;
- (e) to note the comments of Chief Highway Engineer/New Territories East, Highways Department that the access adjoining the application site was not maintained by his office (Plan A-2 of the Paper);
- (f) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on

the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:

- (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) 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; and
 - (iii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and/or his contractors when carrying out works in the vicinity of electricity supply lines;
- (g) to note the comments of District Lands Officer that the applicant had to follow the requirements and procedures as laid down in ETWB Technical Circular (works) No. 27/2003 dated 17.10.2003 and submit an application to his office for government land allocation to implement the proposed sewage pumping station;
- (h) to note the comments of Commissioner for Transport that the existing nearby village access (Plan A-2a of the Paper) was not under his management and check the land status with Lands Department. The applicant should carry out inspections and necessary impact assessments to the whole access route to ensure it was suitable for the intended uses; and

carry out necessary improvements in order to mitigate nuisances and impacts as generated from the purposed development. As an alternative, the applicant could consider forming an independent maintenance access road to the proposed pumping station. The applicant should note that the existing village access and any future proposed maintenance access to the proposed pumping station were not under Transport Department's management ; and

- (i) to note the comments of District Officer/Tai Po, Home Affairs Department that there was a footpath affected by the proposed development (Plan A-2 of the Paper) and the applicant was suggested to provide an alternate access, unless the villagers affected considered unnecessary.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/438A Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 258 S.A ss.2 and 258 S.C in D.D. 8, Tai Mong Che,
Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/438)

Presentation and Question Sessions

70. Mr. Edward W.M. Lo, 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 agricultural point of view as the site had high potential of rehabilitation for agricultural activities;
- (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), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper which were summarised below:
 - (i) although DAFC did not support the application from agricultural point of view as the site had high potential of rehabilitation for agricultural activities, the application was generally in line with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (the Interim Criteria) in that the proposed Small House fell entirely within the 'VE' of Tai Mong Che Village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the concerned villages; and that the proposed Small House would be able to be connected to the planned sewage system in the area;
 - (ii) the application site fell within the WGG. As the proposed Small House would be able to be connected to the planned sewerage system in the area via Lot 258 RP, both DEP and CE/Dev(2), WSD had no objection to the application provided that the construction of house should not commence before the completion of the planned sewerage system. In this connection, an advisory clause was recommended to require that the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;

- (iii) noting that the proposed house was overlooked by steep natural hillside and met the Alert Criteria requiring a Natural Terrain Hazard Study (NTHS), H(GEO), CEDD advised the applicant to undertake a NTHS and to provide suitable mitigation measures as necessary, as part of the development. Relevant approval condition requiring the applicant to submit a NTHS and implement the mitigation measures identified therein was recommended to address H(GEO), CEDD's concerns;
- (iv) no local objection and public comment had been received against the proposed development.

71. Members had no question on the application.

Deliberation Session

72. 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 24.2.2016, 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 provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;

- (e) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (f) the submission of a natural terrain hazard study (NTHS) and the implementation of the mitigation measures identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) or of the TPB.

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (d) to note the comments of Director of Environmental Protection's (DEP) that the applicant should take up full ownership, construction and maintenance responsibility of the sewerage connection system and connect the proposed house to the future public sewer at his own cost. The sewerage connection point should be within the application site;
- (e) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (DSD) that both public stormwater drainage system and public sewerage system were not currently available for connection in the vicinity of the application site. For stormwater drainage system, the

applicant should be required to provide proper stormwater drainage system for the proposed development to the satisfaction of his Department. The applicant/owner was required to maintain the drainage system properly, to rectify the system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system. For the sewerage system, the DEP should be consulted on the requirements on sewage treatment and disposal aspect of the proposed development and the Chief Engineer/Project Management (CE/PM), DSD should be consulted on availability of sewerage connection;

- (f) to note the comments of CE/PM, DSD that the proposed public sewerage system as shown on Plan A-2 of the Paper would be subject to revision due to actual site situation. The applicant might contact his Consultant, Ove Arup & Partner at 2268 3404 for detailed information the project;
- (g) to note the comments of Chief Engineer/Development (2), Water Supplies Department in paragraph 4 of Appendix IV of the Paper;
- (h) to note the comments of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (i) to note the comments of H(GEO), CEDD that the requirement of NTHS could incur significant cost implication and render the proposed development not economically viable. The applicant was required to carry out the NTHS and provide suitable mitigation measures as necessary as part of the proposed development if he considered that the proposed development was economically viable and wished to proceed with the development of the site;
- (j) to note the comments of H(GEO), CEDD to make necessary submissions to the District Lands Officer/Tai Po to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in Practice Notes

for Authorized Persons APP56. 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;

- (k) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that the access leading to the site was not maintained by his office (Plan A-2 of the Paper);
- (l) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:
 - (i) 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; and
 - (ii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and/or his contractors when carrying out works in the vicinity of electricity supply lines; and
- (m) to note that the permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 24 to 26

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/442 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 261 S.A in D.D. 8, Tai Yeung Che Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/442)

A/NE-LT/443 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 261 S.B in D.D. 8, Tai Yeung Che Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/443)

A/NE-LT/444 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 261 S.C in D.D. 8, Tai Yeung Che Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/444)

Presentation and Question Sessions

74. The Committee noted that the three applications were similar in nature and the application sites were located next to each other within the same “Agriculture” and “Village Type Development” zones. The Committee agreed that the three applications could be considered together.

75. Mr. Edward W.M. Lo, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) one proposed House (New Territories Exempted House (NTEH) – Small House) for each application;

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from agricultural point of view as the sites had high potential of rehabilitation for agricultural activities;
- (d) one public comment in two letters from an indigenous villager of Tai Yeung Che was received for each of the application during the first three weeks of the statutory publication period. The commenter considered that as the proposed Small Houses were not within the “V” zone, the development proposed by private developer would destroy the woodland nearby and affect slope stability, the rural landscape of the area and fung shui of his ancestors’ grave. He was also worried that the proposed development together with the completed village houses and Small House applications in the vicinity would bring adverse cumulative impacts on the environment, traffic, and fire safety in the surrounding area as well as creating social problem and conflict among residents; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessment made in paragraph 11 of the Papers which were summarised below:
 - (i) although DAFC did not support the applications from agricultural point of view as the sites had high potential of rehabilitation for agricultural activities, the proposed Small Houses under the current applications generally complied with the Interim Criteria in that the proposed Small Houses fell entirely within the ‘VE’ of Tai Mong Che Village and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the concerned villages; and that the proposed Small Houses would be able to be connected to the planned sewerage system in the area;
 - (ii) the application sites fell within the WGG. The applicants submitted further information to demonstrate the feasibility of

sewerage connection for the proposed house. As the proposed Small Houses would be able to be connected to the planned sewerage system in the area via Lot 261 RP, both DEP and CE/Dev(2), WSD had no objection to the applications. In this connection, an advisory clause was recommended for Application Nos. A/NE-LT/442 and 443 to require that the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;

- (iii) noting that the proposed houses were overlooked by steep natural hillside and met the Alert Criteria requiring a Natural Terrain Hazard Study (NTHS), H(GEO), CEDD advised the applicants to undertake NTHS and to provide suitable mitigation measures as necessary, as part of the development. Relevant approval condition requiring the applicants to submit a NTHS and implement the mitigation measures identified therein was recommended to address H(GEO), CEDD's concerns; and

- (iv) there was one public comment against the applications on grounds that the proposed developments were not within the "V" zone and the proposed developments within the "Green Belt" ("GB") would destroy the woodland nearby, affect slope stability, the rural landscape of the area and fung shui of his ancestors' grave, and brought adverse cumulative impacts to the surrounding area. It should be noted that the proposed houses were located within the "AGR" zone instead of "GB" zone as stated in the public comment. Fung shui was not a material consideration of the Board in assessing the planning application. Regarding public concerns on the potential adverse landscape impact from site formation and construction of pedestrian access for the proposed developments on the slope nearby, CTP/UD &L, PlanD noted that there would not be any site formation works and there would not be any proposed pedestrian access for the proposed development, and had no objection to the application. The applicant also reconfirmed that

it would not involve any site formation and construction of pedestrian access. As suggested by CTP/UD&L, PlanD, an approval condition requiring the applicants to submit and implement landscape proposal was also recommended. For comments concerning impacts on traffic and fire safety, C for T and D of FS also had no further comment.

76. Members had no question on the application.

Deliberation Session

For Application No. A/NE-LT/442, 443 and 444

77. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 24.2.2016, 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 were renewed. The permissions were subject to the following conditions :

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

of Water Supplies or of the TPB; and

- (f) the submission of a natural terrain hazard study (NTHS) and the implementation of the mitigation measures identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) or of the TPB.

For Application No. A/NE-LT/442 and 443:

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (d) to note the comments of Director of Environmental Protection (DEP) that the applicant should take up full ownership, construction and maintenance responsibility of the sewerage connection system and connect the proposed house to the future public sewer at his own cost. The sewerage connection point should be within the application site;
- (e) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (DSD) that both public stormwater drainage system and public sewerage system were not currently available for connection in the vicinity of the application site. For stormwater drainage system, the applicant should be required to provide proper stormwater drainage system

for the proposed development to the satisfaction of his Department. The applicant/owner was required to maintain the drainage system properly, to rectify the system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system. For sewerage system, the DEP should be consulted on the requirements on sewage treatment and disposal aspect of the proposed development and the Chief Engineer/Project Management (CE/PM), DSD should be consulted on availability of sewerage connection;

- (f) to note the comments of CE/PM, DSD that the proposed public sewerage system as shown on Plan A-2 would be subject to revision due to actual site situation. The applicant might contact his Consultant, Ove Arup & Partner at 2268 3614 for detailed information the project;
- (g) to note the comments of Chief Engineer/Development (2), Water Supplies Department in paragraph 4 of Appendix IV;
- (h) to note the comments of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (i) to note the comments of H(GEO), CEDD that the requirement of NTHS could incur significant cost implication and render the proposed development not economically viable. The applicant was required to carry out the NTHS and provide suitable mitigation measures as necessary as part of the proposed development if he considers that the proposed development was economically viable and wish to proceed with the development of the site;
- (j) to note the comments of H(GEO), CEDD to make necessary submissions to the District Lands Officer/Tai Po to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in Practice Notes for Authorized Persons APP56. 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;

- (k) to note the comments of Chief Highway Engineer/New Territories East, Highways Department that the access leading to the site was not maintained by his office (Plan A-2 of the Paper);
- (l) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:
 - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) 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;
 - (iii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and/or his contractors when carrying out works in the vicinity of electricity supply lines; and

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

For Application No. A/NE-LT/444

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

- (a) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (b) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (c) to note the comments of Director of Environmental Protection (DEP) that the applicant should connect the proposed house to the future public sewer at his own cost when available and the sewerage connection point should be within the application site and within the “V” zone;
- (d) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (DSD) that both public stormwater drainage system and public sewerage system were not currently available for connection in the vicinity of the application site. For stormwater drainage system, the applicant should be required to provide proper stormwater drainage system for the proposed development to the satisfaction of his Department. The applicant/owner was required to maintain the drainage system properly, to rectify the system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system. For

sewerage system, DEP should be consulted on the requirements on sewage treatment and disposal aspect of the proposed development and the Chief Engineer/Project Management (CE/PM), DSD should be consulted on availability of sewerage connection;

- (e) to note the comments of CE/PM, DSD that the proposed public sewerage system as shown on Plan A-2 would be subject to revision due to actual site situation. The applicant might contact his Consultant, Ove Arup & Partner at 2268 3614 for detailed information the project;
- (f) to note the comments of Chief Engineer/Development (2), Water Supplies Department in paragraph 4 of Appendix IV of the Paper;
- (g) to note the comments of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (h) to note the comments of H(GEO), CEDD that the requirement of NTHS could incur significant cost implication and render the proposed development not economically viable. The applicant was required to carry out the NTHS and provide suitable mitigation measures as necessary as part of the proposed development if he considers that the proposed development was economically viable and wish to proceed with the development of the site;
- (i) to note the comments of H(GEO), CEDD to make necessary submissions to the District Lands Officer/Tai Po to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in Practice Notes for Authorized Persons (PNAP) APP56. 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;
- (j) to note the comments of Chief Highway Engineer/New Territories East, Highways Department that the access leading to the site was not

maintained by his office (Plan A-2 of the Paper);

- (k) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:
 - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) 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;
 - (iii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and/or his contractors when carrying out works in the vicinity of electricity supply lines; and
- (l) to note that the permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB

where required before carrying out the road works.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/447 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 337 RP in D.D. 19, San Uk Pai, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/447)

[Ms. Anna S. Y. Kwong returned to the meeting at this point.]

Presentation and Question Sessions

80. Mr. Edward W.M. Lo, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

[Mr. Eric Hui arrived at the meeting at this point.]

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House – Small House);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application;
- (d) three public comments were received during the first three weeks of the statutory publication period, one of which was the same comment from the same person submitted in two different ways. The reasons for their objections were that the subject lot seemed to be owned by two different landowners and was currently being used by residents for parking and access. The proposed house at the subject site would narrow the existing

access and might cause land disputes on land usage that affected the right-of-way and the safety of residents in the area; there were construction works for village house development at adjacent Lot 336 S.A, which had already brought noise and dust nuisance in the area. The proposed house at the subject site would intensify the ventilation problem that affected the health of residents as well as creating security problem due to increasing number of residents; and the construction works at Lot 336 S.A caused blocking of manholes in the area near the subject site which would cause flooding during rainy season as well as hygienic problems. The proposed development would further deteriorate the problem; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper which were summarised below:
 - (i) the application generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that its footprint was entirely within the 'VE' of San Uk Pai Village; there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the villages concerned; and the proposed Small House would be able to be connected to the planned sewerage system in the area;
 - (ii) the application site fell within the upper indirect Water Gathering Ground (WGG). The applicant submitted further information to demonstrate the feasibility of sewerage connection for the proposed house. As the proposed Small House would be able to be connected to the planned sewerage system in the area, both DEP and CE/Dev (2), WSD had no objection to the application;
 - (iii) although the application site fell partly within the "AGR" zone, noting that the application site had low potential of rehabilitation for agricultural activities, DAFC had no strong view against the application from agricultural point of view. CTP/UD&L had no

objection to the application from the landscape planning point of view as no adverse impacts on the surrounding landscape character and existing landscape resources were anticipated;

- (iv) regarding the concerns of the commenters on the right of way and possible land disputes arising from the proposed development, the current record at Land Registry revealed that the applicant was the sole owner of the application site. DLO/TP also advised that his office might require the applicant to consider reserving the right-of-way for the affected residents provided that it was the only way for the residents nearby to reach their premises. For comments concerning environmental nuisance, ventilation problem, security problem and drainage impacts, DEP considered that it would unlikely cause significant environmental nuisance to sensitive receivers nearby in view of the small scale and short duration of building works and environmental impact would be subject to control under the environmental legislation. As the land in the area was flat, CE/MN, DSD pointed out that the lack of proper drainage facilities might render the area liable to ponding/flooding during heavy rain. To avoid possible adverse drainage impact and to enhance the surrounding environment, approval conditions requiring the applicant to submit and implement drainage proposal and landscape proposal had been recommended. Given that the application was the subject of previous planning permission which had lapsed and was generally in line with the Interim Criteria, favourable consideration could be given to the current application.

81. Members had no question on the application.

Deliberation Session

82. 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 24.2.2016, 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 and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (b) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (c) to note the comments of Director of Environmental Protection (DEP) that the applicant should connect the proposed house to the future public sewer when available and the sewerage connection point should be within the

application site and within the “Village Type Development” zone;

- (d) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (DSD) that both public stormwater drainage system and public sewerage system were not currently available for connection in the vicinity of the application site. For stormwater drainage system, the applicant should be required to provide proper stormwater drainage system for the proposed development to the satisfaction of his Department, and to submit the drainage proposal to his office for comment. The applicant/owner was required to maintain the drainage system properly, to rectify the system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system. For sewerage system, DEP should be consulted on the requirements on sewage treatment and disposal aspect of the proposed development and the Chief Engineer/Project Management (CE/PM), DSD should be consulted on availability of sewerage connection;
- (e) to note the comments of CE/PM, DSD to be vigilant on the latest situation of the sewerage project works, for which the Village Representatives would be kept informed by Drainage Services Department;
- (f) to note the comments of Chief Engineer/Development (2), Water Supplies Department in paragraph 4 of Appendix V of the Paper;
- (g) to note the comments of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (h) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead

line) within or in the vicinity of the application site, the applicant should carry out the following measures:

- (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) 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; and
 - (iii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and/or his contractors when carrying out works in the vicinity of electricity supply lines; and
- (i) to note that the permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/381 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lots 455 S.C and S.D in D.D. 23, San Tau Kok, Tai Po
(RNTPC Paper No. A/NE-TK/381)

Presentation and Question Sessions

84. Mr. Edward W.M. Lo, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site fell partly within “AGR” zone and had high potential 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), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper which were summarised below:
 - (i) although DAFC did not support the application from agricultural point of view, the site was a piece of grassland with no existing tree and the proposed development was not incompatible with the

existing village setting with village houses found to the south of the site. The proposed Small House was considered in compliance with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell within the “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 had no objection to the application;

- (ii) No local objection and public comment had been received against the proposed development.

85. Members had no question on the application.

Deliberation Session

86. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 24.2.2016, 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 and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there was no public drain in the vicinity of the site. Should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the site to the satisfaction of DSD to ensure that it would not cause adverse drainage impact to the adjacent area. The applicant/owner was also required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems. There was no existing public sewerage in the vicinity of the site currently. Nevertheless, 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 around 2012/13. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the development;

- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend his 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; and

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

Agenda Item 29

Section 16 Application

[Open Meeting]

A/TP/461 Columbarium in “Government, Institution or Community” zone,
Lot 1006 R.P. in D.D. 5, No. 2 Mui Shu Hang Village, Tai Po
(RNTPC Paper No. A/TP/461)

88. The Secretary reported that Ms. Anna Kwong and Mr. Stephen Yip had declared interest in this application as they had current business dealings with Environ Hong Kong Ltd., one of the consultants of the application. Dr. James Lau also declared an interest in this application as he had current business dealings with the applicant. As the case was for deferral, the Committee agreed that Ms. Kwong and Dr. Lau could be allowed to stay in the meeting. The Committee also noted that Mr. Yip had tendered his apology for not being able to attend the meeting.

89. The Secretary reported that on 9.2.2012, the applicant requested the Board to further defer making a decision on the application for another two months in order to meet Transport Department’s request for submission of supplementary information. However, PlanD had reservation on the request for deferment as the application had been deferred for four times. During the meeting held on 18.11.2011, the Committee decided that the fourth deferment should be the last deferment. The Secretary said that the deferment all along was about the traffic issues and more than one year had been spent on the issue. The current request was to resolve the traffic issues again. Should the request be acceded to, the cumulative deferment period would be 10 months.

90. A Member said that the request should not be acceded to as the applicant had been advised that the fourth deferment was the last deferment and there was insufficient justification for further deferment.

91. After deliberation, the Committee decided not to accede to the applicant’s request for deferment. The Committee agreed that the application would be submitted for the Committee’s consideration at the next meeting.

Agenda Item 30

Section 16 Application

[Open Meeting]

A/TP/516 Proposed Two Houses (Redevelopment) in “Green Belt” zone,
Lot 2087 in D.D. 6, Pun Chun Yuen Road, Tai Po
(RNTPC Paper No. A/TP/516)

92. The Secretary reported that on 20.2.2012, the applicant’s representative submitted Further Information (FI) in response to the comments of District Lands Officer/Tai Po, Lands Department, which was received by the Board on 21.2.2012. As the submitted FI involved minor change in the development parameters including GFA, plot ratio and site coverage and was only received on 21.2.2012, which was 3 days before the meeting, there was insufficient time for the relevant departments to provide their further comments. Since the departmental comments would be relevant to the consideration of the application, PlanD requested the subject application be deferred to the next meeting pending the departmental comments.

93. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration at the next meeting.

[The Chairman thanked Ms. Doris S.Y. Ting, Mr. Anthony K.O. Luk, Mr. David Y.M. Ng and Mr. Edward W.M. Lo, STPs/STN, for their attendance to answer Members’ enquires. Ms. Ting, Mr. Luk, Mr. Ng and Mr. Lo left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 31

[Open Meeting]

Proposed Amendments to the

Approved Tuen Mun Outline Zoning Plan No. S/TM/28

(RNTPC Paper No. 1/12)

94. With the aid of a powerpoint, Mr. C. C. Lau, STP/TMYL, presented the proposed amendments to the Tuen Mun OZP as detailed in the Paper and covered the following main aspects:

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

Background

Review of the “Industrial (“I”) zones

- (a) in September 2010, Planning Department completed the Area Assessment 2009 which recommended, among others, that two broad sites in Tuen Mun Area 9 zoned “Industrial” (“I”) could be considered for rezoning to “Comprehensive Development Area” (“CDA”) for residential use, and “Other Specified Uses” annotated “Business” (“OU(B)”) respectively. On 17.9.2010, the Board noted the findings of the Area Assessment 2009 and endorsed in principle the recommendations as a broad basis for rezoning of industrial land to other uses;
- (b) the land use review undertaken indicated that the land use proposals in the Area Assessment 2009 to transform the concerned part of the industrial areas near the West Rail (WR) Tuen Mun Station for residential and business uses could be supported, though detailed technical assessments on traffic impact and infrastructural capacities would be required. The review also indicated that some adjustments to the land use proposals to

incorporate departmental views and current planning circumstances would also be required;

- (c) taking into account departmental views and also current planning circumstances, the two broad sites which were currently zoned “I” would be rezoned to “CDA(1)” for residential use, “CDA(2)” for commercial use, “OU(B)”, “Commercial(1)” (“C(1)”), “OU(ESS)” and “Green Belt” (“GB”);

Housing Sites

- (d) to meet the increasing demand for housing land, three government sites under “Government, Institution or Community” (“G/IC”) zones on the OZP had been identified as having potential for housing development. Two of them were at So Kwun Wat Road in Area 56 and one was at Wu On Street in Area 44. They were either not designated for any specific use, or no longer required for the originally planned use. A land use review indicated that residential developments at these sites would not be subject to insurmountable technical problems. The two sites at So Kwun Wat Road would be rezoned to “R(B)” and the site in Area 44 to “R(A)”;

G/IC Site

- (e) in 1990, portions of the foothill at the junction of Castle Peak Road and Ho Wing Road in Area 41 were included in a site formation area and road works for schools, housing and GIC facilities. The sites had been used as a temporary vehicle park, and HyD’s temporary engineer’s office and works area since 2009 for the project on Traffic Improvements to Tuen Mun Road - Centre Section. Upon completion of the current road works, the works sites which fell within “GB” and “G/IC” zones could be released for development in 2014. It was proposed to rezone the “GB” portion of the works sites to “G/IC” to form a larger “G/IC” site;

Proposed Road in Area 54

- (f) Tuen Mun Area 54 which consisted of existing village settlements, temporary structures, vehicle parks, and open storage of containers had been planned for residential developments, village housing and various GIC facilities on the current OZP. To enhance the accessibility of the area so as to facilitate the planned developments, a major road running in a generally east-west direction connecting to the rest of the New Town and junction improvement near Ming Kam Road/Tsun Wen Road/Hing Kwai Street would be required;

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

Proposed Amendment to the OZP

Amendment Item A1 - Rezoning of a site bounded by Tsun Wen Road in the west, the Tuen Mun LRT Electricity Substation in the north, the LRT/footpath to the east and the Luks Industrial Building (TMTL 145) and Yeu Shing Industrial Building (TMTL 155) in the south from “I” and “O” zones to “CDA(1)” (area about 1.56 ha)

- (i) a site of about 1.56 ha included the ex-bus depot (TMTL 80), the Crown Data Centre I (TMTL 79), the public toilet and vacant government land was zoned “I” on the approved Tuen Mun OZP A/TM/28 subject to a maximum plot ratio of 9.5. The Area Assessment 2009 recommended to rezone the subject site for residential use if the bus depot to its west could be relocated so as to avoid the environmental nuisance. As the landowners of the bus depot in the subject site and the bus depot to its west were related, both sites would be rezoned at the same time, with “CDA(1)” for residential and “CDA(2)” for commercial use respectively (Amendment A2 below). There would also be opportunity for the project proponents of the “CDA (1)” and “CDA(2)” zones to work out their development programmes so that the bus depot could be relocated before population intake of the “CDA(1)” development. A planning brief would be prepared to provide further details on the design concept as well as requirements for various facilities;
- (ii) the “CDA(1)” zone was at the eastern fringe of an industrial area and

enjoyed good accessibility as it was adjacent to WR Tuen Mun Station and LRT Ho Tin Station. A composite type of development with maximum domestic/non-domestic plot ratio of 5/9.5 would be suitable in view of the town core location of the site. The proposed development would also be compatible with the developments in the “R(A)” zones on the east bank of the Tuen Mun River Channel. The maximum building height of “CDA(1)” zone was proposed to be maintained at 100mPD as in the current OZP. This restriction conformed with the overall building height concept developed for the new town under the previous OZP amendments and could accommodate the proposed plot ratio for the “CDA(1)” zone;

- (iii) development in the subject “CDA(1)” zone would require the submission of a master layout plan together with assessments on various aspects including, among others, traffic, environment, infrastructure as well as a development programme for the consideration and approval of the Town Planning Board under s.16 of the Town Planning Ordinance;
- (iv) as the site was separated by public road and was adjacent to the river bank and the WR Tuen Mun Station, the “CDA” zoning would help achieve co-ordinated development with a design for better integration within the site, the adjacent developments and those across the river; and provision of environmental mitigation measures to address the interface and traffic noise problems where appropriate. Opportunity for provisions of public vehicle park and shopping arcade in the development could be explored;
- (v) the proposed “CDA” zone included an existing public toilet and ancillary facilities providing services to the visitors to the adjacent LRT Ho Tin Station and WR Tuen Mun Station, sitting out area and riverside cycle track and amenity area. It was considered appropriate to include in-situ reprovisioning of the facilities upon redevelopment. To cater for the need of the residents of the subject proposed residential development, the provision of a kindergarten in the development might be required;

Amendment Item A2 - Rezoning of two sites bounded by Tsun Wen Road in the east, Kin Wing Street in the south, Kin On Street in the west and Ho Tin Street in the north from “I” to “CDA(2)” (area about 3.44 ha)

- (vi) a site of about 3.44 ha which covered the bus depots at Kin Tai Street and KMB Overhaul Centre at Kin On Street was zoned “I” on the Approved Tuen Mun OZP No. S/TM/28 subject to a maximum non-domestic plot ratio of 9.5 and building height of 100 mPD. The site was proposed to be rezoned to “OU(B)” in the Area Assessment 2009. However, the land use review indicated that the redevelopment of the depot sites for commercial use would need to incorporate certain urban design concept and to address traffic and development phasing concerns. It was therefore proposed to rezone the sites from “I” to “CDA” for commercial use so that the redevelopment concerns could be addressed under the s.16 planning application mechanism comprehensively whilst the intention of commercial use of the sites could be pursued. Planning briefs for the sites would be prepared to guide the redevelopments;
- (vii) the proposed commercial use of the sites and the proposed development parameters would be compatible with the planned “CDA(1)” site for residential use to their east and the planned business uses in their vicinity;
- (viii) while it was the long term planning intention to phase out the bus depots, to provide flexibility for alterations to the bus depot for the period pending redevelopment, it was proposed to include ‘bus depot’ in Column 2 of the Notes for “CDA(2)” zone only. Control on the design of the redevelopment of the three bus depots (i.e TMTLs 80, 81 and 82), the WR Tuen Mun Station and east bank of the Tuen Mun River Channel was considered important to create a more functional, interesting and aesthetically pleasing town core;
- (ix) the existing plot ratio of TMTL 81 and TMTL 82 was about 3.0 which was substantially below their full development intensity permitted under the OZP which was 9.5. Furthermore, the trip generation pattern of bus depot

would be different from those of industrial or business developments. The impacts of the redevelopment on road and infrastructure capacities would need to be addressed through s.16 application mechanism under the “CDA” zoning;

Amendment Item A3 –Rezoning of two sites one bounded by Tsun Wen Road and Kin Tai Street in the east, Pui To Road and Tuen Mun Divisional Fire Station in the south, Kin On Street in the west and Kin Wing Street to the north; and another bounded by Tsun Wen Road to the east, Ho Tin Street to the south, a car park in the west and Kin Kwok Street in the north from “I” to “OU(B)” (area about 3.64 ha)

- (x) the two “OU(B)” zones with a total area of about 3.64 ha were to the north and south of the proposed “CDA(2)” zone. There were mainly six existing industrial buildings in the “OU(B)” zones. The existing developments had reached their full development intensity permitted under the current “I” zone. As recommended in the Area Assessment 2009, it was proposed to rezone the sites from “I” to “OU(B)”;
- (xi) it was proposed to maintain the current total maximum plot ratio of 9.5 and building height of 100mPD for the “OU(B)” zone. The proposed business uses of the sites and the proposed development parameters would be compatible with the planned “CDA(2)” sites for commercial uses and the existing industrial buildings. Together with the “CDA(2)” sites, the proposed “OU(B)” zone could act as a buffer between the residential development at the “CDA(1)” site and the existing industrial buildings within the remaining “I” zone to the west of the site;
- (xii) as ‘Shop and Services’ and ‘Eating Places’ would generate substantial traffic resulting in overtaxing the existing road capacities, a plot ratio of 1 for these uses was recommended. Higher plot ratio for these uses would require the submission of s.16 planning application for the consideration of the Board. In other words, a maximum plot ratio of 9.5 (including not more than plot ratio of 1 for ‘Shop and Services’ and ‘Eating Place’) was proposed to be imposed in the Notes of the OZP for this zone;

Amendment Item A4 – Rezoning of a site bounded by Tsun Wen Road in the west, Kin Fung Circuit in the North, the LRT/footpath in the east and the Tuen Mun Police Station in the south from “I” to “Commercial (1)” (“C(1)”) (area about 0.48 ha)

- (xiii) a site of about 0.48 ha and was occupied by two existing industrial buildings was originally included in the “CDA(1)” zone under the Area Assessment 2009. On 20.5.2011 and 19.8.2011, the Committee approved two s.16 planning applications (Applications No. A/TM/413 and A/TM/420) respectively for wholesale conversion of the two existing industrial buildings for commercial, office and retail uses. During the consideration of the Application No. A/TM/413, the Committee remarked that the boundary of the “CDA(1)” zone might need to be reviewed in view of the above-mentioned planning approvals. It was therefore proposed to rezone the site from “I” to “C(1)” to reflect the Board’s agreement to the proposed schemes, instead of including them into the “CDA(1)” zone as recommended under the Area Assessment 2009. Besides, with the conversion of the two buildings to commercial uses, the original industrial uses would be phased out, and the commercial uses would be compatible with the proposed comprehensive residential development at the “CDA(1)” zone;
- (xiv) the proposed maximum non-domestic plot ratio of 9.5 and maximum building height of 100mPD for the subject “C(1)” zone were the same as those of the “I” zone for the subject site and the adjacent sites. It was considered that the proposed “C(1)” zone was compatible with the adjacent existing and proposed developments;
- (xv) according to the revised Master Schedule of Notes, ‘Social Welfare Facility’ use which included residential care home for the elderly was always permitted in “C” zone. However, it was noted that the subject site was adjacent to existing industrial buildings to the west. Although the adjacent industrial buildings would be rezoned for residential, commercial

and business uses, the timing for the redevelopment of the industrial buildings was uncertain. Therefore, it was proposed that social welfare facilities involving residential care home for the elderly in the subject site would require planning permission from the Town Planning Board so that possible environmental issues could be addressed. Furthermore, “C(1)” zone was required to distinguish it from the only “C” zone on the OZP which had a particular restriction on public car parking provision;

Amendment Item A5 – Rezoning the existing Tuen Mun LRT Electricity Substation at Tsun Wen Road from “I” and “O” to “OU(ESS)” (area about 0.11 ha)

- (xvi) the subject ESS site was about 0.11 ha (including about 0.02 ha in “O” zone). It was to the north of the proposed “CDA(1)” zone. To indicate the intention to retain the existing ESS use of the site and its boundary, it was proposed to rezone the site from “I” and “O” to “OU(ESS)”. The site was also subject to maximum building height of one storey (excluding basement floor(s)). The existing ESS, which was small in scale, was considered compatible with the adjacent existing and proposed residential and business uses;

Amendment Item A6 - Rezoning of a site at Kin Kwok Street from “I” to “GB” (area about 0.46 ha)

- (xvii) a site of about 0.46ha which was located to the north of the proposed “OU(B)” zone was proposed to rezoned from “I” to “GB”. It was the vegetated slope buffering the industrial area and the school and residential development to the north;

Amendment Item B1 - Rezoning of a site in the west of So Kwun Wat Road and opposite Mrs. Cheng Yam On Millennium School from “G/IC” and “GB” to “R(B)” (area about 0.41 ha)

Amendment Item C1 - Rezoning of the a site in the east of So Kwun Wat Road and the north of Mrs. Cheng Yam On Millennium School from “G/IC” and “O” to

“R(B)” (area about 0.35 ha)

- (xviii) a maximum domestic plot ratio of 1.3 was proposed for the two sites at So Kwun Wat. As the sites were located at the upper hill slopes of Tuen Mun East and adjacent to an 8-storey school development, a maximum building height of 6 storeys (excluding basement floor(s)) with provision for minor relaxation was proposed to maintain the low-rise character of the area which was similar to the proposed medium density residential development to the north of the site. The proposed housing development would be compatible with the surroundings. Regarding the proposed “R(B)” zone in the east of So Kwun Wat Road, a minor portion (0.05ha) of it was zoned “O” on the approved Tuen Mun OZP No. S/TM/28. It should be noted that upon rezoning to “R(B)”, the resultant “O” zone on the proposed draft OZP would be 114.31ha and the planned population would be 567,000. As such, there would be a surplus of open space provision of about 0.9ha in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) standard;

Amendment Item B2 - Rezoning of sites in the west of So Kwun Wat Road and Mrs. Cheng Yam On Millennium School from “G/IC” to “GB” (area about 0.17 ha)

Amendment Item C2 - Rezoning of a site in the northeast of Mrs. Cheng Yam On Millennium School at So Kwun Wat Road from “G/IC” to “GB” (area about 0.04 ha)

- (xix) opportunity was taken to rezone the minor non-developable portions of the “G/IC” zones adjoining the proposed “R(B)” zones to the west and east of So Kwun Wat Road. The site in the west of So Kwun Wat Road was about 0.17ha. It comprised sloping area with vegetation, existing footpath to nearby village and road was proposed to be rezoned to “GB”. So Kwun Wat Road was not a through road with a turning head partly fell within the subject “G/IC” zone to be rezoned to “R(B)” and partly in “GB” zone. As the existing turning head might not be required in long term, it was proposed to zone the entire turning head as “GB” to accord with the

long-term road proposal;

Amendment Item D - Rezoning of a site in the north of Wu On Street and the west of Wu Shan Tennis Court from “G/IC” to “Residential (Group A)” (“R(A)”) (area about 0.23 ha)

- (xx) it was proposed to rezone a site from “G/IC” to “R(A)” with the same development intensity of maximum domestic/ non-domestic plot ratio of 5/9.5 and maximum building height of 85mPD (with provision for minor relaxation) as those in the “R(A)” zone to the south of the proposed “R(B)” zone in So Kwun Wat Road Area 56. The proposed housing development would be compatible with the surrounding uses including high-rise and high-density residential development, police station and quarters and public open space;

Amendment Item E - Rezoning of a site in the southeast junction of Castle Peak Road and Hoi Wing Road from “GB” to “G/IC” (area about 0.46 ha)

- (xxi) a site of about 0.46 ha in area at the southeast of a major junction of Castle Peak Road and Ho Wing street was easily accessible but subject to severe traffic noise nuisance. It was proposed to rezone it from “GB” to “G/IC” so that it could merge with the adjoining “G/IC” site which was not designated for any use. The merged site with an area of about 0.66ha would allow a wider selection of possible uses for the site which was conveniently located near the LRT terminus and major roads linking Tuen Mun East and the Tuen Mun Town Centre. A maximum building height of 3 storeys (excluding basement floor(s)) was proposed for the “G/IC” zone so that the maximum building height was the same as that of the adjoining “G/IC” zone. The proposed use of the site for low-rise G/IC development was compatible to the surrounding uses and the green backdrop to the south and east;

Amendment Item F1 - Rezoning of strips of land at the south of Siu Hang Tsuen, the north east junction of Tsun Wen Road and Ming Kam Road, along and to the

west of Tze Tin Road, to the south, west and southeast of Po Wah Garden Phase 2, and to the east of Hing Kwai Road from “G/IC”, “R(A)” and “V” to areas shown as ‘Road’ (area about 2.83 ha)

Amendment Item F2 - Rezoning of strips of land to the north and southeast of the proposed road in Amendment Item F1 from “G/IC” and “R(A)” to “V” (area about 0.94 ha)

- (xxii) it was proposed to rezone sites to the south of the Siu Hang Tsuen and north of Union Garden from “R(A)” (about 1.73 ha), “G/IC” (about 0.92 ha) and “V” (about 0.18 ha) to area shown as ‘Road’. The total area of the proposed road was about 2.83 ha. The sites adjacent to the proposed road would be rezoned from “R(A)” (about 0.39 ha) and “G/IC” (about 0.54 ha) to “V” (about 0.94 ha) and to merge it with the original “V” zone. As a result of the rezoning, there would be additional land of about 0.76 ha included in “V” zone. The proposed road shown on the OZP was in accordance with the Civil Engineering Development Department’s (CEDD) preliminary design available at the moment which had taken into account traffic requirements and land resumption implications. Although the proposed road would be subject to detailed design, it would not be subject to insurmountable problems. The proposed road would be scheduled for construction in 2015 for completion in 2019. The affected existing uses and facilities would be dealt with during the implementation stage of the proposed road.

Proposed Amendments to the Notes of the OZP

- (g) the “Other Specified Uses” (“OU”) annotated “Container Storage & Repair Depot” zone at Lung Mun Road, Area 49 to the north of Resource Recovery Park was vacant government land. As proposed recently by the Secretary of Transport and Housing (STH), to keep with the changing operational need of the logistics industries, the usage of the site could include freight forwarding and associated activities. To ensure the proposed new function of the site would not have adverse impacts on the

traffic and the environment, it was proposed to include “Cargo Handling and Forwarding Facilities (Container Freight Station, free-standing purpose-designed Logistics Centre only)” in Column 2 of the Notes so that relevant assessments could be submitted to the Board for consideration via the s.16 application mechanism. A maximum plot ratio of 2.5 was also proposed so that the scale of the future development would be compatible with the adjacent special industries and the resources recycle park which were also subject to the same maximum plot ratio of 2.5 under the OZP;

- (h) to accord with the above proposed amendments, the Notes of the “CDA” zone was updated to include the proposed “CDA(1)” and ”CDA(2)” zones;
- (i) to match with the proposed new zoning of “OU(B)” zone, a set of new Notes according to the updated revised Master Schedule of Notes (MSN) for this zone was also included;
- (j) the Notes of the “C” zone was updated to include the proposed new sub-area of “C(1)”;
- (k) to allow flexibility in the provision of car parking spaces, it was proposed to include in the Notes to allow planning application for the consideration of the Board on the minor relaxation on the minimum number of public car parking spaces in the “C” zone in Area 11 and “OU” annotated “Multi-storey Lorry/Car Park to include Commercial Use” in Area 16;
- (l) the Column 2 of “I” zone was also proposed to be revised to reflect the latest general revisions to the MSN which were agreed by the Board on 10.6.2011;

Revision to the Explanatory Statement of the OZP

- (m) the Explanatory Statement (ES) of the OZP had been revised to take into account the proposed amendments as mentioned in the above paragraphs. Opportunity had also been taken to update the general information for the

various land use zones to reflect the latest status and planning circumstances of the OZP;

Consultation

- (n) the proposed amendments to the OZP had been circulated to relevant government bureaux and departments for comments. No objections to the proposals were received. Their views/comments had been reflected in the proposals where appropriate; and
- (o) the Tuen Mun District Council would be consulted on the amendments prior to or during the two-month exhibition period of the draft Tuen Mun OZP for the proposed amendments.

95. The Chairman enquired whether the proposed zoning amendments to “C(1)” would affect the compliance of relevant approval conditions for the two planning approvals for wholesale conversion of industrial buildings at the site, Mr. C. C. Lau explained that the approval conditions were mainly concerned with the submission and implementation of drainage, fire service installation and parking proposals, the requirements of which could be included in the lease as the approved use would require lease modification.

96. The Chairman asked whether the proposed “G/IC” site at the junction of Castle Peak Road and Hoi Wing Road as shown as Amendment Item E was suitable for residential development. In response, Mr. Lau said that as the site was situated at the junction of a busy road, and as advised by DEP, the site was not suitable for noise sensitive use and hence the “G/IC” zone was considered more appropriate.

97. Noting that the planning intention was for the bus depot to be relocated to a suitable site in the longer term, Mr. H. M. Wong said that “bus depot” as a Column 2 use under the “CDA(2)” zone might be mistaken that the bus depot at the site could be considered as a permanent use. He suggested that the planning intention should be clearly conveyed to the concerned landowners. In response to the Chairman’s question on whether the bus depot would be relocated to make way for redevelopment, Mr. Lau said that the current development at the “CDA(2)” site had not reached the development intensity as

permitted under the lease and hence the rezoning to “CDA(2)” would provide an incentive for the landowners to redevelop the site to realise its full development potential under the current “CDA(2)” zoning. Mr. Lau continued to say that since the relocation of bus depot would take a long time, it was proposed to include “bus depot” in Column 2 of the Notes for “CDA(2)” zone in order to provide flexibility in the intention to allow for alternations or intensifications. In this connection, the Committee agreed that the ES should be amended to clearly set out the planning intention.

98. After deliberation, the Committee decided to :

- (a) agree that the proposed amendments to the approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/28 and the draft Tuen Mun OZP No. S/TM/28A at Appendix B (to be renumbered to S/TM/29 upon exhibition) and its Notes at Appendix C were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) adopt the revised Explanatory Statement (ES) at Appendix D for the draft Tuen Mun OZP No. S/TM/28A incorporating amendments proposed at the meeting as an expression of the planning intention and objectives of the Board for various land use zones on the Plan; and
- (c) agree that the revised ES was suitable for exhibition together with the draft Tuen Mun OZP No. S/TM/28A (to be renumbered as S/TM/29 upon exhibition) and issued under the name of the Board.

[Dr. James Lau left the meeting at this point.]

Agenda Item 32

Section 12A Application

[Open Meeting]

Y/TM-LTY Y/4

Application for Amendment to the Approved Lam Tei & Yick Yuen Outline Zoning Plan No. S/TM-LTY Y/6 from “Residential (Group C)”, “Residential (Group D)” and “Government, Institution or Community” to “Residential (Group C) 1” with a Maximum Gross Floor Area of 3,986 m² and Maximum Building Height of 4 Storeys (14 m) excluding Basement Car Park and “Government, Institution or Community”, Lots 809 RP, 810, 811, 1132, 1133, 1134, 1135 S.A RP, 1135 S.B RP, 1141 RP, 1142 S.A RP, 1143 RP and 1147 RP in D.D. 130 and Adjoining Government Land, Fuk Hang Tsuen Road, Lam Tei, Tuen Mun (RNTPC Paper No. Y/TM-LTY Y/4)

99. The Secretary reported that Ms Anna Kwong and Dr. James Lau had declared an interest in this application as they had current business dealings with Henderson land Development Co. Ltd., the owner of the applicant’s company. As the case was for deferral, Ms. Kwong could be allowed to stay in the meeting. The Committee noted that Dr. Lau had left the meeting at this point.

100. The Secretary reported that on 7.2.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time to revise the technical assessments to address comments of concerned government departments.

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/229 Proposed Temporary Edible Ice Manufacturing Plant
for a Period of 3 Years in “Residential (Group E)” zone,
Lot 407 (Part) in D.D. 130, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/229)

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

Presentation and Question Sessions

102. 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 proposed temporary edible ice manufacturing plant for a period of three years;
- (c) departmental comments – concerned 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 (Tuen Mun), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper, which were summarised below:
 - (i) approval of the application on a temporary basis would not

jeopardize the long-term planning intention of the “R(E)” zone. The proposed development would be on a temporary basis pending acquisition of a new site for setting up a permanent edible ice manufacturing plant by the applicant. Under such circumstances, sympathetic consideration of the application might be given subject to no objection and adverse comments from government departments concerned;

- (ii) there was no residential dwelling immediately next to the proposed temporary development and the nearest residential dwelling facing the site was about 47 m away. The applicant had stated that the equipment of the proposed temporary development should operate indoor. The DEP had no adverse comment on the application and there was no environmental complaint related to the site from 2008 to November 2011. Therefore, significant adverse environmental impacts on residential dwellings were not envisaged;
- (iii) concerned government departments had no objection to or adverse comments on the application. Relevant approval conditions on drainage, fire safety and landscape were recommended to address the technical concerns. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant would also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the potential environmental impacts; and
- (iv) no local objection and public comment had been received against the proposed development.

[Mr. H. M. Wong returned to the meeting at this point.]

103. In response to a Member’s enquiry, Mr. Kan said that the single storey edible ice

manufacturing plant had been in existence at the subject site for a long time. The applicant intended to demolish a portion of the existing plant structure and replaced that by a new temporary plan structure in order to fulfill the new licensing requirements for edible ice manufacturing imposed by FEHD. The applicant was searching for a suitable site to construct a new permanent edible ice manufacturing plant but before a suitable site was identified, the proposed temporary plant building under application was intended to fulfill the new legislation requirements in the short term. This would allow the applicant to maintain his business while at the same time to acquire new land for the setting up of a new permanent plant. That Member asked if the current ice manufacturing plant would be demolished, Mr. Kan explained that only a portion of the manufacturing plan that fell within the application site would be redeveloped. Mr. Kan also said that the applicant was the same as the operator of the edible ice manufacturing plant.

104. Mr. K. C. Siu said that C for T had no objection to the application. However, the existing access road leading to the site from Ng Lau Road was not a public road managed by TD or DO(TM), HAD. In this regard, he considered that the approval conditions (a) and (b) in paragraph 12 of the Paper regarding the submission and implementation of run-in/run-out proposal should be deleted. He also noted that an advisory clause had been proposed requesting the applicant to check with the lands authority regarding the land status of the access road and its management and maintenance responsibilities of the access road accordingly.

Deliberation Session

105. The Committee agreed that the approval conditions regarding the submission and implementation of the run-in/run-out proposal could be deleted.

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.2.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.8.2012;

- (b) in relation to (a) above, the implementation of drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.11.2012;
- (c) the submission of proposal on water supplies for firefighting and fire service installations within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.8.2012;
- (d) in relation to (c) above, the implementation of proposal on water supplies for firefighting and fire service installations within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.11.2012;
- (e) the submission of landscape plantings proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 24.8.2012;
- (f) in relation to (e) above, the implementation of landscape plantings proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 24.11.2012;
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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
- (h) 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.

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

- (a) to resolve any land issues relating to the development with other owner(s) of the application site;
- (b) to note the District Lands Officer/Tuen Mun, Lands Department's (LandsD) comments that the owner of the Lot would need to apply to his office for Short Term Waiver for erection of the structures on the Lot. He would advise that the proposal would only be considered upon his receipt of formal application from the owner of the Lot. He should also advise that there was no guarantee that the application, if received by his office, would be approved and he reserved his comment on such. The application would be considered by the LandsD acting in the capacity as the landlord as its sole discretion. In the event that the application was approved, it would be subject to such terms and conditions as the government should deem fit to do so, including charging of waiver fee, deposit and administrative fee;
- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission under the Buildings Ordinance (BO) was required for any proposed new works, including any temporary structures. The granting of any planning approval should not be construed as an acceptance of any existing building works or unauthorized building works on the application site under the BO. If the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The site should be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access should be provided under the B(P)R 41D;
- (d) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (e) to note the Commissioner for Transport's comments that the applicant

should check with the lands authority regarding the land status of this access road leading to the application site. In addition, the applicant should check with the relevant lands and maintenance authorities regarding the management and maintenance responsibilities of the access road accordingly;

- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that (i) the applicant should be responsible for his own access arrangement, and (ii) if any run-in/run-out was approved by the Transport Department, the applicant should construct it according to the HyD Standard Drawings No. H1113 and H1114 or H5133, H5134 and H5135, to match the existing pavement condition. In addition, adequate drainage measures should be provided at the entrance to prevent surface water from flowing out from the lot onto public road/footpath via the run-in/run-out;
- (g) to note the Director of Fire Services' comment that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Furthermore, the emergency vehicular access provision in the site should comply with the standard as stipulated in the Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the B(P)R 41D; and
- (h) to note the Director of Food and Environmental Hygiene's comments that a valid licence was required from his department for edible ice manufacturing.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/230 Temporary Public Vehicle Park for Private Cars
for a Period of 3 Years in “Residential (Group C)” zone,
Lot 827 RP (Part) in D.D. 130 and Adjoining Government Land,
Fuk Hang Tsuen Road, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/230)

Presentation and Question Sessions

108. Mr. K.C. Kan, STP/TMYL, said that on 23.2.2012, a letter was received from the Counsel acting for the registered landowner of the application site, claiming that the registered landowner did not consent to the application submitted by Mr. Leung Chung. In this connection, Mr. Kan said that the applicant had complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) by sending notice to the Tuen Mun Rural Committee by registered post and posting notice on the site.

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

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 proposed temporary public vehicle for private cars for a period of 3 years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application;

- (d) two public comments were received during the first three weeks of the statutory publication period from Designing Hong Kong Limited (DHKL) and a Fuk Hang Tsuen Village Representative and his village. DHKL objected to the application on the grounds that the land was zoned for residential use; the temporary open car park facilities were a blight on the environment; parking facilities and similar land uses had already existed in the area and a holistic approach was required regarding the provision of parking spaces. DHKL was also of the view that over-provision of parking spaces reduced the cost of car usage and promoted car ownership. In case of a shortage of parking facilities, adequate permanent facilities must be planned for and constructed. A Fuk Hang Tsuen Village Representative and his village supported the application because the applied use could increase greenery of the local environment and brought positive impact on the surrounding environment; and the applied use would provide convenience for villagers' parking, re-organise the parking facilities of the local area, make parking more systematic and ensure the safety of the villagers; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper, which were summarised below:
 - (i) the development was considered not incompatible with the surrounding land uses. As there was currently no development proposed for the site, approval of the application on a temporary basis would not jeopardize the long-term planning intention of the zone. Besides, the temporary development could provide car parking spaces to meet some of the parking demand of the local residents;

 - (ii) CE/MN, DSD had no objection to the application. Approval conditions requiring the submission and implementation of drainage proposal were recommended to address his concern on the provision

of temporary drainage connection;

- (iii) Other government departments concerned had no objection to or adverse comment on the application. Significant adverse environmental, traffic and landscape impacts on the surrounding area were not envisaged. Technical concerns on run-in/run-out, fire safety and landscape could be addressed through imposing appropriate approval conditions. In addition, conditions on no night-time operation, as proposed by the applicant, restricting the type of vehicles parked at the site, no workshop activities at the site and provision of fencing which could further mitigate the potential impacts were recommended. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant would be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the potential environmental impacts;

- (iv) there was a public comment objecting to the application on the grounds of environmental blight and that existing parking facilities were available in the area. In this regard, DEP commented that the applicant was requested to liaise with the relevant commenter to address his/her concerns and to implement appropriate pollution control measures to minimize environmental nuisances. C for T did not envisage that the temporary development would result in an over-provision of parking facilities in the vicinity.

110. Members had no question on the application.

[Ms. Anita Ma left the meeting temporarily at this point.]

Deliberation Session

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.2.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, or coach, as proposed by the applicant, was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, or coach, as proposed by the applicant, was allowed to be parked/stored on the site at any time during the planning approval period;
- (e) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity was allowed on the site at any time during the planning approval period;
- (f) the provision of peripheral fencing within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 24.8.2012;
- (g) the submission of run-in/run-out proposal within 6 months from the date of the planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 24.8.2012;

- (h) in relation to (g) above, the implementation of run-in/run-out proposal within 9 months from the date of the planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 24.11.2012;
- (i) the submission of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.8.2012;
- (j) in relation to (i) above, the implementation of drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.11.2012;
- (k) the submission of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.8.2012;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.11.2012;
- (m) the implementation of landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 24.11.2012;
- (n) 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;
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (p) 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) to resolve any land issues relating to the development with other owner(s) of the application site;
- (b) prior planning permission should have been obtained before commencing the temporary development at the application site;
- (c) to note the comments of District Lands Officer/Tuen Mun, Lands Department (LandsD) that the owner of the lot would need to apply to his office for Short Term Waiver (STW) for erection of the structures on the lot and the occupier would need to apply to his office for Short Term Tenancy (STT) for occupation of the government land. He would advise that the STW and STT proposals would only be considered upon his receipt of formal applications from the lot owner and the occupier. He should also advise that there was no guarantee that the applications, if received by his office, would be approved and he reserved his comment on such. The applications would be considered by the LandsD acting in the capacity as the landlord as its sole discretion. In the event that the applications were approved, they would be subject to such terms and conditions as the government should deem fit to do so, including charging of waiver fees/tenancy rent, deposits, administrative fees and cancellation of Letter of Approval No. MNT 20260;
- (d) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that since the existing structures were erected on leased land without approval of the BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designed for any approved use under the captioned application. Before any new building works were to be carried out on the application site, the prior approval and consent of

the Building Authority (BA) should be obtained, otherwise they were Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO. For the UBW erected on leased land, enforcement action 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 site under the BO. The temporary converted containers for site office and open shed were considered as temporary buildings were subject to control under the Building (Planning Regulations) (B(P)R) Part VII. Emergency vehicular access should be provided under the B(P)R 41D. Formal submission under the BO was required for any proposed new works, including any temporary structures;

- (e) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (f) to note the comments of Director of Environmental Protection that the applicant was requested to liaise with the relevant commenter to address his or her concerns and to implement appropriate pollution control measures recommended in the Environmental Protection Department's website to minimize environmental nuisances;
- (g) to note the comments of Chief Highway Engineer/New Territories West, Highways Department (HyD) that (i) the applicant should be responsible for his own access arrangement, and (ii) if any run-in/run-out was approved by the Transport Department, the applicant should construct it according to the HyD Standard Drawings No. H1113 and H1114 or H5133, H5134 and H5135, to match the existing pavement condition. In addition, adequate drainage measures should be provided at the entrance to prevent surface water from flowing out from the lot onto public road/footpath via the

run-in/run-out;

- (h) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the applicant should demonstrate that existing stormwater facilities, namely the 300mm surface drain, downstream of the proposed discharge point would not be overloaded due to additional runoff falling on and or flowing to the application site. In particular, the adopted catchment area of existing 300mm roadside drain should be verified and agreed by its maintenance party. Hydraulic capacity of existing drainage channel was assessed based on an assumed channel gradient which should be verified by site management or by its maintenance party. The section of existing 300mm roadside drainage channel of Fuk Hang Tsuen Road as mentioned in the planning statement was not maintained by his office according to his drainage record plan. The applicant was required to consult and seek consent from the District Lands Officer/Tuen Mun (DLO/TM), LandsD, relevant authorities/departments and/or affect lot owner(s) regarding the proposed drainage connection works. Temporary drainage connection might be made to the existing stormwater drainage system along Fuk Hang Tsuen Road or existing drainage channel underneath elevated viaduct of Kong Sham Western Highway located at about 150m from eastern site boundary subject to technical feasibility of the works to be fully established by applicant and necessary permit or consent was granted by HyD, DLO/TM, LandsD, relevant authorities/departments and/or affected lot owner(s) for construction of the proposed drainage connection works. In addition, maintenance responsibility of the proposed works should be sorted out and agreed by relevant authorities/departments; and
- (i) to note the comments of Director of Fire Services that in consideration of the design/nature of the proposed structure, the applicant was advised to make reference to the requirement that fire extinguisher should be provided to the site office and shroff and the open shed. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Furthermore, should the applicant wish to apply for exemption from the provision of certain fire service installation as

prescribed by his department, the applicant was required to provide justifications for his consideration.

[Mr. Y. K. Cheng left the meeting temporarily at this point.]

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/193 Proposed House Development, Minor Relaxation of Building Height Restriction, and Filling and Excavation of Land for Site Formation Only in “Residential (Group D)” zone, Lots 3054 S.A RP, 3098 RP (Part), 3108 (Part), 3109 (Part), 3100 (Part), 3110, 3111, 3112, 3113, 3114, 3115 RP, 3119 RP, 3122 RP, 3123, 3124, 3126, 3131 S.A, 3131 S.B, 3131 S.C, 3131 S.D, 3131 RP, 3132, 3138, 3146, 3147 RP (Part), 3148, 3150 RP, 3156 RP, 3158 RP, 3162, 3163, 3164 S.A, 3164 RP, 3167, 3168, 3171, 3173, 3176, 3177, 3178, 3179, 3180 RP, 3181 RP, 3182 RP, 3189 RP, 3190, 3191, 3192 RP, 3193RP and 3194 RP in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long (RNTPC Paper No. A/YL-MP/193A)

Presentation and Question Sessions

113. The Secretary reported that Ms. Anna Kwong and Mr. Stephen Yip had declared an interest in this application as they had current business dealings with Environ Hong Kong Ltd., one of the consultants of the application. Mr. Y. K. Cheng declared an interest in this application as he had current business dealings with Sun Hung Kai Properties Ltd., the owner of the applicant’s company. As Ms. Kwong had no direct involvement in this application, the Committee agreed that Ms. Kwong should be allowed to stay at the meeting. The Committee noted that Mr. Cheng had already left the meeting. The Committee also noted that Mr. Yip had tendered apologies for being unable to attend the meeting.

[Mr. Walter Chan and Ms. Anita Ma returned to the meeting at this point.]

114. 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 proposed house development, minor relaxation of building height restriction, and filling and excavation of land for site formation only;
- (c) departmental comments –
 - (i) Director of Agriculture, Fisheries and Conservation (DAFC) advised that his comments on the Ecological Impact Assessment (EcoIA) had not been fully addressed and the applicant had to submit a revised EcoIA to demonstrate the environmental acceptability of this project. As the proposed development was a Designated Project under the EIAO, the applicant was also required to demonstrate the environmental acceptability of this project in the EIA report to be submitted in order to meet the relevant statutory requirements. According to the further information submitted, the applicant had responded that his comments would be fully addressed in the EIAO stage;
 - (ii) Director of Environmental Protection (DEP) advised that three unsubstantiated complaints related to the site were received in 2009 concerning a case of air pollution and 2 cases of waste pollution. No complaint was recorded in 2008 and 2010 to October 2011. He noted DAFC's comments that there were still a number of insufficiencies in the revised EcoIA. The proposed development fell within Deep Bay Buffer Zone 2 and would constitute a Designated Project under the Environmental Impact Assessment Ordinance (EIAO). EIA Study Brief was issued to the applicant in May 2009 (No. ESB-204/2009);
- (d) during the first three weeks of the statutory public inspection period which

ended on 19.7.2011, 14 public comments were received, including 9 supporting comments and 5 objecting comments. Regarding the objecting comments, the VR and villagers of Chuk Yuen Tsuen, Chairman of San Tin Rural Committee and San Tin Rural Committee, a Yuen Long District Councillor/Chairman of Culture, Recreation, Community Service and Housing Committee of Yuen Long District Council as well as a private individual objected to the application on the grounds of traffic, sewerage, flooding, fire risk, environmental, visual impacts as well as unfairness to indigenous villagers. Nine private individuals expressed support to the application because the proposed development provided an opportunity to improve the local environment for the benefits of the neighbouring residents;

- (e) during the first three weeks of the statutory public inspection period of the further information submitted on 19.10.2011, which ended on 22.11.2011, 25 public comments were received, including 21 supporting comments and 4 objecting comments. The San Tin Rural Committee, the VR and villagers of Chuk Yuen Tsuen objected to the application with similar grounds in the above-mentioned paragraph and the development would adversely affect Small House development by indigenous villagers. A Yuen Long District Councillor stated that the original restriction of “R(D)” zone would be deviated if the building height had been relaxed. 25 private individuals supported the application with similar supportive views as mentioned in the above paragraph;
- (f) during the first three weeks of the statutory public inspection period of the further information submitted on 12.12.2011, which ended on 30.12.2011, 5 public comments were received objecting to the application. The San Tin Rural Committee and a private individual objected to the application with similar grounds as in previous rounds of consultation, Land Justice League objected to the application mainly on the grounds of “wall effect”, damage of wetland, adverse traffic and environmental impacts and violation of intended building height restriction. A private individual objected to the application on drainage grounds and a resident of Fortune Garden objected

to the application because the proposed development displayed a lack of comprehensive plan and consultation programme;

- (g) during the first three weeks of the statutory public inspection period of the further information submitted on 4.1.2012, which ended on 3.2.2012, 128 public comments were received, including 3 objecting comments and 125 supporting comments. Regarding the objecting comments, the San Tin Rural Committee objected to the application with similar views as in previous rounds of consultation. A private individual objected to the application on grounds of traffic, drainage and flooding as well as landscape concerns. A Yuen Long District Councillor expressed concern on traffic aspects. 125 private individuals expressed support to the application with similar supportive views as in the previous rounds of consultation;
- (h) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper which were summarised below:
 - (i) the proposed house development with plot ratio of 0.2 comprising 71 houses was in line with the planning intention of “R(D)” zone. The proposed development had exceeded the building height restriction by 1 storey and 4.8m. It was however noted that the additional height of 4.2m mainly fell below the formed ground level, and the structure above ground only involved 6.6m, which was 10% more than the OZP restriction of 6m. The applicant indicated that the increase in floor height would improve the environmental quality of the houses with more natural light penetration and better internal ventilation. The proposed floor height for house type developments was not unreasonable and could improve the living environment. Besides, given the bulk of the height increase was underground, no significant visual impact was anticipated from the proposed relaxation of building height restriction. CTP/UD&L of PlanD had no adverse comment in this respect. Hence, the

proposed building height could be accepted;

- (ii) according to the applicant, 4m-high noise barrier was proposed along the north-eastern site boundary while 6.6m-high noise barrier of about 695 m long was proposed along the eastern and southern site boundary. In view of the height and length of the noise barriers, the applicant had proposed setback from the site boundary for landscaping between the noise barriers and the site boundary to mitigate the visual impact. The CTP/UD&L, PlanD had no objection to the application from visual or landscape point of view, but he required the submission and implementation of landscape and tree preservation proposal. Relevant approval conditions on landscape and tree preservation proposal, and the visual mitigation measures were recommended to ensure that the visual and landscape impacts would be mitigated;

- (iii) the proposed development was in line with the Town Planning Board (TPB) Guidelines on Application for Developments within Deep Bay Area (TPB PG-No. 12B) regarding the requirements on EcoIA submission, no net increase in pollution load to Deep Bay, and provision of visual buffer to the WCA. The nearest pond was about 134m² to the north of the site and was separated from the site by a nullah, a section of Yau Pok Road and vacant land. It was unlikely that the development at the site would have significant adverse off-site disturbance impacts on the fish ponds. According to the applicant, mitigation measures including a landscaped buffer area between Kam Pok Road and the proposed houses were also proposed. DAFC had no objection to the application and did not envisage insurmountable problem in complying with the approval condition although he still observed a number of insufficiencies in the revised EcoIA. In this regard, relevant approval condition to require the submission of a revised EcoIA and implementation of the mitigation measures was recommended to address DAFC's concerns. The proposed development was also a Designated

Project under the EIAO and the applicant was required to comply with the EIAO;

- (iv) other concerned departments had no adverse comments on the application. Relevant approval conditions were recommended to address technical concerns on vehicle parking, fire safety, submission of a DIA and the implementation of drainage facilities, including mitigation measures;
- (v) similar applications for proposed residential development and minor relaxation of building height restriction within the same “R(D)” zone were approved by the Committee. Approval of the application was not inconsistent with the Committee’s previous decisions; and
- (vi) there were public objections against the proposed development with minor relaxation of building height restriction on the grounds that the proposed development would have adverse impact on the drainage (including aggravate flooding), traffic, ecology, environment, visual, landscape and “fung-shui” of nearby villages, as well as possible ‘wall effect’, violation of height restriction and reduction of land in “V” zone. CTP/UD&L of PlanD, DEP, DAFC, CE/MN of DSD, C for T and D of FS had no adverse comments on the application. Since the site was entirely zoned “R(D)”, land within the nearby “V” zone was not affected by the current scheme. On the “fung shui” matter, the applicant should be advised to liaise with the relevant villagers and local residents on their concerns.

115. The Chairman said that the noise barrier proposed in the current scheme was quite extensive stretching for about 700m long and asked whether the 6.6m tall noise barriers were the only way to resolve the noise problem of the proposed development. In response, Mr. Kan said that residential developments in the surrounding area had also adopted noise barrier as a way to mitigate noise impact from San Tin Highway, which was a busy road.

The Chairman asked whether other measures such as innovative layout of the buildings and building design could be used to mitigate the traffic noise impact, Mr. H. M. Wong said that noise barrier was normally not a preferred mitigation measures unless there was no other means. He said that the proposed development was a designated project under the EIAO. Whilst under the subject s.16 application had demonstrated that the noise impact could be adequately mitigated, the applicant could explore alternative measures such as revision of the building layout and disposition, and the use of special window design during the EIA stage to mitigate the traffic noise impacts.

Deliberation Session

116. Noting the Chairman's concern on the noise barrier, the Secretary suggested adding an advisory clause asking the applicant to explore alternative means such as adjusting the layout and disposition of buildings to mitigate noise impacts from the surrounding roads, so as to minimise the need for the extensive noise barriers. The Chairman said that the scheme would be subject to further scrutiny by the Committee if major changes were made as a result of the recommendations of the approved EIA Report. Mr. Wong envisaged that there would be changes to the current scheme during the EIA stage when the proposed mitigation measures were finalised. He also said that the applicant would need to address issues such as sewerage connection which would be available in 2018.

117. Noting the concerns raised by residents and villagers in the surrounding area, a Member said that the applicant should be advised to engage the residents nearby in the process of the development to address their concerns.

118. 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 24.2.2016, 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 design and provision of vehicle parking, motorcycle parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;

- (b) the submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a revised Drainage Impact Assessment and the implementation of the drainage facilities, including mitigation measures, identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the submission of a revised Ecological Impact Assessment (EIA) and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (e) the provision of water supplies for fire-fighting, fire services installations and emergency vehicular access to the satisfaction of the Director of Fire Services or of the TPB; and
- (f) the design and provision of mitigation measures to alleviate the visual impact of the noise barriers to the satisfaction of Director of Planning or of the TPB.

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

- (a) that the approval of the application did not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;

- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the site involved various private lots and adjoining government land in D.D. 104. Preliminary land status check revealed that most of the private land involved were Old Scheduled agricultural lots held under Block Government lease. The lot owner had to apply to the LandsD for a land exchange. However, there was no guarantee that the land exchange application (including the granting of additional government land) would be approved. Such application, if received by LandsD, would be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that such application was approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as might be imposed by LandsD. The land status details of private lots involved and the site area would be subject to verification in land exchange stage if any land exchange was applied for by the lot owner to LandsD. It was noted from the planning application form that some private lots included into the application site were not under the ownership of the applicant. The applicant should ensure unity of titles of the surrendered lots in order to effect the land exchange if any land exchange was applied for by the lot owner to LandsD;

- (c) to note the detailed comments of Chief Engineer/Mainland North and Chief Engineer/Land Drainage, Drainage Services Department (DSD) at Appendix IV of the RNTPC paper;

- (d) to note the comments of Director of Environmental Protection that the proposed development fell within Deep Bay Buffer Zone 2 and would constitute a Designated Project under the Environmental Impact Assessment Ordinance. EIA Study Brief was issued to the applicant in March 2009 (No. ESB-204/2009). The applicant was reminded that Environmental Permit was required for the commencement of construction and operation of the proposed development. Ngau Tam Mei Trunk Sewerage was being designed by DSD but the project was not at

construction stage. The project implementation programme was subject to change and hinged largely on the availability of funding as well as support from local communities (such as Rural Committee and District Council). The applicant might consider to have a fallback option should the completion of Ngau Tam Mei Trunk Sewerage be not on schedule. In addition, the second sentence in section 1.4 of the revised Sewerage Impact Assessment (SIA) stating that "the two proposed public sewerage works as shown in Figure 3 of the revised SIA should had already been completed upon completion of the Project scheduled in late 2016" was not totally correct nor reflecting the actual situation;

- (e) to note the detailed comments of Director of Agriculture, Fisheries and Conservation at Appendix V of the RNTPC paper;
- (f) to note the comments of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The emergency vehicular access provision in the site should comply with the standard as stipulated in the Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulations (B(P)R) 41D;
- (g) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that the height of the proposed trees and shrubs as shown in the section on Figure 2 of Appendix If should also tally with the photomontage views in fully screening off the noise barriers. The applicant should annotate clearly the noise barrier/retaining wall (with dimension) on the sections plans. The applicant should indicate the proposed treatment and provide landscape planting within the individual private gardens. The size of the communal open space and the private gardens should also be indicated;
- (h) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that he had no objection in principle under the

Buildings Ordinance (BO) to the application provided that the site abuts on a street having a width of not less than 4.5m. Otherwise, the development intensity would be subject to B(P)R 19(3). The proposed plot ratio (PR) and site coverage (SC) should not exceed the limit stipulated in the First Schedule of the B(P)R. In view of the size of the site, the area of the internal street required under s16(1)(p) of the BO might have to be deducted from the site area for the purpose of PR & SC calculations. The access road/internal streets should comply with the Building (Private Streets and Access Roads) Regulations. The new Quality Built Environment (QBE) requirements and the new gross floor area (GFA) concession policy were applicable to this development. Detailed comments would be made at the formal submission of building plans. However, there was no guarantee that the 10% non-accountable GFA could be attained under the BO. The eligible amount would be subject to the compliance with the new QBE requirements and detailed examination at building plans submission stage;

- (i) to note the detailed comments of Director of Electrical and Mechanical Services at Appendix VI of the RNTPC paper;
- (j) to note the comments of Chief Engineer/Development (2), Water Supplies Department that existing water mains would be affected. The applicant should bear the cost of any necessary diversion works affected by the proposed development;
- (k) that the sewerage of the development should be connected to the public sewerage network, as proposed by the applicant;
- (l) that the applicant should inform the potential buyers of the residential units that the residential units of the development should be occupied only after the sewerage of the development was connected to and sewage from the development could be discharged to the government sewerage network; and

- (m) to consider alternative noise mitigation measures such as building disposition and layout, or building design with a view to minimise the extent of noise barrier and to minimise the adverse visual impacts caused by the noise barriers;
- (n) to liaise with the residents and local villagers in the vicinity of the site and relevant parties regarding their concerns.

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/368 Renewal of Planning Approval for Temporary “Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle with Ancillary Office and Storeroom” for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 2428 RP (Part) and 2429 RP (Part) in D.D. 124, and Adjoining Government Land, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/368)

Presentation and Question Sessions

120. 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 proposed renewal of planning permission for temporary "Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle with Ancillary Office and Storeroom" for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) advised that there was no environmental complaint concerning the site

received in the past 3 years. However, he did not support the application as there were sensitive receivers of residential uses in the vicinity of the site, with the nearest one located to its western side 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), Home Affairs Department; 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 assessment made in paragraph 12 of the Paper, which were summarised below:
 - (i) the application was in line with TPB PG-No. 34B in that there had been no material change in planning circumstances since the previous temporary approval was granted and no change in the land uses of the surrounding areas. Besides, there were no adverse planning implications arising from the renewal of the planning approval, all the planning conditions under the previous approval had been complied with and the approval period sought (i.e. 3 years) was the same as the previous application. Also, approval of this application on a temporary basis would not frustrate the long-term planning intention of the subject “CDA” zone;
 - (ii) DEP did not support the application as medium goods vehicles were proposed to be parked on the site and there were existing sensitive residential uses within 100m from the site boundary, hence, environmental nuisance was expected. According to the information submitted by the applicant, smaller vehicles such as private cars and light goods vehicles would be parked on the northern and western portions of the site respectively, and medium goods vehicles would be parked at the south-eastern portion of the site away from the residential blocks. As a result, the distance

between the western and northern residential sites and the parking spaces for medium goods vehicles would be about 70m and 110m respectively. Besides, no environmental complaints had been received in the past 3 years. Relevant approval conditions to prohibit parking of heavy goods vehicles, container vehicles and trailers as well as the provision of vehicle repair workshop on site, and to restrict the operation hours to reduce possible environmental nuisances were recommended to address DEP's concerns. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority. In addition, the applicant would be advised to undertake environmental mitigation measures as set out in the COP issued by EPD to minimise the possible environmental nuisances on the nearby sensitive receivers;

- (iii) as the vehicle park maintained a small-scale operation which involves only 12 car parking spaces (including 5 private cars, 3 light goods vehicles and 4 medium goods vehicles), with the imposition of relevant approval conditions, it was unlikely that the development would create significant adverse traffic, drainage and landscape impacts on the surrounding areas. Concerned departments had no objection or adverse comment on the application; and
- (iv) no local objection and public comment had been received against the proposed development.

121. Members had no question on the application.

Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 28.2.2012 to 27.2.2015, 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 dismantling and repairing of vehicles or other workshop activities were allowed on-site at any time during the planning approval period;
- (c) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no heavy goods vehicle exceeding 24 tones, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on-site at any time during the planning approval period;
- (f) the parking layout arrangement, as proposed by the applicant, should be adhered to during the planning approval period;
- (g) submission and implementation of tree survey and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB. The landscape planting on the site should be maintained at all times during the approval period;
- (h) the existing drainage facilities implemented under Application No. A/YL-PS/296 should be maintained at all times during the planning approval period;

- (i) 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 27.8.2012;
- (j) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.8.2012;
- (k) in relation to (j) 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 27.11.2012;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) of (h) 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 (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.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of District Lands Officer/Yuen Long that the applicant should be reminded to apply to his office to permit structures to

be erected or regularize any irregularities on site. The occupier would also need to apply to his office for occupation of the government land involved. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fees, as might be imposed by the LandsD;

- (c) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any possible environmental nuisances;
- (d) to note the comments of 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 Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the application site from Hung Yuen Road should be commented and approved by Transport Department. If the proposed access arrangement was approved, the applicant should construct a run in/out at the access point at Hung Yuen Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement. 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 through the run in/out. The applicant should also note that HyD should not be responsible for the maintenance of any access connecting the application site and Hung Yuen Road;

- (f) to note the comments of Director of Fire Services that for storages, open sheds or enclosed structures 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 the nature of occupancy and should be clearly indicated on plans. The applicants should also ensure the layout plans be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installation (FSI) to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in the above, the applicant was required to provide justifications to his Department for consideration; and

- (g) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department on the removal of unauthorised structures on-site which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Use of containers as office and storeroom were considered as temporary buildings and subject to control under Building (Planning) Regulation (B(P)R) Part III. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. 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 by the Building Authority under B(P)R 19(3) at building plan submission stage.

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/369 Temporary War Game Centre For a Period of 3 Years
in “Recreation” and “Village Type Development” zones,
Lots 280 (Part), 282 (Part), 284, 285, 286, 287 (Part), 320 (Part),
321, 323 RP (Part) and Adjoining Government Land in D.D. 126,
Yuen Long
(RNTPC Paper No. A/YL-PS/369)

[Mr. Timothy Ma and Ms. Anita Lam left the meeting at this point.]

Presentation and Question Sessions

124. 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 proposed temporary war game centre for a period of three years;
- (c) departmental comments – Director of Environmental Protection (DEP) advised that no environmental complaint regarding the site was received in the past 3 years. However, he did not support the application as there were sensitive receivers of residential uses in the vicinity of the site, with the nearest one located to its southeast and environmental nuisance was expected;
- (d) one public comment was received during the first three weeks of the statutory publication period. A councillor of the Yuen Long District Council (YLDC) objected to the application on the ground that the applied uses were contrary to the planned uses of the site and would spoil the original natural environment and bring irreversible damages to the

environment; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper, which were summarised below:
- (i) a majority (92.6%) of the site fell within the “REC” zone. The war game centre, which provided recreational outlet to the public, was generally in line with the planning intention of the “REC” zone. Although a small portion (7.4%) of the site encroached onto a “V” zone on the OZP and the Village Environs of Fung Ka Wai, according to DLO/YL, there was currently no Small House application concerning this portion of the site. Granting approval to this application on a temporary basis would not frustrate the long-term planning intention of the subject “V” zone;
 - (ii) the northern portion (about 50%) of the site fell within the Wetland Buffer Area and the site was located close to a vegetated slope zoned “CA”. However, the application for a temporary approval for a period of 3 years did not involve pond filling nor was in close proximity to any fish ponds. As such, the proposed development would not have long-term or negative off-site disturbance impact on the ecological values of the fish ponds within the Wetland Conservation Area. As such, the application was not in conflict with the Town Planning Board Guidelines No. 12B;
 - (iii) the war game centre would unlikely create significant adverse traffic, drainage and landscape impacts on the surrounding area. Concerned departments had no objection to the application;
 - (iv) DEP did not support the application as there were a few residential dwellings in the vicinity of the site (the nearest being about 40m to its west) and environmental nuisance was expected. However,

DEP had not received any environmental complaints in the past 3 years and the applicant proposed to restrict the operation hours to between 9:00 a.m. and 6:00 p.m. and allowing about 100 visitors per day. As such, the potential environmental nuisances to be generated from the development would not be significant. In this regard, relevant approval conditions restricting the operation hours as proposed by the applicant and implementation of a tree preservation and landscape proposal were recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorised development on site would be subject to enforcement action by the Planning Authority. In addition, the applicant would be advised to undertake environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites' issued by Environmental Protection Department (EPD) to further minimise the possible environmental nuisances to the nearby residents;

- (v) other concerned departments had no adverse comments on the application. It was unlikely that the development would create significant adverse traffic, conservation, drainage and landscape impacts on the surrounding areas. Relevant approval conditions were recommended to address the technical requirements of CE/Dev(2) of WSD, CE/MN of DSD, DAFC, CTP/UD&L and D of FS. The site was the subject of a previous approval for the same use which had only recently expired. Approval of the current application was consistent with the Committee's previous decision; and
- (vi) there was an objection received from a YLDC's councillor for the reason that the applied uses were contrary to the planned uses of the site and would spoil the original natural environment and being irreversible damages to the environment. A condition requiring the provision of peripheral fencing was recommended to address the

commenter's concern.

125. Members had no question on the application.

Deliberation Session

126. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.2.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed at the site during the planning approval period;
- (b) the provision of a water works reserve within 3m from the centreline of the affected water mains within the application site during the planning approval period to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the drainage facilities implemented on the site under Application No. A/YL-PS/295 should be maintained at all times during the approval period;
- (d) 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 24.8.2012;
- (e) the provision of peripheral fencing within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 24.8.2012;
- (f) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.8.2012;

- (g) in relation to (f) 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 24.11.2012;
- (h) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.8.2012;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.11.2012;
- (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;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) planning permission should have been renewed before continuing the applied 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 District Lands Officer/Yuen Long (DLO/YL) that no permission was given for occupation of government land (GL) included in the site. The site was accessible to Tin Tze Road via an informal local track on other private land and GL and DLO/YL provides no maintenance works for the GL and did not guarantee right-of-way. DLO/YL would continue processing the application for Short Term Waiver received to regularize the irregularities on site but the occupier would need to apply for occupation of GL involved. Such applications would be considered by his department acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by his department;

- (d) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department's (BD) that:
 - (i) before any new building works were to be carried out on the site, prior approval and consent of the Buildings 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 Buildings Ordinance (BO);

 - (ii) 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 constructed as an acceptance of any existing building works or UBW on the site under the BO;

 - (iii) if the proposed use was subject to the issue of a license, the applicant should be reminded that any existing structures on the 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;

- (iv) the temporary converted containers for war game use, toilet and storerooms were subject to control under the under the Building (Planning) Regulations (B(P)R) Pt. VII; and
- (v) the site should be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access should be provided under the B(P)R 41D. If the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at building plan submission stage;
- (e) to note the comments of Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments that Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Tin Wah Road should be agreed by Transport Department. HyD should not be responsible for the maintenance of any access connecting the site and Tin Wah Road;
- (g) to note the comments of Director of Agriculture, Fisheries and Conservation that since some wounds were spotted on the trunk of trees in the site, possibly caused by the bullets used in war game activities, the applicant should ensure adequate protection to avoid any damage to the trees on site;
- (h) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that some existing trees were in fair

condition and some of them were affected by weeds, the applicant was required to replace any dead trees and damaged trees and the landscape proposal submitted was outdated;

- (i) to note the comments of Director of Fire Services that for storage, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structure, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans; layout plans incorporated with the proposed FSIs should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed fire service installation (FSI) to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed by his department, the applicant was required to provide justifications for his consideration;
- (j) to note the comments of Chief Engineer/Development (2), Water Supplies Department that no structure should be erected over the 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 waterworks reserve area with necessary plant and vehicles for the purposes of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorise;
- (k) to note the comments of Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should have the maintenance responsibility for the whole man-made slope No. 6NW-B/C77 during the approval period;
- (l) to note the comments of Director of Electrical and Mechanical Services that the applicants/contractor(s) should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground

cable (and/or overhead line) within or in the vicinity of the site. If there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicants/contractor(s) should carry out the following measures:

- (i) for application site with the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) prior to establishing any structure within the application site, the applicants and/or their contractor(s) 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; and
 - (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicants and their contractor(s) when carrying out works in the vicinity of the electricity supply lines;
- (m) to note the comments of Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department that the applicant was required to inform the AMO in case of discovery of antiquities or supposed antiquities in the course of excavation works; and
- (n) to adopt 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 Environmental Protection Department to minimise any possible environmental nuisances.

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/370 Temporary Public Vehicle Park for Private Cars and Ancillary Storerooms for a Period of 3 Years in “Residential (Group B) 1” zone, Lots 137 and 138 RP (Part) in D.D. 121, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/370)

Presentation and Question Sessions

128. 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 proposed temporary public vehicle park for private cars and ancillary storerooms for a period of 3 years.
- (c) departmental comments – concerned 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), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 11 of the paper, which were summarised below:
 - (i) the development was considered not incompatible with the surrounding land uses which were predominantly open storage yards and vacant land. The approval of this application on a temporary

basis would not frustrate the long-term planning intention of the subject “R(B)1” zone as there was no development proposal to implement the planned use on the site concerned. The proposed vehicle park could also serve the parking needs of the local residents;

- (ii) DEP had no objection to the application and advised the applicant to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites’ issued by his department. Restrictions on operation hours and type of vehicles as recommended in the approval conditions would further reduce the potential impact on the surrounding environment. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorised development on site would be subject to enforcement action by the Planning Authority. Other concerned departments had no adverse comments on the application. It was unlikely that the development would create significant adverse traffic, drainage and landscape impacts on the surrounding areas;
- (iii) No local objection and public comment had been received against the proposed development.

129. In response to the Chairman’s enquiry, Mr. Lai said that the “R(B)1” zone on which the application site was located was subject to plot ratio and site coverage restrictions of 1 and 40% respectively. Mr. Lai also said that there was no development proposal to implement the planned uses on the site concerned.

Deliberation Session

130. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.2.2015, 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 vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to be parked 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 vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to be parked on the site at any time during the planning approval period;
- (d) the provision of peripheral fencing within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 24.8.2012;
- (e) 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 24.8.2012;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.8.2012;
- (g) in relation to (f) above, the provision of drainage facilities as proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.11.2012;
- (h) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.8.2012;

- (i) in relation to (h) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.11.2012;
- (j) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.8.2012;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.11.2012;
- (l) 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;
- (m) if any of the above planning condition (d), (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.

131. 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 other owner(s) of the application site;

- (c) to note the comments of District Lands Officer/Yuen Long (DLO/YL) that the site was accessible an informal village track on private land and government land (GL) extended from Ping Kwai Road and Ping Pak Lane and his office provides no maintenance works for such track nor guarantee right-of-way. Part of the GL had been temporarily allocated to Water Supplies Department for the project, namely “Salt Water Supply for Northwest New Territories – Mainlaying in Ping Shan, Hung Shui Kiu and Lam Tei Areas”. No approval had been given to allow the specific structures including converted containers for storeroom and guardroom on the site. The concerned lot owners need to apply to his office to permit structures to be erected or regularize any irregularities on site. Such applications would be considered by his department acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by the department;
- (d) to adopt 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 Environmental Protection Department to minimise any possible environmental nuisances;
- (e) to note the comments of Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from the vehicular track leading from Ping Pak Lane should be agreed by Transport Department and HyD should not be responsible for the maintenance of any access connecting the site and the vehicular track leading from Ping Pak Lane. Adequate drainage measures should be

provided at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run in/out;

- (g) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas; and applicant should consult DLO/YL and to seek consent from the relevant owners for any works to be carried out outside the site boundary before commencement of the drainage works;
- (h) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) since there were still mainlaying works being carried out within the WSD's temporary land allocation (TLA) around the site, construction plant and vehicles would still use the access road within the TLA; and the applicant was requested to liaise with Construction Division, New Work Branch of WSD for the interfacing access issue;
- (i) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) before any new building works were to be carried out on the site, the prior approval and consent of Buildings Authority (BA) should be obtained. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (ii) for unauthorized building works (UBW) erected on leased land, enforcement action might be taken by the BA to effect removal the 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;

- (iii) temporary converted containers for guardroom and storage were considered as temporary buildings subject to control under BO. Formal submission under BO was required for any proposed new works including any temporary structures; and
- (iv) the site should be provided with means of obtaining access thereto from a street under the Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access should be provided under the B(P)R 41D;
- (j) to note the comments of Director of Fire Services that for storage, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structure, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans; layout plans incorporated with the proposed fire service installations (FSIs) should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed by his department, the applicant was required to provide justifications for his consideration; and
- (k) to note the comments of Director of Electrical and Mechanical Services that the applicants/contractor(s) should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. If there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicants/contractor(s) should carry out the following measures:
 - (i) for application site with the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and

Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;

- (ii) prior to establishing any structure within the application site, the applicants and/or their contractor(s) 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; and
- (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicants and their contractor(s) when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/371 Temporary Vehicle Park for Coaches for a Period of 3 Years
in “Village Type Development” zone,
Lots 448 (Part), 449 RP (Part), 450 (Part) and
452 RP (Part) in D.D. 122, Hang Mei Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/371)

Presentation and Question Sessions

132. 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 proposed temporary vehicle park for coaches for a period of three years;
- (c) departmental comments – concerned 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), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper, which were summarised below:
 - (i) the development was considered not incompatible with the surrounding land uses. The approval of this application on a temporary basis would not frustrate the long-term planning intention of the subject “V” zone as there was no Small House application at the site. The proposed vehicle park could also serve the parking needs of the tourists visiting the Ping Shan Heritage Trail;
 - (ii) DEP had no objection to the application and advised the applicant to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites’ issued by his department. Restrictions on operation hours and type of vehicles as recommended in the approval conditions would further reduce the potential impact on the surrounding environment. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorised development on site would be subject to enforcement action by the Planning Authority. It was unlikely that the development would create significant adverse traffic, drainage and landscape impacts on the surrounding areas. Other concerned departments had no adverse comments on the application;

- (iii) a number of planning applications for similar use (i.e. temporary public vehicle parks) in the same “V” zone were approved by the Committee since 1999. Approval of the application was therefore consistent with the Committee’s previous decisions; and
- (iv) no local objection and public comment had been received against the proposed development.

133. Members had no question on the application.

Deliberation Session

134. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.2.2015, 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 and heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to be parked 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 and heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to be parked on the site at any time during the planning approval period;
- (d) the provision of peripheral fencing within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 24.8.2012;

- (e) 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 24.8.2012;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.8.2012;
- (g) in relation to (f) above, the provision of drainage facilities as proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.11.2012;
- (h) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.8.2012;
- (i) in relation to (h) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.11.2012;
- (j) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.8.2012;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.11.2012;
- (l) 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;

- (m) if any of the above planning condition (d), (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with other owner(s) of the application site;
- (c) to note the comments of District Lands Officer/Yuen Long (DLO/YL) that the site was accessible through an informal track on private land and government land (GL) extended from Ping Ha Road. His office provides no maintenance works for such track nor guarantee right-of-way to the site. Part of the GL had been proposed for the project namely “PWP Item 4157DS Yuen Long & Kam Tin Sewerage, Stage 2 Phase 3B – Village Sewerage at San Wai, Tung Tau Tsuen, Sha Chau Lei Tsuen, Hang Hau Tsuen and Sheung Cheung Wai”. No structures were allowed to be erected without prior approval of the Government. The concerned lot owners need to apply to his office to permit structures to be erected or regularize any irregularities on site. Such applications would be considered by his department acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by the department;

- (d) to adopt 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 Environmental Protection Department to minimise any possible environmental nuisances;
- (e) to note the comments of Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD should not be responsible for the maintenance of the access track connecting the site and Tsui Sing Road;
- (g) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas; and applicant should consult DLO/YL and to seek consent from the relevant owners for any works to be carried out outside the site boundary before commencement of the drainage works;
- (h) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) before any new building works were to be carried out on the site, the prior approval and consent of Buildings Authority (BA) should be obtained. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (ii) for unauthorized building works (UBW) erected on leased land, enforcement action might be taken by the BA to effect removal the

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; and

- (iii) the site should be provided with means of obtaining access thereto from a street under the Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access should be provided under the B(P)R 41D; and

- (i) to note the comments of Director of Electrical and Mechanical Services that the applicants/contractor(s) should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. If there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicants/contractor(s) should carry out the following measures:
 - (i) for application site with the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) prior to establishing any structure within the application site, the applicants and/or their contractor(s) 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; and
 - (iii) the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicants and their

contractor(s) when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/372 Temporary Public Vehicle Park for Private Cars,
Light Goods Vehicles, Medium Goods Vehicles and Coaches
(not exceeding 24 seaters) for a Period of 3 Years
in “Village Type Development” zone,
Lot 206 S.C (Part) in D.D. 122, Hang Mei Tsuen, Ping Shan,
Yuen Long
(RNTPC Paper No. A/YL-PS/372)

[Mr. Y. K. Cheng returned to the meeting at this point.]

Presentation and Question Sessions

136. 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 public vehicle park for private cars, light goods vehicles, medium goods vehicles and coaches (not exceeding 24 seaters) for a period of three years;
- (c) departmental comments – Director of Environmental Protection (DEP) advised that no environment complaint regarding the site was received in the past three years. However, he did not support the application as there were sensitive receivers of residential uses in the vicinity of the site, with the nearest one located to its southeast 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), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper which were summarised below:
 - (i) the site was zoned “V” which was intended to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. Although DLO/YL advised that there was no Small House applications involving the site under application and the temporary vehicle park might serve some of the parking needs of the local residents and the tourists, the applicant would still need to demonstrate that such temporary development was compatible with the surroundings and that any possible negative impacts could be adequately addressed;

[Ms. Anita Ma and Mr. Eric Hui left the meeting at this point.]

- (ii) the access to the site was not a standard road and not properly paved. There were a number of residential dwellings in the vicinity of the site and along the access road to the site (the nearest being about 16m to its southwest). In this regard, DEP did not support the application in accordance with the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites’ issued by his department and environmental nuisance was expected. According to the applicant, there would be 13 out of 44 parking spaces for medium goods vehicles within the site. Given its

relatively large scale (44 parking spaces), the proximity to residential dwellings, and the need for vehicles to travel over 300m on a local track through the “V” zone from Castle Peak Road before reaching the site, adverse environmental impact was expected. In this regard, the applicant had not provided any detail in his submission on the measures to mitigate potential environmental impacts other than indicating the operation hours. The applicant therefore failed to demonstrate that the development would not generate adverse environmental impacts on the surrounding areas;

- (iii) although a number of planning applications for similar use (i.e. temporary public vehicle parks) in the same “V” zone were approved by the Committee since 1999, they were not the same as the current application. Most of these applications, including No. A/YL-PS/340 quoted by the applicant, were located far away from the site, and had more direct access onto a public road. Many of those also allowed parking of coaches due to their proximity to the Ping Shan Heritage Trail to meet the demand of tourists. For the six similar applications (No. A/YL-PS/115, 212, 239, 256 and 292 and 356) in the vicinity of the site, except Application No. A/YL-PS/256, all the five applications were for parking of private cars, light vans/light goods vehicles/light buses (not exceeding 16 seats) with no medium/heavy vehicles allowed. On the other hand, Application No. A/YL-PS/256 was rejected by the Committee as lorries were proposed to be parked on site. Given the fact that the site was not close to the Ping Shan Heritage Trail, the parking of coaches was also not justified. Rejecting the current application was therefore consistent with the Committee’s previous decisions; and
- (iv) no local objection and public comment had been received against the proposed development.

137. By referring to Plan A-2 of the Paper, the Chairman asked if there was petrol

filling facility at the application site. Mr. Lai said that there was petrol filling facility within the site and as no planning permission had been obtained for such use, they might be unauthorised development.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Village Type Development” (“V”) zone which was intended for Small House and residential developments, even on a temporary basis; and
- (b) the proposed development which included the parking of medium goods vehicles and coaches and had to be accessed via a long stretch of local track passing through the “V” zone would generate environmental nuisance to the adjacent residential settlements as well as those along the access road.

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/186 Proposed Eating Place (Restaurant)
in “Government, Institution or Community” zone,
G/F (Portion), Yuen Long District Sports Association Jockey Club
Complex, 8 Yuen Long Tai Yuk Road, Yuen Long
(RNTPC Paper No. A/YL/186)

Presentation and Question Sessions

139. 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 proposed eating place (restaurant);
- (c) departmental comments – concerned 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), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper which were summarised below:
 - (i) the current application involved conversion of an existing canteen at G/F of a sports complex building to a restaurant so that it could serve both the members of the applicant, (i.e. the Yuen Long District Sports Association Limited) and the general public. After the conversion, the proposed restaurant would still serve the sports complex and was considered generally in line with the planning intention. Besides, the applied use was considered not incompatible with the existing uses at G/F of the subject sports complex building. It would also offer a convenient eating outlet in the locality, which comprised other recreational and cultural facilities, such as the Yuen Long Stadium and the Yuen Long Theatre. DO/YL, HAD strongly supported the application from the angle of community building and sports promotion;
 - (ii) given the small scale of the restaurant (112 seats) and the daily operation hours of the restaurant (from 7:30am to 10:30pm), it was unlikely that it would cause any significant adverse environmental, traffic and infrastructural impacts on the locality. Concerned

government departments had no adverse comments on the application. Relevant approval condition was recommended to address the technical requirements of D of FS; and

- (iii) no local objection and public comment had been received against the proposed development.

140. Members had no question on the application.

Deliberation Session

141. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 24.2.2016, 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 :

- the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of District Lands Officer/Yuen Long that if planning approval was given, the lot owner had to apply to Lands Department (LandsD) to seek compliance with the lease conditions. However, there was no guarantee that such application if submitted to LandsD in future would be considered by Government. Any such application, if considered, would be processed by LandsD acting in the capacity as the landlord at its sole discretion and subject to policy clearance. There was no guarantee that such application would be approved. In the event any such application was approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as might be imposed by LandsD;

- (b) to note the comments of Director of Fire Services (D of FS) that the arrangement of emergency vehicular access should comply with Part IV of the Code of Practice for Means of Access for Fighting and Rescue which was administered by the Buildings Department (BD). Detailed Fire Services requirements would be formulated upon receipt of formal submission of general building plans;

- (c) to note the comments of Chief Building Surveyor/New Territories West, BD that any proposed new works, including alterations and additions not being classified as exemption works under the Buildings Ordinance (BO), should be submitted to BD for approval. An Authorized Person should be appointed for this purpose as appropriate. If the proposed use under application was subject to the issue of a licence, the premises were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority; and

- (d) to note the comments of Director of Food and Environmental Hygiene (DFEH) that any food business carrying on thereat should be granted with a licence issued by DFEH. The applicant should also prevent creating environmental nuisance affecting the public. Under the current licensing regime, the operation of food business (including restaurant) at premises in private premises should be in compliance with government lease conditions, in compliance with statutory plan restriction and free of unauthorised building works. The proposed food business must also comply with the provisions of Public Health and Municipal Services Ordinance, Cap. 132 and the regulations made under it, including Food Business Regulation, and any prevailing requirements or conditions as specified by his department or any requirement or condition imposed or might be imposed by the Building Authority, the D of FS, the Director of Electrical and Mechanical Services, the Director of Environmental Protection or any other government departments.

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/761 Temporary Logistics Centre and Warehouse for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots No. 80 (Part), 89 (Part), 90 (Part), 91 (Part)
and 92 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/761)

Presentation and Question Sessions

143. 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 proposed temporary logistics centre and warehouse for a period of three years;
- (c) departmental comments – Director of Environmental Protection (DEP) advised that no environmental complaint regarding the site was received in the past three years. However, she did not support the application because there were sensitive uses in the vicinity of the site (about 75m from the site) and along the access road (Ping Ha Road) 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), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper, which

were summarised below:

- (i) the applied use was not incompatible with most of the surrounding uses which was predominantly open storage yards. The approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “CDA” zone on the OZP since there was not yet any programme/known intention to implement the zoned use on the OZP;
- (ii) the development was in line with the TPB PG-No. 13E in that DEP’s concerns could be addressed by way of recommendation of relevant approval conditions, and there was no adverse comment from other concerned government departments. There was also no adverse comment from the landscape planning point of view. Relevant approval conditions were recommended to address the technical concerns raised by CTP/UD&L of PlanD and D of FS regarding the submission and implementation of a landscape and tree preservation proposal as well as a FSIs proposal;
- (iii) DEP did not support the application as there were sensitive receivers in the vicinity of the site (about 75m away) and along the access road (Ping Ha Road) and environmental nuisance was expected. However, there had not been any pollution complaint pertaining to the site over the past 3 years. Relevant approval conditions restricting the operation hours and prohibition of workshop activities on-site had been recommended to mitigate any potential environmental impacts. Any non-compliance with these approval conditions would result in revocation of the planning permission and UD on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant would be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimize the possible environmental impacts on the adjacent areas; and

- (iv) no local objection and public comment had been received against the proposed development.

144. Members had no question on the application.

Deliberation Session

145. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.2.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, melting, repairing, compaction, and workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no material was allowed to be stored/dumped and no vehicle was allowed to be parked within 5m of the fencing of the site, as proposed by the applicant, during the planning approval period;
- (e) no vehicle was allowed to be parked within 1m of any tree on the site, as proposed by the applicant, during the planning approval period;
- (f) no wood, cement and combustibles, as proposed by the applicant, was allowed to be stored on the site during the planning approval period;
- (g) the drainage facilities implemented on the site under Application No. A/YL-HT/569 should be maintained at all times during the planning

approval period;

- (h) the submission of a condition record of the existing drainage facilities within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.8.2012;
- (i) the submission of a landscape and tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 24.8.2012;
- (j) in relation to (i) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 24.11.2012;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 24.8.2012;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 24.11.2012;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (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 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.

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

- (a) planning permission should have been renewed before continuing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structure was allowed to be erected without the prior approval of the Government, and to apply to him to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. He did not guarantee right-of-way for access to the site from Ping Ha Road via other private land;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the comments of the Director of Fire Services to provide portable hand-operated approved appliances, which should be clearly indicated on plans and to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action might be taken by the Building Authority (BA) to effect the removal of unauthorized building works (UBW) erected on the site in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Formal submission under the BO was required for any proposed new building works, including any temporary structures, and an Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The converted containers for temporary office were considered as temporary buildings, and 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. If the site was not abutting 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. The site should be provided with means of obtaining access from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D; and

- (h) to note the comments of the Chief Engineer/Development (2), Water

Supplies Department (WSD) that the applicant might need to extend his inside services to the nearest suitable government water mains for connection for provision of water supply to the development, to resolve any land matters (such as private lots) associated with the laying of water mains in private lots for the provision of water supply and that he should be responsible for the construction, operation and maintenance of any inside services within the private lots to WSD's standards.

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/765 Temporary Open Storage of Scrap Metal for a Period of 3 Years
in "Residential (Group D)" zone,
Lot No. 1270 (Part) in D.D. 124 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/765)

Presentation and Question Sessions

147. 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 proposed temporary open storage of scrap metal for a period of 3 years;
- (c) departmental comments –
 - (i) Director of Environmental Protection (DEP) advised that no pollution complaint regarding the site was received in the past three years. However, she 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;

- (ii) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective. She advised that according to the recent site visit, it was noted that the site was hard paved. No existing tree was found within the site. The site was surrounded by open storage yards to the east, scattered village houses and farmland to the northeast, tree groups to the north, west and south. Some open storage yards were found in the vicinity, and all of them were suspected UDs. The applied use was not compatible to the landscape character of the surrounding rural environment and the planning intention of the site;

- (d) two public comments from a Yuen Long District Council (YLDC) member and a local resident were received during the first three weeks of the statutory publication period. The YLDC member objected to the application on the grounds of serious heavy vehicular noise and dust nuisance on the nearby residents. A local resident objected to the application on the grounds of traffic, noise, air and environmental pollution impacts on the nearby residents, and that there were many temporary open storage yards in Yuen Long, Tin Shui Wai and Tuen Mun already; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper which were summarised below:
 - (i) the applied use was not in line with the planning intention of the “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 planning intention, even on a temporary

basis. Although there were other open storage uses in the vicinity of the site, they were mostly suspected UDs subject to enforcement action by the Planning Authority. Moreover, there were residential dwellings in the vicinity of the site, the closest one being located at about 25m to its south. The open storage of scrap metal under 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. CTP/UD&L of PlanD also had reservation on the application as the applied use was incompatible with the surrounding rural environment and the planning intention of the site;

- (ii) the site fell within Category 3 areas under the TPB Guidelines No. TPB PG-No. 13E. The application did not meet the guidelines since 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 from DEP and CTP/UD&L of PlanD, and to demonstrate that the applied use would not have adverse environmental and landscape impacts on the surrounding areas;
- (iii) there was no similar application approved previously in the “R(D)” zones on the Ha Tsuen OZP. Approval of the application would set an undesirable precedent and encourage other similar applications for open storage uses in the “R(D)” zone 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 2 similar applications No. A/YL-HT/747 and 759 within the subject “R(D)” zone, and similar

applications No. A/YL-HT/614, 624 and 732 in another “R(D)” zone on the same OZP. Rejection of the application was in line with the Committee’s recent decisions; and

- (iv) there were 2 objections against the application. The commenters objected to the application on the grounds of traffic, noise, air, dust and environmental pollution nuisance/impacts on the nearby residents on nearby residents. A commenter was also of the view that there were already many temporary open storage yards in Yuen Long, Tin Shui Wai and Tuen Mun.

148. Members had no question on the application.

Deliberation Session

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

- (a) the development 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 Board. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development was not in line with the Town Planning Board 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 local objections on the environmental aspect and the development would generate adverse environmental and landscape impacts to 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.

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/372 Proposed Shop and Services (Retail Shop)
in “Village Type Development” zone,
Lots 216 S.S ss.2 RP (Part), 216 S.S RP (Part), 237 S.B ss.3 RP (Part)
and 237 S.B ss.4 S.B (Part) in D.D. 103, Kam Tin, Yuen Long

(RNTPC Paper No. A/YL-KTN/372)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services (retail shop);
- (c) departmental comments – concerned 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), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the proposed use under application for a temporary period of three years based

on the assessment made in paragraph 11 of the Paper which were summarised below:

- (i) the proposed single-storey retail shop was considered not incompatible with the surrounding land uses. However, the “V” zone was intended primarily for Small House development and land within the zone should be reserved for that purpose. The proposed use on a permanent basis would jeopardize this intention. Nevertheless, approval of the application on a temporary basis for a period of 3 years, instead of permanent permission, could be considered;
- (ii) relevant departments consulted including DEP had no adverse comment on the application. Relevant approval condition restricting operation hours, as proposed by the applicant, was recommended to minimize the possible nuisance generated by the proposed development. Non-compliance with the approval condition would result in revocation of the planning permission and unauthorized development on the site would be subject to enforcement action to be taken by the Planning Authority. Besides, the applicant would be advised to adopt the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Other Temporary Uses” in order to alleviate any potential environmental impact. Moreover, approval conditions in relation to drainage facilities and fire service installations were recommended to address the advice of CE/MN of DSD and D of FS; and
- (iii) no local objection and public comment had been received against the proposed development.

151. Members had no question on the application.

Deliberation Session

152. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.2.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 8:00 p.m. and 12:00 noon, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays, as proposed by the applicant, was allowed on the 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 24.8.2012;
- (d) in relation to (c) 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 24.11.2012;
- (e) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 24.8.2012;
- (f) in relation to (e) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 24.11.2012;
- (g) 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;
- (h) if any of the above planning conditions (c), (d), (e) or (f) 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

- (i) 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.

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

- (a) as the site fell within “Village Type Development” zone primarily reserved for development of Small Houses by indigenous villagers, a temporary planning approval for a period of 3 years, instead of permanent permission as applied for, was given to monitor the situation on the site;
- (b) the permission was given to the use under application. It did not condone any other use including the storage use which currently exists on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use not covered by the permission;
- (c) to resolve any land issues relating to the development with the concerned owner of the site;
- (d) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the site comprises Old Scheduled Agricultural Lot held under the Block Government Lease which contains the restriction that no structure was allowed to be erected without prior approval of the government. Lots 216 S.S ss.2 RP and 216 S.S RP were covered by a Short Term Waiver No. 2941 for the purpose of ancillary use to motor vehicle park (excluding heavy goods vehicles and container trailers and tractors) with permitted built-over area not exceeding 80m² on the former lot and 160m² on the latter lot, and each building height not exceeding 3.96m. The lot owner concerned would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If the

application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. The site was accessible to Kam Tin Road via government land (GL). His office did not provide maintenance works on this GL nor guarantee right of way;

- (e) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority. Furthermore, the emergency vehicular access provision at the site should comply with the standard stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulations (B(P)R) 41D;
- (g) to note the comments of Director of Electrical and Mechanical Services that the applicant/contractor should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the site. The "Code of Practice on Working near Electricity Supplier Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and

- (h) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for any existing structures at the site. If the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under application. Before any new building works to be carried out on the site, prior approval and consent from the 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. The access to the site to Kam Tin Road via an existing track did not abut on a specified street having a width of not less than 4.5m wide. The development intensity and the site access to building should be determined under B(P)R 19(3) and B(P)R 5 at the building plan submission stage. 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 site under the BO.

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/374 Renewal of Planning Approval for Temporary “Open Storage of Private Cars and Light Goods Vehicles” Use under Application No. A/YL-KTN/318 for a Period of 3 Years in “Open Space” zone, Lot 525 S.B in D.D. 109, Kam Tin Road, Yuen Long
(RNTPC Paper No. A/YL-KTN/374)

Presentation and Question Sessions

154. Mr. W.W. Chan, DPO/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed renewal of planning permission for temporary “Open Storage of Private Cars and Light Goods Vehicle”
- (c) departmental comments – Director of Environmental Protection (DEP) advised that the site was not the subject of any environmental complaint in the past three years. However, he did not support the application as there were sensitive receivers (residential structures) located to the north (the closest being about 10m away) and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a further period of three years based on the assessment made in paragraph 12 of the Paper, which were summarised below:
 - (i) the approval of the application on a temporary basis for a period of three years would not frustrate the planning intention of the “O” zone since DLCS advised that the subject “O” site was presently not on the priority list for development by the YLDC and she had no in-principle objection to the application;
 - (ii) the application being a renewal application was in line with the TPB PG-No. 13E and TPB PG-No. 34B. Similar previous approvals on the site had been granted and approval conditions in relation to drainage and fire safety aspects and run-in proposal under the last application (No. A/YL-KTN/318) had been complied with. No

adverse comment on the current application from the relevant departments except DEP had been received. There had been no major change in planning circumstances since the last approval and the applicant had complied with the relevant approval conditions under the last approval. In this regard, sympathetic consideration could be given to the current application;

- (iii) DEP did not support the application as there were residential structures/dwellings located to the north (with the nearest one about 10m away) and in the vicinity of the site, and environmental nuisance was expected. Given the nature of the development which was for storage of private cars and light goods vehicles with direct access from Kam Tin Road without passing through any residential development/structures and having regard to the small scale of development, the environmental nuisance generated on the surrounding areas would not be significant. Besides, there had not been any environmental complaint received by DEP in the past three years and no local objection was received during the statutory publication period. Relevant approval conditions restricting the operation hours and prohibiting medium/heavy goods vehicles or container trailers/tractors and dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended to minimize the possible environmental nuisance and to address the concern of the DEP. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to adopt the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact; and
- (iv) No local objection and public comment had been received against the proposed development.

155. Members had no question on the application.

Deliberation Session

156. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 14.3.2012 until 13.3.2015, 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 7:00 p.m. and 9:00 a.m. daily, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicle (exceeding 5.5 tonnes), including container trailer/tractor, as defined in the Road Traffic Ordinance, were allowed to be parked/stored on or enter/exit the site during the planning approval period;
- (d) no reversing of vehicle into or out from the site was allowed at any time during the planning approval period;
- (e) the existing trees and landscape plantings on the application site should be maintained at all times during the planning approval period;
- (f) the drainage facilities implemented under Application No. A/YL-KTN/318 should be maintained at all times during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the

TPB by 13.9.2012;

- (h) the provision of fire extinguisher(s) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.4.2012;
- (i) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2012;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.12.2012;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land involved under the application comprises Old Scheduled Agricultural Lot held under Block Government Lease which contains the restriction that no structure was allowed to be

erected without prior approval from the government. A Short Term Waiver No. 3200 for the purpose of ancillary use to open storage of private cars and goods vehicles with permitted Built-over Area not exceeding 24m² and structure not exceeding 5.18m high had been granted on the subject lot. The lot owner concerned would need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. The site was accessible to Kam Tin Road via government and (GL). His office did not provide maintenance works on this GL not guarantee right of way;

- (b) 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 minimize any potential environmental nuisances;
- (c) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized building works/structures should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future;
- (d) to note the comments of Director of Agriculture, Fisheries and Conservation that the applicant should adopt necessary measures to prevent damaging the trees surrounding the site during operation as far as practicable; and
- (e) to note the comments of Director of Fire Services that in consideration of the design/nature of the development, fire service installations (FSIs) were

anticipated to be required. Therefore, the applicant was advised to submit the relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The good practice guidelines for open storage site in Appendix VI of the Paper should be adhered to. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority. Should the applicant wish to apply for exemption from provision of certain FSI, he was required to provide justifications to his department for consideration. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval.

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/375 Temporary Open Storage of Spare Materials for Maintenance and Beautification of Private Housing and Land for a Period of 3 Years in “Agriculture” zone, Lot 1207 (Part) in D.D. 109, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/375)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of spare materials for maintenance and beautification of private housing and land for a period of three years;

(c) departmental comments –

- (i) Director of Environmental Protection (DEP) advised that there was no environmental complaint received in the past three years. However, he did not support the application as there were sensitive receivers, i.e. residential structures located to the immediate north and in the vicinity of the site and environmental nuisance was expected;
 - (ii) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view. Based on the recent aerial photo, the site was partly vegetated and partly paved. The surrounding areas were predominantly rural in character with cultivated and fallow agricultural land, village houses and scattered woodland. According to the site photo, the site was paved with no vegetation. The application sought approval to regularize the development, which was incompatible with the surrounding area. Approval of the application would set an undesirable precedent for other similar applications in the area resulting in urban sprawl and further degradation of landscape quality;
 - (iii) Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agriculture point of view as the site had high potential for agricultural rehabilitation;
- (d) two public comments from a Yuen Long District Councillor and Designing Hong Kong Limited (DHKL) were received during the first three weeks of the statutory publication period. The commenters objected to the application as the development was not in line with the planning intention and would degrade the environment and the land. Besides, the development was located close to the residential dwellings and the use of heavy vehicles would cause noise and dust nuisance to the nearby residents.

Approval of the application would set a bad precedent. If the application was approved, a plan for quality landscaping and well-designed interface with the public domain including setback of the fence and green buffer should be provided for approval by the Board; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper which were summarised below:
 - (i) the development was not in line with the planning intention of the “AGR” zone which was to retain and safeguard good quality agricultural land for agricultural purpose. This zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC did not support the application as there were active farming activities in the vicinity and the site had high potential for agricultural rehabilitation. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis;
 - (ii) the development was also not compatible with the surrounding land use. While there were a few open storage/storage yards in the vicinity, they were suspected “unauthorized developments” subject to enforcement action taken by the Planning Authority. Moreover, based on the aerial photo taken in May 2010, the site and its adjoining area were covered by vegetation with some structures, but were subsequently cleared and filled in January 2011. The site and its adjoining areas were currently subject to on-going enforcement action against unauthorized filling of land. Based on the approach to deter “destroy first, build later” announced by the Board on 4.7.2011, the Board was determined to conserve the rural and natural environment and would not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development

on the site concerned. For the subject application, the Planning Authority had been undertaking enforcement action against unauthorized land filling at the site and its adjoining area. In light of this background, it was considered that sympathetic consideration to the current application should not be given;

- (iii) the application did not comply with the TPB PG-No. 13E in that there was no previous approval for open storage use granted at the site and that existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable. Moreover, there were adverse departmental comments and public objections against the application. In this regard, DEP did not support the application as there were sensitive receivers, i.e. residential structures located to the immediate north and in the vicinity of the site, and environmental nuisance was expected. From the landscape point of view, the current application was also not supported as the application was submitted to regularize the development which was incompatible with the surrounding landscape and would result in further degradation of the landscape quality. Besides, no submission was made to demonstrate that the development would not generate adverse drainage impact. The applicant also failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas. In addition, there were objections from the local/public against the application on land use and environmental grounds. Hence, the current application did not warrant sympathetic consideration;

- (iv) although similar applications within the same “AGR” were approved with conditions by the Committee, they were located at the eastern portion of the zone about 700m to 1km away from the site. Besides, all the approved similar applications, except Applications No. A/YL-KTN/343 and 363, fell within Category 2

areas under TPB PG-No. 13E, where temporary planning permission could be granted subject to no adverse departmental comments and local objections or the concerns of the departments and local residents could be addressed by appropriate approval conditions. As for the current application, the site fell within Category 3 areas where sympathetic consideration would not be given unless the applications were on sites with previous planning approvals. Regarding Application No. A/YL-KTS/343 for proposed temporary open storage of construction materials with ancillary office and Application No. A/YL-KTN/363 to continue the use under Application No. A/YL-KTN/343, though they fell within the Category 3 areas, they should not be considered as precedent taking into account that the rural/landscape character of the immediate neighbourhood of those sites which were in Category 2 areas had been changed. The approval of the subject application, however, would set an undesirable precedent for similar applications within this part of the "AGR" zone which would remain relatively rural in character. The cumulative effect of approving such applications would result in general degradation of the rural environment of the area; and

- (v) public objections were received during the statutory publication period as the development was not in line with the planning intention and would degrade the environment and the land. The development would also cause noise and dust nuisance and approval of the application would set a bad precedent.

159. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board PG-No. 13E in that the development was not compatible with the surrounding land uses which were predominantly rural in character; there was no previous approval granted at the site and there were adverse comments from the relevant government departments and public objections against the application;
- (c) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/636 Proposed Temporary Open Storage of Construction Materials
for a Period of 3 Years in “Agriculture” and “Residential (Group D)”
zones, Lot 2881 in D.D. 111, Wing Ning Lei, Wang Toi Shan,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/636)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) advised that there was no environmental complaint received for the site in the past three years. However, he did not support the application as there were sensitive receivers including residential dwelling to the west of the site near the “V” zone, the closest of which was about 30m to its west, and environmental nuisances were expected. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agriculture point of view as the site was considered to be suitable for plant nursery development or greenhouse cultivation;
- (d) one public comment from a local villager was received during the first three weeks of the statutory publication period. The commenter objected to the application as the proposed open storage would affect the surrounding environment. Moreover, allowing large vehicles on the village road was not desirable as the nearby residents would be subject to noise nuisances; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper which were summarised below:
 - (i) the proposed development was not in line with the planning intention of the “AGR” zone which was designated to retain and

safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. In that regard, DAFC did not support the application from the agricultural point of view as the site was considered to be suitable for plant nursery development or greenhouse cultivation. Approval of the current application would frustrate the planning intention of the “AGR” zone and there was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis;

- (ii) although Applications No. A/YL-PH/597 and 627 for open storage of construction materials and machinery, and open storage of construction materials, machinery (electricity generator), vehicle parts, temporary transit shipment particles and containers for storage of plastic barriers adjoining the site to its south were approved by the Committee on 23.10.2009 and 21.10.2011 respectively, the applications were different from the current application in that a majority of their site areas fell within the “R(D)” zone. The applications were approved on the consideration that there were previous approvals for the applied uses on the sites; the developments complied with the Town Planning Board Guidelines on ‘Application for Open Storage and Port Back-up Uses’ in that there were previous approvals granted for the uses on the sites and no local objection had been received against the applications; there were no major change in planning circumstances of the applied uses from the previous approvals, sympathetic consideration could therefore be given to those applications;
- (iii) the proposed development did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) in that the proposed development was not the subject of any previous planning approval on-site, there were adverse departmental comment and local objection against the application. In that regard, DEP did not support the application as there were sensitive receivers including residential dwelling to the

west of the site near the “V” zone, the closest of which was about 30m to its west, and environmental nuisances were expected. No technical assessment had been submitted by the applicant to demonstrate that the proposed development would not pose any adverse environmental impact or to propose mitigation measures to address the potential issues;

- (iv) a public comment had been received from a local villager objecting to the application as the proposed open storage would affect the surrounding environment. Moreover, allowing large vehicles on the village road was not desirable as the nearby residents would be subject to noise nuisances.

162. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development did not comply 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 previous planning approval granted to the site and there were adverse departmental comment and local objection against the application; and
- (c) there were residential dwellings in the vicinity of the site. The proposed

development would generate adverse environmental impact on the surrounding areas, and no technical assessment had been submitted to demonstrate that the proposed development would not generate any adverse impacts on the surrounding areas.

Agenda Item 48

Section 16 Application

[Open Meeting]

A/YL-PH/637 Temporary Field Study/Education/Visitor Centre and Nature Farm Use for a Period of 3 Years
in “Conservation Area” and “Residential (Group D)” zones,
Lots 153, 157 (Part), 158 (Part) and 159 (Part) in D.D. 108
and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/637)

164. The Secretary reported that on 9.2.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow more time to prepare supplementary statement in response to the comments of government departments.

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

Agenda Item 49

Section 16 Application

[Open Meeting]

A/YL-TYST/560 Government Refuse Collection Point in “Green Belt” zone,
Government Land at Ma Fung Ling Road, Tong Yan San Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-TYST/560)

166. The Secretary reported that on 9.2.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow more time to prepare and conduct local consultation on the development proposal for addressing the local concerns.

167. 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, resulting in a total period of four months, were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 50

Section 16 Application

[Open Meeting]

A/YL-TYST/566 Temporary Warehouse for Storage of Construction Materials,
Carpets and Porcelains with Ancillary Office for a Period of 3 Years
in “Undetermined” zone, Lot 1241 (Part) in D.D. 119,
Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/566)

168. The Secretary reported that on 9.2.2012, the applicant requested the Board to

defer making a decision on the application for two months in order to allow time for him to address the department comments on the application.

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

Agenda Item 51

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/569 Proposed Temporary Shop and Services (Real Estate Agency) and Eating Place for a Period of 3 Years in “Residential (Group B) 1” zone, Lot 293 RP (Part) in D.D. 127, Hung Shun Road, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-TYST/569)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (Real Estate Agency) and eating place for a period of 3 years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application;

- (d) 25 public comments were received during the first three weeks of the statutory publication period. The principal of Ho Dao College, Parent-Teacher Association of Ho Dao College, Ove Arup and Partners Ltd., villagers of Tai Tao Tsuen, two local residents and members of the public commented on the application as follows:
- (i) the application was not in line with the planning intention and would jeopardize the long-term planning vision. No information was provided to demonstrate that the proposed development would serve the residential neighbourhood. Approval of the application would set an undesirable precedent;
 - (ii) the proposed development was not compatible with the tranquil rural setting of the site, as home buyers would usually drive their own private cars to this remote area and the proposed eating place would serve a wider area beyond the residential neighbourhood. No information was provided to demonstrate that the proposed development would not cause residential-commercial interface problem;
 - (iii) the site was in a remote and inconvenient location which was not suitable for the proposed development. Instead, the nearby “Residential (Group A)” (“R(A)”) with eating places along Ying Fuk Street and commercial uses on the lower floors and served by MTR light rail and public transport stations was a suitable location for the proposed development. The proposed development was also not necessary as there were many real estate agency shops and eating places in Hung Shui Kui district;
 - (iv) the proposed development would generate adverse traffic impact, emissions and noise nuisance. Hung Shun Road was busy with coaches, school goods/refuse vehicles and private cars as well as construction vehicles of the nearby construction sites were also

using the road. Besides, Hung Shun Road was a cul-de-sac with no turnaround facility. Vehicles travelling to the site were required to turn round on-street or performing reversing movement which would affect the traffic circulation, school vehicles, the safety of the pedestrians and school children, as well as the existing trees, tree plantings along Hung Shun Road and structure within the site. There was also inadequate space for long servicing vehicle to turn round. However, no traffic impact assessment was submitted to assess the traffic impact on the existing road networks;

- (v) No topographic and tree survey and tree preservation proposal had been submitted to demonstrate that the proposed development would not affect the existing tree within the site and the existing tree plantings in the vicinity and along Hung Shun Road given these trees/tree plantings were quite mature;
 - (vi) the proposed development would cause adverse sewerage, environmental (nuisance, noise, odour and air pollution), visual and drainage impacts and possible fire risk, hygiene and security problems on the nearby residential developments and schools but no information or relevant technical assessment was submitted to address these concerns; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper which were summarised below:
- (i) the proposed development was not incompatible with the surrounding environment. As there was no current programme for residential development at the site, the proposed development on a temporary basis for 3 years would not frustrate the planning intention of the subject “R(B)1” zone;

- (ii) it was anticipated that the proposed development would not generate adverse environmental impact on the surrounding areas, and DEP had no adverse comment. Relevant approval condition restricting the operation hours to minimize the possible nuisance, was recommended. The applicant would also be advised to adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental nuisances. Other relevant government departments had no adverse comment on the application. Relevant approval conditions on submission and implementation of tree preservation and landscaping and FSIs proposals to address the requirements of CTP/UD&L of PlanD and D of FS were also recommended. Since there were public concerns that the development would attract vehicular traffic particularly at the dead end of Hung Shun Road, approval condition prohibiting parking of vehicles within the site, as proposed by the applicant, was also recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on the site would be subject to enforcement action by the Planning Authority. Illegal on-street parking would also be subject to enforcement by the police;
- (iii) a total of 25 public objections were received during the statutory publication period mainly on land use compatibility, environment, traffic, landscape, visual, drainage, sewage, fire safety, hygiene and security grounds. In this regard, given the relatively small scale of the proposed development, it was considered not incompatible with the surrounding land uses, and would unlikely generate adverse environmental impact. DEP also had no adverse comment on the application. Approval condition restricting operation hours and appropriate advisory clause were also recommended to minimize the possible nuisance. Regarding the concern on adverse traffic impact, the proposed development would not generate additional traffic at this section of Hung Shun Road as no parking space or

loading/unloading bay would be provided within the site. According to the applicant, visitors would use the nearby public transport including Light Rail Hung Shui Kui Station and minibus station at Hung Shun Road or park their vehicles in the nearby carpark. C for T and C of P also had no adverse comment on the application and approval condition prohibiting parking of vehicles was recommended accordingly. As for the landscape concern on the existing tree within the site and the nearby tree plantings, the existing tree was an inclined weed tree of low amenity value, which was recommended to be felled and replaced while the nearby tree plantings were located outside the site. The applicant would be required to submit and implement a tree preservation and landscaping proposal according to the approval conditions recommended. In addition, relevant departments including CE/MN of DSD, DEP, D of FS, DFEH and C of P had no adverse comment with regard to drainage, sewage, fire safety, hygiene and security aspects of the application, and approval conditions requiring the submission and implementation of fire service installations proposal were recommended according to the advice of D of FS;

171. Members had no question on the application.

Deliberation Session

172. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.2.2015, 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 10:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no parking of vehicle, as proposed by the applicant, was allowed on the site

at any time during the planning approval period;

- (c) the submission of a tree preservation and landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.8.2012;
- (d) in relation to (c) above, the implementation of a tree preservation and landscaping proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.11.2012;
- (e) 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 24.8.2012;
- (f) in relation to (e) 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 24.11.2012;
- (g) 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;
- (h) if any of the above planning conditions (c), (d), (e) or (f) 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
- (i) 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.

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

- (a) to note the comments of District Lands Officer/Yuen Long, Lands

Department (LandsD) that the site comprises Old Scheduled Agricultural Lot held under Block Government Lease which contains the restriction that no structure was allowed to be erected without prior approval of the government. No approval was given for the specified structure as an eating place and real estate agency shop. The lot owners would still need to apply to LandsD to permit structures to be erected or regularize any irregularities on-site. Such applications would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such applications were approved, they would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (b) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that the existing tree within the site was found inclined and its rootball tilted. The existing tree would be hazardous to the nearby pedestrians/users, particularly during typhoon season. The weed tree should be felled and replaced;
- (c) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the applicant was reminded to provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The proposed development should also not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities;
- (d) to note the comments of Director of Environmental Protection (DEP) that the applicant should take appropriate measures to minimize any oil fume, cooking odour, noise and sewage as required by respective environmental legislations and the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP. For any sewage discharge from the site, the applicant was also reminded of his obligation to comply with the Water Pollution Ordinance by applying for a discharge licence from his Regional Office (North);

- (e) to note the comments of Director of Food and Environmental Hygiene that the proposed development/food business should be covered by a valid food business licence issued by his department;
- (f) to note the comments of Director of Fire Services that detailed fire safety requirement would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority. Besides, the emergency vehicular access (EVA) provision at the site should comply with the standard as stipulated in Part VI of the “Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulations (B(P)R) 41D; and
- (g) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that before any new building works including building works for any temporary structures were to be carried out on the site, prior approval and consent of the Building Authority should be obtained. Otherwise, they were unauthorized building works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance. The applicant should observe the requirements on provision of EVA to all buildings under B(P)R 41D.

Agenda Item 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/571 Proposed Temporary Open Storage of Construction Machinery and Materials for a Period of 3 Years in “Undetermined” zone, Lots 2417 (Part), 2418 (Part) and 2421 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/571)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction machinery and materials for a period of three years;
- (c) departmental comments – Director of Environmental Protection advised that there was an environmental complaint against noise arising from metal cutting and dust on the site in late March 2011. Two inspections were conducted in response to the complaint. Only minor repairing works were seen carried out at the site and no significant noise and dust nuisances were noted. He had given advice to the operator on the environmental requirements and made his reply to the complainant in mid April 2011. No further complaints were received since then. However, he did not support the application as there were sensitive receivers of residential uses to the immediate north and in the vicinity of the site and environmental nuisance was expected;
- (d) one public comment from a Yuen Long District Council member was received during the first three weeks of the statutory publication period. The commenter objected to the application on the grounds that the repeated revocations of the previous planning approvals reflected the applicant's insincerity to comply with the approval conditions. As such, the current application should be rejected; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper, which were summarised below:

- (i) the development was not incompatible with the surrounding areas which were mixed with open storage yards and vehicle repair workshops. Approval of the application on a temporary basis would not frustrate the long-term use of the area;
- (ii) the application was generally in line with the TPB PG-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 “U” zone that had been approved with conditions. Although the site was zoned “U” on the OZP, the area was generally intended for open storage use but was designated with this zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, C for T had no adverse comment on the application;
- (iii) although DEP did not support the application as there were sensitive receivers of residential uses to the immediate north and in the vicinity of the site and there was an environmental complaint against the site in 2011. However, it was noted that the site was vacant and the applicant also proposed not to operate the site during night time between 7:00 p.m. and 7:00 a.m. and on Sundays and public holidays, not to carry out workshop activities on the site and not to use heavy goods vehicles for the operation of the site. It was expected that the development would not generate significant environmental impact on the surrounding areas if the proposed mitigation measures were implemented accordingly. Relevant approval conditions restricting the operation hours, prohibiting workshop activities and restricting the use of heavy goods vehicles were recommended to address DEP’s concerns. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on the site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to follow the latest “Code of Practice on Handling Environmental

Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impact.

175. In response to a Member’s enquiry, Mr. Chan said that the applicant of the current application was different from that of the last application (Application No. A/YL-TYST/542).

Deliberation Session

176. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.2.2015, 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 7:00 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 repairing, cleaning, dismantling or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (e) the existing drainage facilities implemented under Applications No. A/YL-TYST/318 and 465 on the application site should be maintained at all times during the planning approval period;
- (f) the submission of a record of the existing drainage facilities on the

application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.8.2012;

- (g) 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 24.8.2012;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.11.2012;
- (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 6.4.2012;
- (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 24.8.2012;
- (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 24.11.2012;
- (l) 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;
- (m) if any of the above planning conditions (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.

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owners concerned would need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal village track on government land and other private land extended from Kung Um Road. His office provides no maintenance works for this track nor guarantees right-of-way. Part of the government land had been granted with Government Land Allocation for the Drainage Services Department's "Yuen Long and Kam Tin Sewage Treatment, Stage 2B-2T (Yuen Long South Branch Sewers)" project;
- (c) to note the comments of Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that sufficient setback of the proposed temporary structures from site boundaries should be provided in order to accommodate new tree planting and not to affect the existing trees;
- (g) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his 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. Water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (h) to note the comments of Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix V of the Paper. For the approval condition on 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, the applicant should provide justifications to his Department for consideration;
- (i) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that the unauthorized structures on-site, which were liable to action under section 24 of the Buildings Ordinance (BO), should be removed. The granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said

Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. Container used as office and storage was considered as temporary building and subject to control under Building (Planning) Regulations (B(P)R) Part VII. 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. The applicant should also note the requirements on provision of emergency vehicular access to all buildings under B(P)R 41D; and

- (j) to note the comments of Director of Electrical and Mechanical Services that the applicant and/or his contractors should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. 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 “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 53

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/572 Temporary Open Storage of Construction Machinery, Construction Materials, Metal Ware and Vehicle Spare Parts for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lots 2406, 2407, 2408 (Part), 2409 S.B (Part) and 2419 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/572)

Presentation and Question Sessions

178. Mr. W.W. Chan, DPO/TMYL informed the Committee that replacement pages of pages 13 and 14 were tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction machinery, construction materials, metal ware and vehicle spare parts for a period of three years;
- (c) departmental comments – Director of Environmental Protection advised that there was no environmental complaint concerning the site received in the past 3 years. However, he did not support the application as there were sensitive receivers of residential uses to the immediate northeast, southeast and southwest and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of one year to monitor the situation on the site based on the assessment made in paragraph 12 of the Paper, which were summarised below:
- (i) the development was not incompatible with the surrounding uses. A majority of the site (95.9%) fell within the “U” zone on the OZP, i.e. Category 1 areas under TPB PG-No.13E, with only a minor portion (4.1%) straddling the adjacent “V” zone, i.e. Category 4 areas. The application was generally in line with the TPB PG-No.13E in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. The site was involved in 2 previously approved applications (No. A/YL-TYST/359 and 509) for the same use and the approval conditions on the fencing, landscaping, drainage and fire safety aspects had been complied with. There were also similar applications in this part of the “U” zone (Category 1 areas) that had been approved with conditions. Although about 4.1% of the site fell within the “V” zone, this portion of land had been included in the 2 previous applications and DLO/YL of LandsD advised that there was no Small House application within this part of the “V” zone currently. It was considered that approval of the application on a temporary basis would not frustrate the long-term use of the area;
 - (ii) Although DEP did not support the application as there were sensitive receivers of residential uses to the immediate northeast, southeast and southwest and in the vicinity of the site, there had not been any environmental complaint in the past 3 years. The applicant also proposed not to operate the site during night time between 7:00 p.m. and 7:00 a.m. and on Sundays and public holidays, not to carry out workshop activities and not to use heavy vehicles for the operation of the site. Given the fact the development had been in operation at the site for over 4 years

without any problem, it was expected that the development would not generate significant environmental impact on the surrounding areas;

- (iii) while the applicant requested the Board to grant a 3-year planning approval and not to impose the condition which prohibited open storage within 10m from the site boundary adjoining the “V” zone for the current application, it should be noted that the shorter approval period of 1 year granted under the last application was for monitoring the situation on the site owing to the development of three new Small Houses, which were under construction at that time, adjoining the south-eastern boundary of the site and the 10m-wide buffer area was for mitigating the direct environmental impact of the development on the new Small Houses. For another open storage yard approved under Application No. A/YL-TYST/547 to the south of the site, as quoted by the applicant, such a buffer requirement was not imposed as there was already a 10m gap between that site and the nearby Small Houses. As the three Small Houses adjoining the south-eastern boundary of the site were just completed and yet to be occupied at this stage, continuous monitoring of the site situation was still necessary, and a shorter approval period of 1 year was proposed. Relevant approval conditions restricting the operation hours, prohibiting open storage within the 10m-wide buffer area and carrying out of workshop activities and restricting the types of vehicles used were also recommended to further address the possible environmental concerns. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impact;
- (iv) concerned government departments generally had no adverse

comment on the application. Relevant approval conditions regarding the maintenance and submission of a record of the existing drainage facilities and submission and implementation of tree preservation and landscape proposals and FSIs proposal were also recommended to addressing the technical requirements of CE/MN of DSD, CTP/UD&L of PlanD and D of FS; and

- (v) no local objection and public comment had been received against the proposed development.

179. Members had no question on the application.

Deliberation Session

180. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 24.2.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the 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 open storage within 10m from the south-eastern boundary of the application site adjoining the “Village Type Development” zone was allowed during the planning approval period;
- (d) no dismantling, repairing, cleaning or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including

container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;

- (f) the existing drainage facilities on the application site should be maintained at all time during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.5.2012;
- (h) the submission and implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.8.2012;
- (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 6.4.2012;
- (j) the submission and implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.8.2012;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to had effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon 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.

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development including the vehicle repair workshop which currently exists on the site but was not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) renewal of the planning permission should have been made before continuing the applied use at the site;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) shorter approval period was allowed to monitor the situation on the site and shorter compliance periods for approval conditions were given correspondingly;
- (e) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owners concerned would need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such approval was granted, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible 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 nor guarantee right-of-way;
- (f) to note the comments of Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands

authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (g) to note the comments of 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;
- (h) 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;
- (i) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that the locations and numbers of the existing trees as shown on the submitted Landscape and Tree Preservation Plan (Drawing A-2) do not tally with that as recorded during his site inspection;
- (j) to note the comments of Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix V of this RNTPC Paper. For the approval condition on 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, the applicant should provide justifications to his Department for consideration;
- (k) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority for the structures existing at the site. If the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. For unauthorized building works (UBW) erected on leased land,

enforcement action might be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. Before any new building works were to be carried out on the site, the prior approval and consent of the Building Authority should be obtained, otherwise they were UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. Containers and temporary structures used for office/guardroom/storage were considered as temporary buildings that were subject to control of the Buildings Ordinance. Formal submission under the BO was required for any proposed new works, including temporary structures. The site should be provided with means of obtaining access thereto from a street under Building (Planning) Regulation (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

- (l) to note the comments of Director of Electrical and Mechanical Services that the applicant and/or his contractors should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. 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 "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 54

Section 16 Application

[Open Meeting]

A/YL-TYST/574 Temporary Community Based Recyclable Collection Centre (including Plastics, Paper and Metals) for a Period of 3 Years in “Residential (Group D)” zone, Lots 1526 (Part), 1528 RP (Part), 1529 RP (Part), 1531 (Part), 1532 (Part) and 1533 (Part) in D.D. 121 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/574)

182. The Secretary reported that on 9.2.2012 the applicant requested the Board to defer making a decision on the application for two months in order to allow time to address the departmental comments on the application.

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

[The Chairman thanked Mr. W.W. Chan, DPO/TMYL, and Mr. C.C. Lau, Mr. K.C. Kan, Mr. Vincent T.K. Lai and Mr. Ernest C.M. Fung, STPs/TMYL, for their attendance to answer Members’ enquires. Messrs. Chan, Lau, Kan, Lai and Fung left the meeting at this point.]

Agenda Item 55

Any Other Business

184. There being no other business, the meeting closed at 6:00 p.m..