

## **TOWN PLANNING BOARD**

### **Minutes of 466th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 1.6.2012**

#### **Present**

Director of Planning

Mr. Jimmy C.F. Leung

Chairman

Professor Edwin H.W. Chan

Dr. W.K. Lo

Ms. Anita W.T. Ma

Professor K.C. Chau

Ir. Dr. Wilton W.T. Fok

Mr. Lincoln L.H. Huang

Ir. Janice W.M. Lai

Ms. Christina M. Lee

Mr. H.F. Leung

Chief Traffic Engineer/New Territories East,

Transport Department

Mr. K.C. Siu

Chief Engineer (Works), Home Affairs Department

Mr. Frankie W.P. Chou

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

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

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

Secretary

**Absent with Apologies**

Mr. Timothy K.W. Ma (Vice-chairman)

Mr. Rock C.N. Chen

Dr. C.P. Lau

Dr. W.K. Yau

Mr. Ivan C.S. Fu

**In Attendance**

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

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

Town Planner/Town Planning Board  
Mr. Terence Leung

**Agenda Item 1**

Confirmation of the Draft Minutes of the 465th RNTPC Meeting held on 18.5.2012

[Open Meeting]

1. The draft minutes of the 465th RNTPC meeting held on 18.5.2012 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

[Professor K.C. Chau and Mr. Frankie Chou arrived to join the meeting at this point.]

**Tuen Mun and Yuen Long District**

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TM/6                      To rezone the application site from “Other Specified Uses” annotated “Supermarket, Restaurant and other Commercial & Recreational facilities” to “Residential (Group B) 14”, and to amend the Notes of the “Residential (Group B)” zone, 5 Lok Yi Street, So Kwun Wat, Tuen Mun, New Territories (Lot 992 in D.D. 381)  
(RNTPC Paper No. Y/TM/6)

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3. The Secretary reported that the application was submitted by Fugro Investment (Hong Kong) Ltd. with Spence Robinson Ltd. as one of its consultants. Ir. Janice Lai had declared interests in this item as she had current business dealings with Spence Robinson Ltd.

Mr. Frankie Chou had also declared interests in this item as he, in his capacity as Chief Engineer (Works), Home Affairs Department, was directly involved in the management of Spence Robinson Ltd. which was a consultant to the Government. As Ir. Lai and Mr. Chou had no involvement in this application, their interests were indirect. Members agreed that they should be allowed to stay in the meeting.

4. The Secretary further said that two replacement pages (p. 8 and p. 15) of the Paper had been tabled at the meeting for Members' reference.

#### Presentation and Question Sessions

5. Mr. C.C. Lau, Senior Town Planner/Tuen Mun (STP/TM), and the following representatives of the applicant, were invited to the meeting at this point:

Mr. Felix Chan  
Mr. Gilbert Tsui  
Mr. Brian Chan  
Mr. Kenneth To  
Ms. Kitty Wong

6. The Chairman extended a welcome and explained the procedures of the hearing. Mr. C.C. Lau, STP/TM, was then invited to brief Members on the background to the application. With the aid of a Powerpoint, Mr. Lau presented the application as detailed in the Paper and made the following main points :

#### Background

- (a) the applicant proposed to rezone a site at So Kwun Wat from "Other Specified Uses" ("OU") annotated "Supermarket, Restaurant and other Commercial and Recreational Facilities" to "Residential (Group B)14" ("R(B)14") and to amend the Notes of the "R(B)" zone by stipulating that developments within the new "R(B)14" zone should be restricted to a maximum plot ratio of 1, a maximum gross floor area of 2,000m<sup>2</sup> of which not less than 50m<sup>2</sup> should be used for shop and services purpose, and a

building height of 3 storeys (excluding basement floor(s)). In addition, 'shop and services' use should be a column 1 use for the new "R(B)14" zone;

[Ir. Dr. Wilton Fok arrived to join the meeting at this point.]

- (b) the site, with an area of 2,000m<sup>2</sup>, was developed as a shopping centre in 1985 and was currently occupied by a 3-storey building used as a laboratory by Materialab Divison of Furgo Technical Services Limited. The site was surrounded by the "R(B)13" zone with mainly medium-density residential developments;
- (c) the applicant proposed to develop a total of 10 houses which would be 3 storeys in height (excluding one basement floor) at the site. The total domestic GFA would be 1,950m<sup>2</sup>. The total non-domestic GFA would be 50m<sup>2</sup> and would be used as a convenience store to serve the local community;

#### Departmental Comments

- (d) the Chief Building Surveyor/New Territories West, Buildings Department had no objection in principle to the application. According to the occupation permit issued in 1985, the permitted use of the building was mainly shops. There was no building plan approved for laboratory use. His department would carry out an investigation to see if there were any contraventions against the Buildings Ordinance;
- (e) the Chief Town Planner/Urban Design & Landscape, PlanD (CTP/UD&L, PlanD) had some reservation on the rezoning application. Although the applicant advised that no tree felling was involved, the existing mature tree adjoining the proposed development might be affected by the construction works of the development. However, no tree protection measures had been included in the application. In addition, since the proposed private gardens would be located on the deck over the basement car park, the

opportunity for tree and shrub planting would be limited due to the inadequate soil depth, leaving the garden areas largely hard-paved;

#### Public Comments

- (f) during the first three weeks of the statutory publication period, seven public comments were received. Except one commenter who supported the application, all commenters either objected or had adverse comments on the application. They considered that there was not enough time or sufficient information for the residents to comment on the application. Some commenters considered that the current zoning should be maintained in order to provide commercial, retail and community facilities, such as supermarket, convenience store, laundry, chemist, veterinary, community facility or educational institution, so that the local residents did not have to travel to Tuen Mun Town Centre for such facilities. There was a need for commercial or recreational facilities in view of the increasing population in the surrounding areas since the 1990s and the increasing number of residential developments to be completed in the coming years;

#### PlanD's views

- (g) PlanD did not support the application for the reasons as stated in paragraph 11 of the Paper and were summarized as follows:
- (i) the application site was generally surrounded by the "R(B)13" zone in Tuen Mun East which was a suburban area with low to medium density residential developments. It was zoned "OU" annotated "Supermarket, Restaurant, and Other Commercial and Recreational Facilities" with the intention primarily for the provision of the said annotated facilities to serve the needs of the local residents as well as the general public. On the layout plan for Tuen Mun New Town Area 59, the site was first zoned "Commercial" and reserved for supermarket use in 1986, and the zoned use had remained unchanged on the adopted layout plan since August 1987;

- (ii) according to the Hong Kong Planning Standards and Guidelines (HKPSG), neighbourhood shopping centres were usually located within walking distance from residential neighbourhoods to provide convenience goods, household retail services, personal retail services and dining services to the local population. The application site had all along been earmarked for a neighbourhood shopping centre. In this regard, the site was sold by auction for retail, supermarket, restaurant and other non-industrial purposes. A 3-storey commercial shopping centre was completed in 1985. The applicant's proposal to keep a GFA of 50m<sup>2</sup> for retail facilities was considered too small in scale for a neighbourhood shopping centre. There was no strong planning justification to depart from the planning intention; and
  
- (iii) in the Tuen Mun East area, shopping facilities were currently provided within major residential developments such as Hong Kong Gold Coast, Aegean Coast, Avignon and Palatial Coast. The travel distances from the adjoining "R(B)13" zone to the shopping facilities in other residential areas were about 1.5km, 1.6km, 2.3km and 900m respectively. The existing shopping facilities in Tuen Mun East could not substitute the application site for serving as a neighbourhood shopping centre in the Tuen Mun East area.

7. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a Powerpoint presentation, Mr. Kenneth To made the following main points:

HKPSG

- (a) according to the HKPSG, neighbourhood shopping centres were usually located within walking distance (400m or a 10 minutes' walk) from residential neighbourhoods. They mainly provided convenience goods, household retail services, personal retail services and dining services to the local population. The HKPSG stated that the Government considered

that retail development should be market-led and that planning intervention from the Government should be kept to the minimum;

- (b) the shopping centres at Hong Kong Garden and Palatial Coast served as neighbourhood shopping centres in the Tuen Mun East area. The shopping centre in Hong Kong Garden comprised mainly retail facilities, while the shopping centre in Palatial Coast included a Chinese restaurant and a convenience store. The ratio of the number of residential units to the non-domestic GFA (in m<sup>2</sup>) in Hong Kong Garden (2,836 units: 4,197m<sup>2</sup>) and Palatial Coast (856 units: 465m<sup>2</sup>) was about 1:1.15 and 1:0.5 respectively, indicating that the neighbourhood shopping centres varied in scale;
- (c) in general, a larger shopping centre providing a greater variety of goods had a larger catchment area and could attract more customers. A larger catchment area could also support a larger shopping centre. Small shopping centres, in general, were less competitive as compared with the larger ones;

the application site

- (d) in 1994, the application site was rezoned from “R(B)” to “OU(Supermarket, Restaurant, and Other Commercial and Recreational Facilities)” on the Tuen Mun OZP. The maximum GFA was restricted to 4,643m<sup>2</sup>;
- (e) within 400m (10 minutes’ walk) from the application site, there were only about 310 residential units or about 1,000 residents. Within 600-700m from the application site, there were only about 480 residential units with about 1,440 residents. Since the catchment area was small, the site had never been leased out for use as a supermarket or other related commercial uses. The situation was noted in the Explanatory Statement (ES) of the layout plan for Tuen Mun New Town Area 59 published in 1989, which stated that “difficulties seem to have been experienced in letting the premises”;



[Professor Edwin Chan arrived to join the meeting at this point.]

- (f) the shopping mall at Hong Kong Gold Coast had dominated the local retail market since its establishment in the early 1990s. The Hong Kong Gold Coast had about 4,000 to 5,000 residential units, yet its shopping centre, with a GFA of about 4,800m<sup>2</sup>, was about the same size as that planned for the subject site, which only served 310 to 480 residential units;
- (g) it was expected that a shopping centre would be developed at the “CDA” site in Lok On Pai, Area 59, serving about 1,000 residential units. The neighbourhood shopping centre planned for the application site would not be able to compete with the larger shopping centre;

the proposal

- (h) it was proposed that the application site be rezoned to “R(B)14” with a maximum plot ratio of 1 and a maximum building height of 3 storeys (excluding basements). The non-domestic GFA would be no less than 50m<sup>2</sup> for the development of a convenience store, which would be able to serve the daily needs of the local residents;
- (i) the proposal would bring about a more efficient use of the land resources. Compared with the current laboratory, residential developments at the site were also more compatible with the surrounding residential developments; and
- (j) government departments consulted had no objection to the proposal. Regarding the comments of CTP/UD&L, PlanD, it was considered that clauses on the protection of the existing tree could be added in the lease conditions. Measures such as fencing would also be undertaken by the applicant to protect the existing tree during construction.

8. The Chairman asked whether the application site had been used for retail

purposes at all. Mr. Kenneth To said that the site had never been used as a retail facility. The land owner had tried to let out part of the site for use as a supermarket, but no one had taken up the offer, even though the rent was set at a low level. Mr. Felix Chan, a representative of the applicant, said that the applicant had been looking for a buyer for the site since the 1990s, but no one was interested in the site.

9. The Chairman then asked whether the applicant had conducted a retail viability study for the shopping centres at Hong Kong Garden and Palatial Coast and the shopping centre planned for the application site. Mr. Kenneth To said that no such study had been undertaken, as a lot of data would be required and the results of the study might not be reliable.

10. The Chairman continued to ask whether the shopping centres at Hong Kong Garden and Palatial Coast were attracting enough business. Mr. Felix Chan said that there was a Chinese restaurant at Palatial Coast but the business seemed unsteady as the restaurant had changed hands a few times. Mr. Chan considered that the application site would face similar problem if it was used as a shopping centre.

11. A Member asked the representative of PlanD to elaborate on the proposed reasons for rejection. Mr. C.C. Lau said that the main reason for rejection was that the site should be used as a neighbourhood shopping centre and the applicant had not provided sufficient justifications for the rezoning of the site. In relation to the previous comments made by Mr. Kenneth To on the ES of the layout plan for Tuen Mun New Town Area 59, Mr. C.C. Lau said that during the 1980s, there were relatively few residential developments in the area, and there appeared to be difficulties in letting out the neighbourhood shopping centre. In view of the situation at that time, the ES stated that no further commercial floorspace was considered necessary. However, the ES also stated that the proposed neighbourhood shopping centre was the only commercial facility in the area and was expected to adequately serve the neighbourhood in the long term.

12. The same Member continued to ask whether there was any information to demonstrate the demand for a neighbourhood shopping centre in the area. Mr. C.C. Lau said that the application site was surrounded by residential developments. From a district planning perspective, there was a need to provide a neighbourhood shopping centre to serve

the residents in the local community.

13. In response to a question from a Member, Mr. Felix Chan said that the laboratory located within the existing building specialized in testing construction materials.

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

14. The same Member continued to ask whether there was any population projection for the area for the next ten years. Mr. C. C. Lau said that as all the planned residential developments in the area had been developed, there would be no substantial increase in population in the area. According to the 2006 by-census, there were about 900 persons living in the area.

15. The Chairman asked whether the “CDA” site at Lok On Pai would be developed within the next ten years and the estimated population for the “CDA” site. Mr. C.C. Lau said that the “CDA” site would be developed at a plot ratio of 1.3 and the development should be completed within the next ten years. However, as the Planning Brief for the site was not yet available, the proposed number of living quarters and hence the population was not yet known. Considering the large size of the “CDA” site, there should be sufficient commercial facilities to serve the needs of the residents within the “CDA” site.

16. A Member asked about the difference in the rental value of the laboratory and the retail facilities at the application site. Mr. Felix Chan said that the site had been used as a laboratory since 1986. Fugro Investment (Hong Kong) Limited bought the laboratory and then the property at the application site from Shui On Group in 1990 and 1993 respectively. There was no need to pay rent throughout the years. The site had never been used for commercial purposes as no operator was willing to rent the site for retail purposes. Mr. Kenneth To said that the site had been vacant before it was used as a laboratory and therefore the site had never been used as a commercial facility. He added that the “CDA” site at Lok On Pai could accommodate about 1,000 residential units. It was unlikely that the residents at the future “CDA” site would do their shopping at the planned neighbourhood shopping centre at the subject site. Instead, there was a greater chance that the shopping facility at the “CDA” site would attract residents from the area surrounding the application site.

17. In response to a question from the Chairman, Mr. C.C. Lau and Mr. Kenneth To both said that they had no information at hand concerning the level of rent at the shopping centres at Hong Kong Garden and Palatial Coast.

18. A Member asked whether the applicant had tried to put the subject site on the market to attract potential buyers/tenants. Mr. Felix Chan said that the applicant had intended to sell the application site and relocate to another site. However, no offer to buy the site had been received from any commercial operators in the past 20 years.

19. A Member asked whether the commenters, who objected to the application, lived within the catchment area of the application site. Mr. C.C. Lau said that the public comments were likely submitted by the residents living in the surrounding areas.

20. In response to a question from a Member, Mr. C.C. Lau said that other than the subject site, there was no other planned retail facility in the surrounding areas.

21. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representatives and the PlanD's representatives for attending the hearing. They all left the meeting at this point.

#### Deliberation Session

22. A Member said that although it was difficult to prove that the applicant had made every effort to dispose of the site, it was clear that the applicant had not been successful in selling the site for commercial use for the past 20 years. This implied that there was no demand for a neighbouring shopping centre at the subject site. The Board should be more flexible in considering the future use of the application site.

23. A Member said that the "CDA" development at Lok On Pai would become a self-sufficient community in the next ten years and the future residents would unlikely be attracted to the planned neighbourhood shopping centre at the application site as they would

have to walk uphill to the application site. If the residents were driving, they would likely visit the shopping mall at Hong Kong Gold Coast instead of the planned neighbourhood shopping centre. The Member considered that the justifications presented by the applicant were not unreasonable.

24. A Member supported the rezoning as there was apparently no demand for commercial facilities at the subject site. A rezoning would facilitate a more efficient use of the land resources.

25. A Member said that most of the residents in the area would likely visit the shopping centre at Hong Kong Gold Coast and the future development at the “CDA” site in Lok On Pai, and therefore it was not necessary to have a shopping centre at the application site. The fact that no one had approached the applicant to develop the site for commercial uses indicated that there was no demand for such commercial facilities.

26. A Member said that the applicant might not have tried its best in marketing the site for retail uses, considering that its main business was in laboratory rather than retail. The applicant might have been waiting for an investment opportunity to sell the site but there was no urgency to do so. Another Member shared the same view.

27. A Member said that the original planning intention was to designate the site for retail and commercial uses so as to meet the daily needs of the local residents. Instead of speculating the applicant’s intention, the Board should consider whether it was still necessary for the planned neighbourhood shopping centre to be located at the application site, and whether the planned neighbourhood shopping centre would be viable at the subject location, bearing in mind that there were other shopping centres nearby that could also serve the local residents. If commercial uses would not be viable at the application site, considerations should be given to rezoning the site to other uses.

28. A Member had visited the area and opined that there might not be enough demand for a planned neighbourhood shopping centre in the low-density residential area. However, there might still be needs for some retail facilities at the site. The Member asked if the application site could be developed for residential use with the provision of sufficient retail facilities to serve the area.

29. The Secretary explained to Members the planning concept for the sub-urban areas. All along, it was the planning intention of the Board to designate a suitable site for use as a neighbourhood shopping centre to serve the day-to-day needs of the local residents in a residential neighbourhood in the New Territories. An example was the shopping centre in Silverstrand, Sai Kung. These sites were not intended for residential development and they were usually sold with specific requirements in the lease stating that they could only be used for commercial facilities such as supermarkets and restaurants. However, the subject site had never been used for commercial facilities and the planning intention had never been realized. The applicant's proposal was to rezone the site for residential use, with not less than 50m<sup>2</sup> of GFA used as a convenience store. The Board should consider whether the original planning intention for the site should be maintained and whether the provision of not less than 50m<sup>2</sup> of GFA for retail use would be enough to serve the local community.

30. A Member said that if the application was rejected, the site would most likely continue to be used as a laboratory, and the planning intention would remain unrealized. In response to a question from the Member, the Chairman said that as the site fell within an area not previously covered by a Development Permission Area Plan, no planning enforcement action could be taken under the Town Planning Ordinance.

31. A Member said that Silverstrand in Sai Kung served a much wider area than the local community there. This indicated that it was not necessary to have a shopping centre in every residential neighbourhood. If the site was rezoned to other uses, it might result in a more efficient use of the land resources.

32. A Member said that the application site was very different from Silverstrand as the shopping centre in Silverstrand mainly served the expatriate community in Sai Kung and had a large car park for visitors. The planned neighbourhood shopping centre would need to have a greater variety of shops and a larger car park to attract visitors from a wider area.

33. The Chairman said that some Members had already noted that the planning intention for the site had not been realized for about 20 years. Members might consider if the proposed rezoning to residential use was appropriate, taking into account the surrounding environment. If the proposed residential use was acceptable, Members might consider if the

proposed retail GFA of not less than 50m<sup>2</sup> was appropriate.

34. A Member said that the proposed commercial GFA of not less than 50m<sup>2</sup> might not be sufficient to meet the needs of the local residents. Considerations could be given to rezoning the site to allow a comprehensive development of residential use with the provision of commercial facilities and car parks.

35. In view of Members' concerns, the Chairman said that the proposed rezoning to "R(B)14" would not be appropriate. Members might consider rezoning the site to "CDA" so that the applicant had to submit a Master Layout Plan for the consideration of the Board. As Members considered that the proposed retail GFA of not less than 50m<sup>2</sup> was not sufficient to meet the needs of the local residents, the applicant should liaise with PlanD to determine the total non-domestic GFA in the "CDA" site, which might include commercial and community facilities such as kindergarten. The requirements could then be stipulated in the Planning Brief to be agreed by the Committee so as to provide guidance for the preparation of the Master Layout Plan. Members agreed.

36. After further deliberation, the Committee decided not to agree to the application for rezoning the site from "Other Specified Uses" annotated "Supermarket, Restaurant and other Commercial and Recreational Facilities" to "Residential (Group B) 14" for the reasons that the proposed rezoning to "R(B)14" was not acceptable as the proposed commercial GFA of not less than 50m<sup>2</sup> was not sufficient to meet the needs of the local residents. There was a need to provide sufficient commercial and community facilities at the site to serve the residential neighbourhood.

37. The Committee also agreed that the site be rezoned to "Comprehensive Development Area" to facilitate comprehensive development of the area for residential use with the provision of sufficient commercial and community facilities. Details of the development would have to be justified by the applicant and supported by relevant technical assessments at the Master Layout Plan submission stage. An amendment to the draft Tuen Mun Outline Zoning Plan No. S/TM/29 would be submitted to the Committee for agreement prior to exhibition under section 7 of the Town Planning Ordinance.

[The Chairman thanked Mr. C.C. Lau, STP/TMYL, for their attendance to answer Members'

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

### **Sai Kung and Islands District**

[Mr. Charles C.F. Yum, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/213            Temporary Private Garden (for a Period of 3 Years) in “Village Type Development” zone and an area shown as ‘Road’, Lot 2063 (Part) in D.D. 244 and Adjoining Government Land, Ho Chung, Sai Kung (RNTPC Paper No. A/SK-HC/213)

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

38.            Mr. Charles C.F. Yum, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the temporary private garden (for a period of 3 years);
- (c)    departmental comments – the concerned government departments had no objection to or adverse comment on the application;
- (d)    during the first three weeks of the statutory publication period, one public comment was received. The commenter objected to the application as it was inappropriate for a private user to occupy government land and there was visual impact arising from the metal fences; and



- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary private garden could be tolerated for a period of three years for the reasons as stated in paragraph 11 of the Paper. As for the public comment, the relevant government departments had no adverse comments on the application and advised that the temporary private garden would improve the amenity of the area.

39. Members had no question on the application.

#### Deliberation Session

40. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

- 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.

41. The Committee also agreed to advise the applicant:

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to apply to the District Lands Officer/Sai Kung (DLO/SK), Lands Department for short term tenancy to permit the applied use;
- (c) to return the government land within the application site upon demand by the DLO/SK without delay as required;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant might need to extend his/her inside service to

the nearest 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

- (e) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the application site was within an area where there was no DSD's sewerage connection available in the vicinity at present.

**Agenda Items 5 and 6**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/214      Proposed one House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 483 in D.D. 244, Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/214)

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A/SK-HC/215      Proposed one House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 481 S.A ss.2 in D.D. 244, Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/215)

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42.            Noting that the two s.16 applications were similar in nature and the application sites were located close to each other, Members agreed that the applications could be considered together.

**Presentation and Question Sessions**

43.            Mr. Charles C.F. Yum, STP/SKIs, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;

- (b) the proposed two houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites were located within an active agricultural area, the Ho Chung Valley, which was one of the major high quality agricultural areas in Sai Kung. Taking into account the availability of infrastructure such as access roads and water source for irrigation, the sites possessed high potential of agricultural rehabilitation in terms of plant nursery or green house cultivation;
- (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); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for the reasons as stated in paragraph 11 of the Papers. Although DAFC did not support the applications from agricultural point of view, there were no farming activities at the sites. Also, the proposed NTEHs were not incompatible with the surroundings. Similar applications for NTEHs have been approved in the vicinity of the sites.

44. Members had no question on the applications.

#### Deliberation Session

45. 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 1.6.2016, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions:

- (a) the submission and implementation of landscape 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.

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

- (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 applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to 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; and
- (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.

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

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

**Agenda Item 7**

**Section 12A Application**

[Open Meeting]

Y/TP/14                      To rezone the application site from “Village Type Development” to “Other Specified Uses” annotated “Columbarium”, Lots 738 S.C and 738 S.C s.s.1 in D.D. 6, 74-75 Kam Shan Road, Tai Po  
(RNTPC Paper No. Y/TP/14)

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47.            The Secretary reported that the application had been deferred for three times. On 17.5.2012, the applicant’s representative requested further deferment of consideration of the application for another two months in order to allow sufficient time to address the specific comments raised by the Transport Department and the public on the application. PlanD did not support the request for deferment. The application had already been deferred for three times and a total period of six months had previously been allowed for preparation of further information in response to the departmental comments. The Committee decided at the meeting on 20.1.2012 that the third deferment should be the last deferment and the decision was conveyed to the applicant via the Secretary for the Board’s letter dated 10.2.2012. The site was currently being used for columbarium and objections had been received from the residents living in nearby Kam Shan Village. Further deferment would affect the interests of the concerned parties.

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

**Agenda Item 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/438      Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” and “Village Type Development” zones,  
Lot 858 S.B ss.1 in D.D.9, Yuen Leng Village, Tai Po  
(RNTPC Paper No. A/NE-KLH/438)

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**Presentation and Question Sessions**

49.            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) in “Agriculture” and “Village Type Development” zones;
- (c)    departmental comments – concerned government departments had no objection to or adverse comment on the application;
- (d)    during the first three weeks of the statutory publication period, one public comment was received. It asked if there would be road widening works to accommodate the increased traffic and pointed out that the road currently could not allow two cars to drive in parallel; and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons as stated in paragraph 11 of the Paper. Regarding the public comment, C for T advised that the concerned village road was not under his management and he was unable to comment unless more information was available.

50.            Members had no question on the application.

Deliberation Session

51. 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 1.6.2016, 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 connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the provision of protective measures to ensure no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) 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.

52. The Committee also agreed to advise the applicant:

- (a) that the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) that adequate space should be provided for the proposed Small House to be connected to the public sewerage network;

- (c) that 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) that the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (e) that the sewerage connection point should be within the application site;
- (f) to note the District Lands Officer/Tai Po's (DLO/TP) comment that if and after planning approval given by the TPB, his office would process the Small House application in accordance with applicable practices and procedures. If the application was approved by his department acting in the capacity as landlord at his discretion, such approval would be subject to such terms and conditions as might be imposed by his department;
- (g) to note the Director of Fire Services' comment that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (h) to note the Chief Engineer/Mainland North, Drainage Services Department's comment that there was no public drain maintained by his department 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 was required to maintain the drainage system properly and rectify the systems if they were found to be inadequate or ineffective during the operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. As there was no existing public sewerage in the vicinity of the application site currently, the Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the development;



- (i) to note the Chief Engineer/Consultants Management, Drainage Services Department's comment that the proposed sewerage scheme in Yuen Leng Village was degazetted on 29.10.2010. There was no fixed programme at this juncture for the village sewerage works in Yuen Leng Village;
- (j) the applicant should note the comments of the Chief Engineer/Development (2), Water Supplies Department stated in paragraph 4 of Appendix V of the Paper;
- (k) to note the Chief Highway Engineer/New Territories East, Highways Department's comment that the access adjoining the application site was not maintained by his office;
- (l) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comment that the applicant was required to make necessary submission to the DLO to verify if the site satisfied 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 statutory plans to the Building Department in accordance with the provision of the Building Ordinance; and
- (m) to note the Director of Electrical and Mechanical Services' comment that the applicant/his contractor should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and 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/contractor 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 his contractors when carrying out works in the vicinity of the electricity supply lines.

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting]

A/NE-LT/439                      Proposed Twenty Houses (New Territories Exempted Houses – Small Houses) with an Emergency Vehicular Access in “Agriculture” zone and an area shown as ‘Road’, Various Lots in D.D.8 and adjoining Government land, Sha Pa Village, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/439)

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53.            The Secretary reported that the application was scheduled for consideration by the Committee at this meeting. However, as the latest further information on drainage impacts on Lam Tsuen River was only received on 22.5.2012, there was insufficient time for the relevant government departments to provide their further comments. Since the departmental comments would be relevant to the consideration of the application, PlanD requested that the subject application be deferred to the meeting on 6.7.2012.

54.            After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The application would be submitted to the Committee for consideration on 6.7.2012.

**Agenda Item 10**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/450            Proposed 4 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” and “Village Type Development” zones, Lots 255 S.A, 255 S.B, 256 S.C, 256 S.D, 260 S.A, 260 S.B and 260 S.C in D.D.19, San Uk Tsai, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/450)

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**Presentation and Question Sessions**

55.            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 4 houses (New Territories Exempted Houses – Small Houses) in “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones;
- (c)    departmental comments – departmental comments were set out in paragraph 9 of the Paper. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site fell partly within the “AGR” zone which had high potential for rehabilitation of agricultural activities, such as nursery, hydroponics, green house cultivation;
- (d)    no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons as stated in paragraph 11 of the Paper. Although DAFC did not support the application, the proposed Small

Houses generally complied with the “Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in the New Territories” (Interim Criteria) in that more than 50% of the footprints of House 3 and House 4 fell within the village ‘environ’ while more than 50% of the footprints of all four proposed Small Houses 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.

56. Members had no question on the application.

#### Deliberation Session

57. 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 1.6.2016, 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 would occur to the water gathering grounds to the satisfaction of the

Director of Water Supplies or of the TPB.

58. The Committee also agreed to advise the applicant:

- (a) that adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (b) that the applicants were 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 Director of Environmental Protection's comments that the application site fell within Water Gathering Ground. As the application site was located partly in "Village Type Development" ("V") zone on the approved Lam Tsuen Outline Zoning Plan, the application site would be able to be connected to the planned sewerage system in the area. The applicants should be advised that the proposed houses should be connected to the future public sewer when available. The proposed septic tanks (presumed to be the future sewerage connection points) should be within the application site and within "V" zone. Adequate land should be reserved for the future sewer connection work;
- (d) to note the Chief Engineer/Mainland North, Drainage Services Department's (DSD) comments that public stormwater drainage system was not available for connection in the vicinity of the application site. The applicants should provide proper stormwater drainage system for the proposed development to the satisfaction of his office, and to submit the drainage proposal to his office for comment. The applicants/owners were required to maintain the drainage systems 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. Public sewerage

system was not currently available for connection in the vicinity of the application site. However, public sewers would be laid in San Uk Tsai Village under DSD's project 4332DS "Lam Tsuen Valley Sewerage";

- (e) to note the Chief Engineer/Project Management, Drainage Services Department's comments that the scope of provision of village sewerage to Lam Tsuen Valley "V" zones was being finalized under the Project 4332 DS, 'Lam Tsuen Valley Sewerage'. Village sewerage works near this area was scheduled to be started in 2012/2013, for completion in 2016/2017 tentatively subject to the land acquisition progress and also the availability of the necessary funding. Also, the applicants should be vigilant on the latest situation of the project works, for which the village representatives would be kept informed by the DSD;
- (f) to note the Chief Engineer/Development (2), Water Supplies Department's comments in paragraph 4 of Appendix IV of the Paper;
- (g) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (h) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the access adjoining the application site was not maintained by his office;
- (i) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comment that the applicants were reminded to make necessary submission to the Districts Land Office/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 No. APP-56. If such exemption was not granted, the applicants should submit site formation plan to the Buildings Departments in accordance with the provisions of the Buildings Ordinance;

- (j) to note the Director of Electrical and Mechanical Services' comments that the applicants 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 applicants should carry out the following measures:
  - (i) prior to establishing any structure within the application site, the applicants and/or their 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 applicants and/or their contractors when carrying out works in the vicinity of electricity supply lines; and
  
- (k) 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 applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

**Agenda Items 11 and 12**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/454            Proposed Public Utility Installation (Sewage Pumping Station) in  
“Agriculture” zone and an area shown as ‘Road’, Lot 896 in D.D.8 and  
adjoining Government Land, Ma Po Mei, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/454)

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A/NE-LT/455            Proposed Public Utility Installation (Sewage Pumping Station) in  
“Agriculture” zone, Lot 704(Part) in D.D.19 and adjoining Government  
land, She Shan Tsuen, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/455)

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59.            Ir. Janice Lai declared an interest in these items as she had current business  
dealings with the Drainage Services Department, the applicant of the applications.

[Ir. Janice Lai left the meeting temporarily at this point.]

60.            Noting that the two s.16 applications were similar in nature, Members agreed that  
the applications could be considered together.

**Presentation and Question Sessions**

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

- (a) background to the applications;
- (b) proposed public utility installations (sewage pumping stations);
- (c) departmental comments – concerned government departments had no  
objection to or adverse comment on the applications;
- (d) no public comment was received during the first three weeks of the



statutory publication period and no local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for the reasons as stated in paragraph 10 of the Papers.

62. Noting the two application sites involved private land, a Member asked whether land resumption would be required for the development of the proposed sewage pumping stations. Mr. Edward Lo said that the sewerage project would be gazetted and the relevant private lots would be resumed by the Government.

### Deliberation Session

63. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 1.6.2016, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the 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 fire service installations and water supplies for firefighting purpose to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the provision of adequate protective measures to ensure no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the design and provision of environmental mitigation measures to the satisfaction of the Director of Environmental Protection (DEP) or of the TPB.

64. The Committee also agreed to advise the applicant of application No.

A/NE-LT/454:

- (a) to note the District Lands Officer/Tai Po, Lands Department's (LandsD) comment :
  - (i) the application site comprised mainly a private lot, namely Lot 896 in D.D. 8 and a small portion of government land; and
  - (ii) should the application be approved by the Board, Chief Engineer/Project Manager, the Chief Engineer/Project Management, Drainage Services Department had to apply to his office for a simplified temporary government land allocation to facilitate the construction works and thereafter apply for a permanent government land allocation for the sewage pumping station;
- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comment that the proposed public utility installation (sewage pumping station) was a government building and he had no comment under the Buildings Ordinance (BO) on the subject application in view that it should be exempted from the provisions of the BO by virtue of s41(1)(a) of the BO;
- (c) to note the Director of Fire Services' comment that the emergency vehicular access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (d) to note the Water Supplies Department's requirement as detailed in Appendix II of the Paper;
- (e) to note the DEP's comment to fully implement the mitigation measures during the construction and operation of the proposed sewage pumping station as recommended in the Planning Statement at Appendix Ia of the

Paper;

- (f) to note the Director of Agriculture, Fisheries and Conservation's comment that there was a natural stream to the west of the application site, the Upper Lam Tsuen River (Plan A-2), which was an Ecologically Important Stream (EIS) with important ecological functions such as providing habitats for diverse or rare animal or plant communities, as listed in Environment, Transport and Works Bureau (ETWB) Technical circular (Works) No. 5/2005. Any pollution from the application site during construction and operational stages might cause adverse ecological impact to the EIS. The applicant should be advised to avoid adverse impact to the EIS;
- (g) to note the Commissioner for Transport's comments:
  - (i) a pedestrian crossing was located immediately next to the vehicular access point, rendering the manoeuvring of heavy vehicles in/out the site difficult. Further, the existing village road as shown next to the application site was not under his management;
  - (ii) if the applicant intended to make use of the village road and the existing vehicular access for construction and maintenance access purposes, he should check the land status with LandsD and carry out necessary improvement and mitigation measures to address the conflicts as in paragraph (i) above. As an alternative, the applicant could consider forming an independent maintenance access road to the proposed Pumping Station; and
  - (iii) the existing village access and any future proposed maintenance access to the proposed Pumping Station, in whatsoever circumstances, would not be under his management.
- (h) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's (H(GEO), CEDD) comment that the applicant was required to pay attention to the requirement as laid down in

ETWB Technical Circular (Works) No. 29/2002 and make submission, if necessary, to the GEO, CEDD;

- (i) to note the Director of Electrical and Mechanical Services' comment 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) Electricity Safety

- (a) 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;
- (b) 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
- (c) 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.

- (ii) Town Gas Safety

- (a) the applicant should note that there was an existing town gas transmission pipe running along Lam Kam Road which might affect the proposed development; and
- (b) for any development near town gas transmission pipes, the project proponent consultant should note the requirements of the Electrical and Mechanical Services Department's Code of Practice on Avoiding Danger From Gas Pipes and maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the existing and planned gas pipes routes/gas installations in the vicinity of the proposed work area and the minimum set back distance away from the gas pipelines during the design and construction stages of development.

65. The Committee also agreed to advise the applicant of application No. A/NE-LT/455:

- (a) to note the District Lands Officer/Tai Po, Lands Department's (LandsD) comment :
  - (i) The application site comprised mainly a private lot, namely Lot 704 in D.D.19 and a small piece of government land on the southwestern corner; and
  - (ii) should the application be approved by the Board, Chief Engineer/Project Manager, Drainage Service Department had to apply to his office for a simplified temporary government land allocation to facilitate the construction works and thereafter apply for a permanent government land allocation for the sewage pumping station.;
- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comment that the proposed public utility installation

(sewage pumping station) was a government building and he had no comment under the Buildings Ordinance (BO) on the application in view that it should be exempted from the provisions of the BO by virtue of s41(1)(a) of the BO;

- (c) to note the Director of Fire Services' comment that the emergency vehicular access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (d) to note the Water Supplies Department's requirement as detailed in Appendix II of the Paper;
- (e) to note the DEP's comment to fully implement the mitigation measures during the construction and operation of the proposed sewage pumping station as recommended in the Planning Statement at Appendix Ia of the Paper;
- (f) to note the Director of Agriculture, Fisheries and Conservation's comment that there was a natural stream to the west of the application site (PlanA-2). Any pollution from the development site during construction and operational stages might cause adverse ecological impact to the stream. Should the Board consider the application be acceptable, the applicant should be advised to avoid impact to the stream; and
- (g) to note the Commissioner for Transport's comments :
  - (i) the existing village track as shown next to the development site was not managed by his Department;
  - (ii) if the applicant intended to make use of the village track for construction and maintenance access purposes, he should check the land status with LandsD and carry out necessary improvement

works for the intended use. As an alternative, the applicant could consider forming an independent maintenance access road to the proposed pumping station; and

- (iii) the existing village access and any future proposed maintenance access to the proposed Pumping Station, in whatsoever circumstances, would not be under his management.

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

[Ir. Janice Lai returned to join the meeting at this point.]

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/370      Proposed Two Houses (New Territories Exempted Houses – Small Houses) in “Green Belt” and “Village Type Development” zones, Lots 518 s.A ss.15 (Part), ss.16, ss.17 and RP (Part) in D.D. 26 and Adjoining Government Land, Shuen Wan Lei Uk, Tai Po  
(RNTPC Paper No. A/NE-TK/370)

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#### **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 two houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) departmental comments – the Head of Geotechnical Engineering Office, Civil Engineering & Development Department (H(GEO), CEDD) had no

objection to the application, but noted that the proposed platform level for the proposed development was at +10mPD (about 5m above existing ground) which was unusual for a NTEH. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application. As observed in a site visit on 22.9.2011, the trees within the application site were of native species, including *Trema tomentosa* (山黃麻), *Alangium chinense* (八角楓), *Macaranga tanarius* (血桐) and some bamboo in good conditions. The footprint of the proposed houses seemed to be in conflict unavoidably with at least two *Trema tomentosa* (山黃麻). Construction works would likely result in removal of some more trees or damage of their roots. Adverse impact on existing landscape resources was therefore anticipated. Considering that the subject green belt was the only green buffer between the “V” and the “G/IC” zones, the proposed development was detrimental to the valuable landscape resources and landscape quality of the area. Moreover, there was a general presumption against development within the “GB” zone. The approval of the application would likely lead to further encroachment onto the green belt, and the cumulative impact of Small House development on the surrounding landscape and the vegetated slope would be significant;

- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter objected to the application for the reasons that as the site involved government land, the land use should not be changed for the benefit of one/two indigenous villagers. With the growing population, there were insufficient social/recreational facilities in Ting Kok area. The government land should be used for the provision of social and recreational facilities to serve the residents in the vicinity; and
- (e) the Planning Department (PlanD)’s views –
  - (i) PlanD did not support the application for the reasons as stated in paragraph 12 of the Paper. The site fell partly on steep natural slope and was adjoining a densely vegetated area covered by trees and shrubs.



The proposed development would involve site formation works and the construction of a raised platform which would result in the clearance of natural vegetation. The proposed development was therefore not in line with the planning intention of the “GB” zone and did not comply with TPB PG-No. 10. The proposed development also did not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in the New Territories” (Interim Criteria) in that the proposed development would cause adverse landscape impacts on the surrounding areas; and

- (ii) the proposed development would be situated on a raised platform at +10.0mPD supported by 5m high retaining walls. Although the applicants’ representative had tried to reduce the height of the retaining walls and proposed landscape measures to mitigate the landscape and visual impacts on the surrounding area, the construction of the proposed development and the associated site formation would involve clearance of trees and dense vegetation causing irreversible damage to the landscape resources and character of the surrounding area. While there were similar applications (No. A/NE-TK/195, 201, 223 and 227) approved in the vicinity of the site, it should be noted that there were no site formation plans provided in the submission of these applications, the Board at that time also did not require the submission of site formation plans, and these applications were approved without taken into consideration the site formation works. Nonetheless, the current application did not warrant the same considerations as it was the current practice of the Board to require the submission of relevant layout/section plans showing the development proposal including the building platforms and the associated retaining walls in order to ensure that there would be no adverse visual or landscape impacts on the surrounding areas.

67. Members had no question on the application.

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

- (a) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impacts on the surrounding areas; and
- (b) the proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve clearance of existing natural vegetation and affect the existing natural landscape of the surrounding environment.

#### **Agenda Item 14**

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

[Open Meeting]

A/NE-KTS/321            Proposed House (New Territories Exempted House – Small House)  
in “Green Belt” zone, Government Land in D.D. 94 (Near Lot 937 in  
D.D. 94), Tong Kung Leng, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/321)

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69. The Secretary reported that the application was scheduled for consideration at this meeting. However, according to the advice of the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape, Planning Department, the site and its adjoining areas might involve unauthorized slope clearance after the expiry of the previous planning approval under Application No. A/NE-KTS/241 on 16.3.2011 and prior to the application. Such practices contravened the approaches announced by the Board to deter “Destroy First and Build Later” activities. To allow more

time for investigation to collect more information on the recent slope clearance undertaken on the site and its adjoining area, PlanD recommended that a decision on the application be deferred to ascertain whether any unauthorized development was involved that might constitute an abuse of the planning application process so as to determine whether the application might be rejected for such reason. PlanD requested that consideration of the application be deferred for two months pending the investigation of the suspected unauthorized slope clearance on the site and its adjoining area.

70. After deliberation, the Committee decided to defer a decision on the application as recommended by PlanD. The application would be submitted to the Committee for consideration after the investigation in two months' time.

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting]

A/NE-KTS/322 Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Government Land in D.D. 94 (Near Lot 937 in D.D. 94), Tong Kung Leng, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/322)

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71. The Secretary reported that the application was scheduled for consideration at this meeting. However, according to the advice of the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape, Planning Department, the site and its adjoining areas might involve unauthorized slope clearance after the expiry of the previous planning approval under Application No. A/NE-KTS/242 on 2.3.2011 and prior to the application. Such practices contravened the approaches announced by the Board to deter “Destroy First and Build Later” activities. To allow more time for investigation to collect more information on the recent slope clearance undertaken on the site and its adjoining area, PlanD recommended that a decision on the application be deferred to ascertain whether any unauthorized development was involved that might constitute an abuse of the planning application process so as to determine whether the application might be rejected for such reason. PlanD requested that consideration of the application be deferred

for two months pending the investigation of the suspected unauthorized slope clearance on the site and its adjoining area.

72. After deliberation, the Committee decided to defer a decision on the application as recommended by PlanD. The application would be submitted to the Committee for consideration after the investigation in two months' time.

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/462      Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Agriculture” zone, Lot 1511 RP (Part) in D.D. 83, Wing Ning Wai, Fanling  
(RNTPC Paper No. A/NE-LYT/462)

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

73. 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 renewal of planning approval for temporary public vehicle park for private cars and light goods vehicles for a period of 3 years;
- (c) departmental comments – concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a member of the North District Council member. He supported the application as he considered that it would

bring convenience to the villagers. The District Officer (North) reported that the Indigenous Inhabitants Representatives (IIRs) of Lung Yeuk Tau supported the application as they considered that it would bring convenience to the villagers; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary public vehicle park could be tolerated for a further period of 3 years for the reasons as stated in paragraph 12 of the Paper.

74. Members had no question on the application.

#### Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 20.6.2012 until 19.6.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) no vehicles other than private cars and light goods vehicles not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, were allowed to be parked within the application site during the planning approval period;
- (b) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors, as defined in the Road Traffic Ordinance, was allowed to be parked/stored on the site at any time during the planning approval period;
- (c) the existing trees should be maintained in good condition at all times during the planning approval period;
- (d) the submission of drainage proposals 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 19.12.2012;

- (e) in relation to (d) above, the implementation of drainage proposal within 9 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 19.3.2013;
- (f) the submission of proposals of water supplies for fire fighting and fire service installations 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 19.12.2012;
- (g) in relation to (f) above, the implementation of proposals of water supplies for fire fighting and 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 19.3.2013;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (i) if any of the above planning conditions (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

76. The Committee also agreed to advise the applicant:

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that Environmental Protection Department 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 that the application site was located within the flood

pumping gathering ground;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorised Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future;
  
- (d) to note the comments of the Director of Fire Services as follows:
  - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the application site, fire service installations (FSIs) would need to be installed;
  
  - (ii) in such circumstances, except where building plan was circulated to the Centralized Processing System of BD, the applicant was required to send the relevant layout plans to his department (Address: Planning Group, 9/F, No. 1 Hong Chong Road, Fire Services Headquarters Building, Kowloon) incorporated with the proposed FSIs for approval. In doing so, the applicant should note that:
    - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
  
    - (b) the location of the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans; and
  
  - (iii) detailed fire safety requirements would be formulated upon receipt of formal submission of the aforesaid plans. The applicant would

need to subsequently provide such FSIs according to the approved proposal; and

- (e) to follow the environmental mitigation measures as set out in the latest “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.

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/779                      Proposed Shop and Services (Retail Shop and Fast Food Shop) in  
“Industrial” zone, Workshop A, LG/F, Valiant Industrial Centre,  
Nos. 2-12 Au Pui Wan Street, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/779)

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

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

- (a) background to the application;
- (b) the proposed shop and services (retail shop and fast food shop);
- (c) departmental comments – the Director of Fire Services (D of FS) objected to the application as the aggregate commercial floor area on ground floor of the building would exceed 460m<sup>2</sup> should the application be approved;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter indicated no comment; and



- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in Paragraph 11 of the Paper. According to the TPB-PG No. 25D, the Fire Services Department should be satisfied on the risks likely to arise or increase from the proposed commercial use under application. Owing to fire safety concern, the subject industrial building was subject to a maximum permissible limit of 460 m<sup>2</sup> for aggregated commercial floor area on the lower ground and ground floors. Although one of the applied uses was fast food shop to which the aggregate commercial floor area limit did not apply, no detailed floor area of the fast food shop was included in the application. FSD did not support the application as the aggregate commercial floor area would exceed the maximum permissible limit of 460m<sup>2</sup> if the floor area of the application premises (680.034 m<sup>2</sup>) was included. The application was therefore not in line with the Town Planning Board Guidelines No. 25D.

78. Members had no question on the application.

#### Deliberation Session

79. The Chairman asked whether the applicant had been requested to clarify the floor area of the proposed fast food shop. Mr. Luk said that the applicant had been asked twice to provide further information on the floor area of the proposed fast food shop but no relevant information had been received from the applicant.

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

- the proposed development did not comply with the Town Planning Board Guidelines No. 25D in that the aggregate commercial floor area of the existing industrial building would exceed the maximum permissible limit of 460m<sup>2</sup>. The proposal was unacceptable from fire safety point of view.

**Agenda Item 18**

**Section 16A Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/696-2                      Proposed Class B Amendments to the Approved Application for Residential Development with Club House and Car Parking Facilities in Lots 698 S.B, 698 S.C., 698 S.D, 698 S.E, 698 S.F, 698 S.G, 698 S.H, 698 S.I, 698 S.J, 698 S.L, 698 S.M, 698 S.N., 698 S.O, 698 RP(part) and adjoining Government Land in D.D. 181, Heung Fan Liu, Sha Tin  
  
(RNTPC Paper No. A/ST/696-2A)

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81.                      The Secretary reported that the application was submitted by Sun Hung Kai Properties Limited (SHKP). Ir. Janice Lai and Mr. Ivan Fu had declared interests in this item as they had current business dealings with SHKP. Members noted that Mr. Ivan Fu had tendered apologies for being unable to attend the meeting.

[Ir. Janice Lai left the meeting temporarily at this point.]

**Presentation and Question Sessions**

82.                      Mr. Anthony K.O. Luk, STP/STN, said that two replacement pages (Drawing AA-1 and Plan AA-3) were tabled at the meeting for Members' information. He also pointed out that there was a typo in the table of Class A amendments in paragraph 1.6(d) of the Paper. The percentage change in the total GFA of the clubhouse should be +49.97%. With the aid of a Powerpoint presentation, he then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
  
- (b) the proposed Class B amendments to the approved application for residential development with club house and car parking facilities;
  
- (c) departmental comments – concerned government departments had no

objection to or adverse comment on the application;

- (d) the District Officer (Sha Tin) had consulted a member of the Sha Tin District Council (STDC), the Pak Tin Areas 4, 5 and 6 Mutual Aid Committee (MAC) and the local residents and their views were summarized as follows:
  - (i) the STDC member commented that the proposals were basically feasible. However, he was concerned about the adverse impact on the increase in traffic which might cause congestion on Heung Fan Liu Street. It was suggested that Heung Fan Liu Street be widened. Besides, if the ingress/egress for the proposed development was located at Pik Tin Street, there would be objections from the residents of Granville Garden and Park View Garden;
  - (ii) the MAC and the local residents were against the application for the reasons of adverse air ventilation impacts, loss of the local residents' right of access, increase in the number of tree felling caused by increase of site coverage of the proposed development, pedestrian safety and increase in the GFA of the clubhouse. They also considered that there was insufficient information on drainage improvement scheme, treatment of slopes, measures to prevent landslides and failure of retaining walls, measures to prevent fire hazards, and the extent of adverse possession; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as stated in paragraph 8 of the Paper. Regarding the concerns of the local residents, it should be noted that they were similar to the comments raised at the s.16 application stage which had been considered by the Board on 22.10.2010. The Board considered that the comments could be addressed through approval conditions and advisory clauses. There had been no change in planning circumstances since the last approval. The issue on adverse possession had also been considered by the Committee before and the Committee considered that it could be

dealt with at the land exchange stage. Relevant government departments had no objection / adverse comment on the application.

83. Noting the substantial reduction in the number of car parks and that two levels of podium car parks had been placed in the basement in the current scheme, the Chairman asked why the overall building height of the proposed development had only been slightly reduced. Mr. Anthony Luk said that the proposed floor-to-floor height of about 3.05m to 3.1m had remained largely the same as compared with that of the approved scheme and was in line with other residential developments in the area. However, the total GFA of the clubhouse had increased from 3% to 4.5% of the domestic GFA (an increase of 49.97%) and it would be accommodated at the podium. A clear gap of 17m was introduced between the podium and the coverage of the podium was also reduced to allow for landscaping. As a result, there was only a slight reduction in the overall building height.

84. Noting that the Pak Tin Areas 4, 5 and 6 MAC and the local residents were concerned about the drainage problem, a Member asked whether the applicant's drainage proposals had addressed the concerns of the local residents. Mr. Anthony Luk said that although Drainage Services Department (DSD) had some comments on the Drainage Impact Assessment (DIA), the problem was not considered insurmountable. An approval condition was recommended requiring the applicant to submit a revised DIA and to provide the proposed drainage facilities to the satisfaction of the DSD.

#### Deliberation Session

85. After deliberation, the Committee decided to approve the application and the Master Layout Plan (MLP) under sections 16 and 4A of the Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 22.10.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP), taking into account the approval conditions as stated in paragraphs (b), (e) and (i) below to the satisfaction of the Director of Planning or of the TPB;

- (b) the submission and implementation of a revised Master Landscape Plan including tree preservation proposals to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a revised drainage impact assessment and provision of drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the design and provision of sewerage connections to the application site to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the submission and implementation of the land use and management proposals for the “Greenbelt Conservation Area” within the application site to the satisfaction of the Director of Lands or of the TPB;
- (f) the submission of studies on natural terrain landslide hazards and implementation of stabilization works and/or mitigation measures identified therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB;
- (g) no population intake should be allowed prior to the completion of the Sha Tin Sewerage Treatment Works Stage III Phase 2 upgrading works, the Heung Fan Liu Street Gyratory System and Bridge MT5 by the Government;
- (h) the provision of access from the application site to Heung Fan Liu Street to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (j) the provision of fire service installations and water supplies for fire fighting

to the satisfaction of the Director of Fire Services or of the TPB; and

- (k) the submission of a revised Traffic Impact Assessment including the completed road improvement works at Pik Tin Street/Mei Tin Road under the relevant conditions of the previous approvals and other proposed traffic management schemes (e.g. the implementation of cautionary pedestrian crossing and loading/unloading layby at Heung Fan Liu Street) to the satisfaction of the Commissioner for Transport or of the TPB;

86. The Committee also agreed to advise the applicant:

- (a) that any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicant wished to seek any further extension of time for commencement of the development, the applicant might submit a fresh application under section 16 of the Town Planning Ordinance. The TPB Guidelines No. 35B and 36A should be referred to for details;
- (b) that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as possible;
- (c) to obtain agreement and advice from the CLP Power Hong Kong Limited (CLPP) for any construction works carried out within the 50m working corridor of the 400kV overhead lines, and allow CLPP to perform tree cutting in future on those plantation having insufficient clearances to the 400kV overhead lines and have the right of access to the “Greenbelt Conservation Area” at the northern part of the application site for carrying out necessary maintenance and repair works of the 400kV overhead lines;
- (d) to carry out an assessment on the impact of the Lower Shing Mun Pumping Station and the jet disperser of Lower Shing Mun Reservoir (particularly on

noise) on the proposed development;

- (e) to carry out an assessment of the impact of dam break on the proposed development as the application site was within the dam-break flood plain of Lower Shing Mun Reservoir;
- (f) that the landscape proposal should include compensatory planting of large trees of over 0.5 girth diameter;
- (g) to provide information on the extent of land requirement for the proposed access from the application site to Heung Fan Liu Street to the Director of Lands;
- (h) to note the comments of the Director of Environmental Protection that:
  - (i) to provide him with a Self Assessment Form on traffic noise for the proposed development for information; and
  - (ii) to follow the practices stipulated in Professional Persons Environmental Consultative Committee Practice Notes PN 1/94 on “Construction Site Drainage” and to comply with the requirement of Water Pollution Control Ordinance to avoid environmental pollution to the streams and Shing Mun River during the construction stage;
- (i) to note the comments of the Director of Electrical and Mechanical Services that the developers and the potential occupiers/tenants should be informed and be made aware that although the strength of magnetic field from the overhead lines was well below the safety limit recommended by the International Commission on Non-ionising Radiation Protection which had been adopted in the Hong Kong Planning Standards and Guidelines, it might still pose undue interference to some household electronic equipment such as TV & computer monitor for houses too close to the 400kV overhead lines;

- (j) to note the comments of the Director of Water Supplies that:
  - (i) if the existing water mains encroached by the subject site would be affected, waterworks reserve should be provided to the Water Supplies Department for free access at all times to the water mains for the purpose of laying, repairing and maintenance of water mains; and
  - (ii) the cost of any necessary diversion should be borne by the development;
- (k) to note the comments of the Commissioner for Transport that:
  - (i) the applicant should examine and implement the necessary improvement works for the cautionary pedestrian crossings, which might be affected by the increased traffic flows due to the development on Heung Fan Liu Street; and
  - (ii) the applicant was required to provide the connection detail of how the road including the 1.25m verge would connect to the existing road near the bridge at Heung Fan Liu Street for his consideration;
- (l) to provide hoarding and sufficient lighting, control of construction noise and footway to Areas 4, 5, 6 of Pak Tin Village during construction stage;
- (m) to resolve any land issue relating to the development with other concerned owner(s) of the application site;
- (n) to note the comments of the District Lands Officer/Shu Tin, Lands Department (LandsD) that the proposed development in the present application was not permitted under the existing lease. If the Board approved the current application and the applicant wished to revise the submitted land exchange application, the applicant was required to submit a new application to LandsD to implement the revised scheme. Such



application, if received, would be considered by LandsD acting in its capacity as the landlord at its sole discretion and any approval given would be subject to such terms and conditions including, inter alia, payment of premium and administrative fee as might be imposed by LandsD;

- (o) to note the comments of the Chief Building Surveyor/New Territories East (2) & Rail, Buildings Department (BD) that:
  - (i) a clear intervening space or area of a width of not less than 1/4 of the height of the cutting should be left between each of the domestic blocks at ground floor level and the toe of the cutting under Building (Planning) Regulations (B(P)R) 27(2);
  - (ii) Block 3 should not be built to abut against a cutting, including a toe wall supporting a cutting, nor be erected against a retaining wall which exceeded 4.5 m in height under the B(P)R 27(1) and 47(1);
  - (iii) the proposed amendment scheme under application involved major changes in configuration of floor plans and disposition of domestic blocks, and change in the number of storeys within the podium and basement vis-à-vis the general building plans (GBP) for Phase 1 approved by the Building Authority on 1.9.2011. GBP amendment in connection with the scheme to be submitted would constitute a major revision as a fundamental reassessment of plot ratio, site coverage, lighting and ventilation, means of escape, etc. and a repeat of the centralized processing system was necessary;
  - (iv) submission of new building plans for Phase 2 and major revision of building plans for Phase 1 for development proposal would be subject to Practice Notes for Professional Persons (PNAP) APP-151 and PNAP APP-152, which took effect from 1.4.2011, for compliance with sustainable building design guidelines on building separation, building set back and site coverage of greenery as one of the pre-requisites for exempting or disregarding green / amenity

features and non-mandatory / non-essential plant rooms and services from gross floor area (GFA) and / or site coverage calculations;

- (v) the granting of GFA concessions under B(P)R 23(3)a for recreational facilities in residential developments were subject to compliance with relevant acceptance criteria, detailed requirements, pre-requisites, limitation in sliding scale, etc. as set out in the prevailing PNAP APP-104. There was no guarantee whatsoever that proposed area of 2,347m<sup>2</sup> for the clubhouse would be granted for GFA concessions under Buildings Ordinance;
  - (vi) the area of the proposed footpath / right-of-way needed to be deducted from the site area in determining site coverage and plot ratio for the purposes of B(P)R 20, 21 and 22; and
  - (vii) other detailed comments would be given at formal plans submission stage;
- (p) to note the comments of the Director of Fire Services:
- (i) Emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by the BD; and
  - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (q) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should minimize tree felling as far as practicable in the tree preservation proposal;
- (r) to note the comments of the Director of Leisure and Cultural Services that:
- (i) should there be any trees under the ambit of the Leisure and Cultural

Services Department (LCSD) to be affected by the proposed development, the developer should clearly indicate only the trees under LCSD's ambit on the Tree Assessment Schedule for his comment, and comply all the requirements as stipulated in Environmental, Transport and Works Bureau Technical Circular (Works) (ETWB TC(W)) No. 3/2006 for submission of tree removal application and make sure no trees were unnecessarily felled or pruned; and

- (ii) in accordance with the ETWB TC(W) No. 3/2006, his Department would render their view from tree maintenance perspective to Lands Department, if required; and
- (s) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that in view of the extent of retaining walls at the northwest, southeast and west of the development area, vertical greening and other screen planting should be provided to soften and minimize the visual impact.

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

[Ir. Janice Lai returned to join the meeting at this point.]

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

[Mr. K.C. Kan, Mr. Vincent T.K. Lai, Ms. Bonita K.K. Ho, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

**Agenda Item 19**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/235 Proposed School (Kindergarten and Nursery) in “Comprehensive Development Area” zone, Part of G/F of the retail podium, The Sherwood, 8 Fuk Hang Tsuen Road, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/235)

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**Presentation and Question Sessions**

87. 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 school (kindergarten and nursery);
- (c) departmental comments – concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter, who was the registered owner of the premises, stated that part of the premises, i.e. Shops D, E, F and G at the retail podium of The Sherwood, were approved for commercial/retail use according to Application No. A/TM-LTY Y/110 approved by the Board on 16.4.2003. It stated that the proposed school use for kindergarten and nursery should be an additional use to the approved commercial/retail use; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons as stated in paragraph 11 of the Paper. Regarding the public comment, the applicant had no objection to include kindergarten and nursery as an additional use to the approved

commercial/retail use.

88. Members had no question on the application.

#### Deliberation Session

89. 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 1.6.2016, 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 services installations for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.

90. The Committee also agreed to advise the applicant:

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application premises;
- (b) to note the District Lands Officer/Tuen Mun, Lands Department's (LandsD) comments that according to the lease conditions, the design of the kindergarten should be in accordance with the Education Regulations and should be approved by the Director of Education (now by the Secretary for Education). Details of the proposal would be examined at the building plans stage and his office would examine and comment on the general building plans for proposed alteration and addition works when the plans were submitted through the Centralized Processing System. If the subject application involved any purposes other than kindergarten and day nursery and planning approval was given to the subject application, the applicant would need to apply to the LandsD for a temporary waiver for the proposal. There was no guarantee that the application, if received by LandsD, would be approved and he reserved his comment on such. The application would be considered by LandsD acting in the capacity as the landlord at its sole

discretion. In the event that if the application was approved, it would be subject to such terms and conditions as the Government should deem fit to do so, including, among others, charging the payment of waiver fee and administrative fee as might be imposed by LandsD;

- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that detailed comments on building plan submission would be made under the Buildings Ordinance;
- (d) to note the Secretary for Education's comments that the School Building Section of Education Bureau would offer comments on the design aspect of the kindergarten. As no detailed layout of the kindergarten was provided, he reserved his comments on the detailed design of the kindergarten at the building plans submission stage. Regarding the nursery, the application would involve provision of pre-primary services for children aged below 3 in the premises. His Joint Office for Pre-primary Services Section advised that they would have no adverse comment on the application subject to professional advice from other relevant government departments on the suitability of the premises for pre-primary services; and
- (e) to note the Director of Social Welfare's comments that the applicant was required to register for the proposed kindergarten under the Education Ordinance (for children above 3 years old) and register for the nursery under the Child Care Services Ordinance (for children below 3 years old). Since the proposed school consisted of both kindergarten and nursery, the applicant should apply for registration of both kindergarten and nursery to the Joint Office for Pre-primary Services of the Education Bureau.

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/36                      Temporary Recreation Use (Fishing Ground) for a Period of 3 Years  
in “Coastal Protection Area” zone, Lots 13 (part) and 93 (part) in  
D.D. 135 and adjoining Government land, Sheung Pak Nai, Yuen Long  
(RNTPC Paper No. A/YL-PN/36)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary recreation use (fishing ground) for a period of 3 years;
- (c) departmental comments – concerned government departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary recreation fishing ground could be tolerated for a period of 3 years for the reasons as stated in paragraph 11 of the Paper.

92.            Noting that the previous application No. A/YL-PN/22 lapsed on 23.1.2012, a Member asked whether the applicant would have the advantage to continue the temporary use for more than 3 years if the application was approved and whether action would be taken against the unauthorized development. Mr. Vincent Lai said that the current application had the same development parameters as the previous application, except that a metal gate had

been installed at the north-eastern corner of the site. After the application had lapsed on 23.1.2012, the temporary fishing ground had become an unauthorized development, and the Planning Authority could take enforcement action against the temporary fishing ground.

### Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 9:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) 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 1.12.2012;
- (c) in relation to (b) 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 1.3.2013;
- (d) 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 1.12.2012;
- (e) in relation to (d) above, the implementation 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 1.3.2013;
- (f) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 1.12.2012;
- (g) in relation to (f) above, the implementation of a run-in/out proposal within



9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 1.3.2013;

- (h) 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
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) and (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

94. The Committee also agreed to advise the applicant:

- (a) that planning permission should be renewed before continuing the proposed use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long's comments that no approval was given for the specified structures as porch, converted container site office and toilet; and no permission was given for occupation of government land included in the site. The applicant was required to clarify the discrepancy in the actual size of the existing structures on site. The site was accessible to Nim Wan Road via a local track on other private land and government land. His office provided no maintenance work for the government land involved and did not guarantee right-of-way. Should planning approval be granted, his office would continue to process the Short Term Waiver and Short Term Tenancy applications. 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 fee, as might be imposed by LandsD;

- (d) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas;
- (e) to note the Director of Environmental Protection's (DEP) comments that the applicant should follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the DEP;
- (f) to note the Commissioner for Transport's comments that sufficient manoeuvring spaces should be provided in the site without the need for vehicle using public road for manoeuvring/queuing; no vehicle was allowed to queue back to public road or reverse onto/from the public road; the access road leading to the site from Nim Wan Road was not managed by Transport Department (TD) or under TD's purview and its land status 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;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD should not be responsible for the maintenance of any access connecting the site and Nim Wan Road;
- (h) to note the Director of Agriculture, Fisheries and Conservation's comments that appropriate measures should be adopted to prevent any disturbance and environmental hygiene problems that might affect the nearby fish ponds and fish culture activities, intertidal mudflat/mangrove as well as the Pak Nai Site of Special Scientific Interest during the operation of the proposed

development; and the site should be fenced for clear demarcation to prevent visitors' intrusion into the nearby fish ponds and mudflat/mangrove habitats;

(i) to note the Director of Fire Services' comments on the submission of relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval. The applicant should be reminded that:

(i) for other storages, open sheds or enclosed structure with total floor area less than 230m<sup>2</sup> with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans;

(ii) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and

(iii) the location of where the proposed FSIs to be installed should be clearly marked on the building plans.

Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications for his consideration;

(j) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that:

(i) if the existing structures were erected on leased land without approval of the BD, they were unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Enforcement action might be taken by the Buildings Authority (BA) to effect removal of any unauthorized building works (UBW) in accordance with BD's enforcement policy

against UBW as and when necessary. The granting of any planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO;

- (ii) before any new building works were to be carried out on the site, the prior approval and consent of BA should be obtained. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
  - (iii) new fishing shelter, converted container and toilet were considered as temporary buildings subject to control under the Building (Planning) Regulations (B(P)R) Pt. VII; and
  - (iv) 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; and
- (k) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow; the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection; and 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.

**Agenda Item 21**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/380            Proposed Temporary Public Vehicle Park for Private Cars for a Period  
of 3 Years in “Residential (Group B) 1” zone, Lot 107RP in D.D. 121,  
Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/380)

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**Presentation and Question Sessions**

95.            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 for a period of 3 years;
- (c)    departmental comments – the concerned government departments had no objection to or adverse comment on the application;
- (d)    no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e)    the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary vehicle park could be tolerated for a period of 3 years for the reasons as stated in paragraph 11 of the Paper.

96.            Members had no question on the application.

**Deliberation Session**

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2015, 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 1.12.2012;
- (e) 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 1.12.2012;
- (f) in relation to (e) 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 1.3.2013;
- (g) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.12.2012;

- (h) in relation to (g) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.3.2013;
- (i) 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 1.12.2012;
- (j) in relation to (i) 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 1.3.2013;
- (k) 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;
- (l) if any of the above planning condition (d), (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; 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.

98. The Committee also agreed to advise the applicant to:

- (a) resolve any land issues relating to the development with other owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long's comments that no structures were allowed to be erected without prior approval of the Government and no approval had been given to allow the structures other than agricultural

uses on the site. The site was accessible through an informal village track on private land and government land (GL) extended from Ping Kwai Road. His office provided no maintenance works for such track nor guarantee right-of-way. Large part of the GL was temporarily allocated to Water Supplies Department (WSD) for the project, namely “Salt Water Supply for Northwest New Territories – Mainlaying in Ping Shan, Hung Shui Kiu and Lam Tei Areas”. The concerned lot owners needed 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 his department.

- (c) 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;
- (d) note the Commissioner for Transport’s comment that sufficient manoeuvring spaces should be provided within the site. No vehicle was allowed to queue back to public road or reverse onto/from the public road. The land status of the local track leading to the site from Ping Pak Lane 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;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department’s comments that the proposed access arrangement of the site from Ping Pak Lane should be agreed by Transport Department (TD). If the proposed run-in was agreed by TD, the applicant should construct a run in/out at the access point at Ping Pak Lane in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H51333, H5134 and H5135, whichever set was appropriate to match with the



existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains through the run in/out. HyD should not be responsible for the maintenance of any access connecting the site and Ping Pak Lane;

- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments 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 use for storage/guard post 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;
- (g) note the Director of Fire Services' comments that for storage, open sheds or enclosed structure with total floor area less than 230m<sup>2</sup> 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

- (h) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. If there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the following measures:
  - (i) for 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 site, the applicant and/or his 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 applicant and his contractor(s) when carrying out works in the vicinity of the electricity supply lines; and

- (i) note the Chief Engineer/Construction, WSD's comment that the mainlaying works for "Salt Water Supply for Northwest New Territories – Mainlaying in Ping Shan, Hung Shui Kiu and lam Tei Areas" would still be carried out within the WSD's temporary land allocation by the end of 2012. As the site was accessible through the government land temporarily allocated to WSD, the applicant should not obstruct the vehicular access of large construction plants for WSD's works within the government land and sufficient width of vehicular access for WSD's construction works should be provided until end of 2012.

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/188                      Proposed Comprehensive Residential Development in "Comprehensive Development Area" zone, a site to the south of West Rail Long Ping Station at Ping Shun Street, Yuen Long  
(RNTPC Paper No. A/YL/188)

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99.            The Secretary reported that the application was submitted by Kowloon-Canton Railway Corporation and MTR Corporation Ltd (MTRCL). Mr. Ivan Fu and Ir. Janice Lai had declared interests in this item as they had current business dealings with MTRCL. Mr. K.C. Siu had also declared an interest as he was an alternate member for the Deputy Secretary for Transport and Housing (Transport)<sup>1</sup> who was a member of the Board of MTRCL. Members noted that Mr. Ivan Fu had tendered apologies for being unable to attend the meeting.

[Ir. Janice Lai and Mr. K.C. Siu left the meeting temporarily at this point.]

### **Presentation and Question Sessions**

100.            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 comprehensive residential development;
- (c) departmental comments – concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 21 public comments were received. Four of them welcomed/did not object to the application while the remaining 17 commenters objected to/raised concerns on the application which were summarized as follows:
  - (i) a Yuen Long District Council (YLDC) Member welcomed the improvements made in the current revised scheme, but did not agree with the deletion of the nullah decking and the PTI. The deletion of the decking over the nullah would reduce the opportunity for greening in the area. The relocation of public transport facilities outside the site might lead to traffic congestion for the area in peak hours;
  - (ii) the Shap Pat Heung Rural Committee did not object to the application but raised concerns on the structural safety of the old village houses at Tai Kiu Village during the piling and construction at the site. It was also suggested that the nullah should be decked over for greening purpose;
  - (iii) the Principal of Chan Kwong Kindergarten conveyed the views from the parents of students that the proposed development would have adverse environmental and traffic impacts during its construction stage and pose risks to the students. Mitigation measures should be taken to alleviate the impacts. The Minister-in-charge of Yuen Long Church (Church of Christ in China) also raised concerns on the air and traffic impacts on church visitors and students. He requested that the bell ring which was a traditional church activity should not be

considered as noise nuisance for the future residents;

- (iv) Green Sense supported the amendment concerning the reduction in development intensity. However, as there was shortage in public housing and subsidized housing in Hong Kong, it objected to the proposed private residential development which had no restriction on the property prices;
- (v) 15 members of the public objected to/expressed concerns on the application, mainly on the grounds that only 428 out of the proposed 720 flats were of small to medium-sized flats. Moreover, some sites near the West Rail Long Ping Station had been occupied for residential development. Since the original public car park at the site would be removed, the parking demand of the area could not be met. If the application for private residential development was approved, this piece of invaluable government land would not be able to meet the urgent public housing demand. Besides, the area would be similar to the situation in Tin Shui Wai where the sites near the rail station were used for private housing and the public housing developments were located far away from the rail station;
- (vi) another member of public welcomed the effort to redesign the proposed development to meet Government's more stringent environmental requirements. However, the reduction in commercial GFA under the current scheme would decrease the amount of space within the proposed development that was accessible to the public. Connectivity between the community and the MTR would worsen because the covered walkways and air-conditioned areas leading to the railway station would no longer be available to the public. Moreover, the new development would be disconnected from the surrounding neighbourhood. He recommended that the design be re-considered with public accessibility, connectivity, and interaction with the community in mind; and

- (e) the District Officer (Yuen Long) reported that the proposed development was discussed at the Town Planning and Development Committee (TP&DC) meeting of YLDC held on 16.5.2012. The TP&DC welcomed and gave support to the revised design of the scheme. It also welcomed the increase in housing supply and urged for an early implementation of the project. Some YLDC members raised concerns, but having different views, on the adequacy of parking provision, relocation of transport facilities and deletion of the nullah decking. Some YLDC members suggested that the 10m-wide set back area (outside the application site) along the west side of the nullah should also be implemented by the developer so that there would not be a planning blight in the area;
  
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as stated in paragraph 11 of the Paper. As regards the public comments and the views of YLDC, it should be noted that relevant government departments had no objection on the application. Nevertheless, a planning condition on the implementation of the 10m-wide setback from the nullah within 3 years from the approval date could be imposed. The applicant should also be advised to consider the concerns raised by YLDC and the concerns raised by the public on traffic, air, noise and structural safety of nearby village houses.

101. In response to a question from a Member, Mr. Vincent Lai said that compared with the previous application, the application site area was reduced, as the nullah, the 10m-wide setback area from the nullah and the public light goods vehicle parking spaces at Po Lok Square were excluded from the site.

102. The same Member asked whether the amendment of the scheme was initiated by the applicants or by the Government. Mr. Vincent Lai said that the amendments of the scheme were initiated by the applicants as they needed to comply with the Sustainable Building Design (SBD) Guidelines, to increase the supply of small- to medium-sized flats, as well as to address the Drainage Services Department's concern on the decking over of the nullah.

Deliberation Session

103. The Chairman said that the current scheme represented an improvement to the scheme previously approved by the Committee. Members had no adverse comments on the scheme.

104. After deliberation, the Committee decided to approve the application and the Master Layout Plan (MLP) under sections 16 and 4A of the Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.6.2016, 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 revised Master Layout Plan (MLP) to take into account conditions (b), (c), (d), (e), (f), (g), (i), (j) and (k) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a Landscape Master Plan, including a tree preservation and compensation proposal, to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of an implementation programme to the satisfaction of the Director of Planning or of the TPB;
- (d) the design and provision of footbridge and associated pedestrian facilities, vehicular access, car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or the TPB;
- (e) the submission and implementation of the amenity improvement works on the 10m-wide setback area from the nullah, as proposed by the applicant, to the satisfaction of the Director of Planning or the TPB by 1.6.2015;
- (f) the design and provision of emergency vehicular access, water supplies for fire-fighting and fire services installations to the satisfaction of the Director

of Fire Services or of the TPB;

- (g) the design and provision of noise mitigation measures, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (h) the submission of a revised Drainage Impact Assessment and implementation and maintenance of drainage mitigation measures for the development identified therein, as necessitated by the proposed development, to the satisfaction of the Director of Drainage Services or of the TPB;
- (i) the design and provision of decking over the existing Ping Shun Street Sewage Pumping Station within the application site to the satisfaction of the Director of Drainage Services or of the TPB;
- (j) the design and reprovisioning of a refuse collection point within the application site to the satisfaction of the Director of Food and Environmental Hygiene or of the TPB; and
- (k) the provision of waterworks reserve areas for protection of existing water mains and any diversion required by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB.

105. The Committee also agreed to advise the applicant:

- (a) to note that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into the revised MLP for deposition in the Land Registry as soon as practicable;
- (b) that the approval of the application did not imply that any proposal on building design elements to fulfill 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 (BD) 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 TPB might be required;

- (c) to note the Chief Estate Surveyor/Railway Development, Lands Department (LandsD) and the District Lands Officer/Yuen Long's comments that LandsD might impose terms and conditions as he saw fit as his sole discretion at the land grant stage;
- (d) to note the Chief Building Surveyor/New Territories East 2 & Rail, BD's comments that the existing sewage pumping station and the proposed refuse collection point within the site were accountable for GFA under Buildings Ordinance (BO). Fire safety provision for the decking of the existing sewage pumping station should be properly addressed to. All existing/future streets should be excluded from site area for the purpose of plot ratio and site coverage calculation under Building (Planning) Regulations (B(P)R). Also, the whole of existing lane should be maintained under the BO, and be excluded from the development site. Besides, the compliance with Sustainable Building Design Guidelines as well as BO and B(P)Rs would be assessed upon formal submission of building plans;
- (e) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the applicant should be reminded that the site lay within Scheduled Area No. 2, where the site might be underlain by cavernous marble. Extensive geotechnical investigations would be required. Experienced geotechnical engineers should be involved both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the site;

- (f) to consider the Yuen Long District Council Members' concerns on the scheme design raised at the Town Planning and Development Committee meeting held on 16.5.2012; and
- (g) to consider the concerns on the traffic, air and noise impacts and structural safety of nearby village houses at the piling and construction stages raised by the Shap Pat Heung Rural Committee, the Principal of Chan Kwong Kindergarten and the Minister-in-charge of Yuen Long Church (Church of Christ in China).

[Ir. Janice Lai and Mr. K.C. Siu returned to join the meeting at this point.]

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/382      Proposed Temporary Agricultural Use (Growing of Vegetables and Flowers and Horticulture) for a Period of 5 Years in “Undetermined” zone, Government Land in D.D. 109, Ko Po Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/382)

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

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

- (a) background to the application;
- (b) the proposed temporary agricultural use (growing of vegetables and flowers and horticulture) for a period of 5 years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. The District Lands Officer, Yuen Long, Lands Department (DLO/YL, Lands D) did not support the application for the reason that the site was unallocated government land (GL). No permission had been given for occupation of GL under the site. Although there was no known programme for disposal of the site, the site was entirely on GL and was not associated with any permitted land use of the adjoining private land;

- (d) during the first three weeks of the statutory publication period, four public comments from two village representatives, an indigenous villager of Ko Po Tsuen and a local resident were received. The village representatives and the indigenous villager objected to the application as the site was being considered for erection of a transformer for the village. The proposed development would affect the future development near the existing water mains, as well as the health of the residents in Ko Po Tsuen and the nearby residential development due to the use of pesticides and the attraction of mosquitoes and other insects to the area. The road was too narrow for heavy vehicles which would block the emergency vehicular access. The local resident commented that the growing of vegetables and herbs would be beneficial to the local residents; and
  
- (e) the Planning Department (PlanD)'s views – PlanD considered the proposed temporary agricultural use could be tolerated for a period of three years for the reasons as stated in paragraph 11 of the Paper. The concern of DLO/YL, LandsD was a land administration matter which fell outside the ambit of the Town Planning Board and the approval of the planning application should not pre-empt LandsD's decision/practice on land disposal of the site. The applicant would be advised that the approval of the application did not imply that the site would be granted to the applicant by LandsD for the proposed development and that the planning approval had no relationship on how the site would be disposed by LandsD. The applicant should liaise with LandsD regarding the disposal of the site for the proposed development. As regards the public comments, the proposed development for agricultural-related use was considered not incompatible

with the surrounding land uses and the temporary approval of the application would not frustrate the long term use of the area. No parking space or storage of heavy vehicle was proposed within the proposed development. The proposed development would unlikely generate adverse environmental nuisance and the relevant departments had no adverse comment on the application. To avoid impacts on the existing water mains, approval conditions had been recommended for the consideration of the Committee.

107. A Member asked about the comments of the village representatives and an indigenous villager of Ko Po Tsuen concerning the proposed erection of a transformer for the village at the application site. Ms. Bonita Ho said that according to her records, no application for transformer at the application site had been received.

#### Deliberation Session

108. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) no structure should be erected within the Waterworks Reserve areas at any time during the planning approval period;
- (b) no material (except planters for growing of vegetables and flowers and horticulture) should be stored within the Waterworks Reserve areas at any time during the planning approval period;
- (c) no cultivation should be carried out directly on the ground within the Waterworks Reserve areas at any time during the planning approval period;
- (d) the submission of a revised layout plan within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 1.12.2012;

- (e) in relation to (d) above, the implementation of the revised layout plan within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 1.3.2013;
- (f) the submission of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.12.2012;
- (g) in relation to (f) above, the implementation of landscaping proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.3.2013;
- (h) 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 1.12.2012;
- (i) in relation to (h) 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 1.3.2013;
- (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 1.12.2012;
- (k) in relation to (j) 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 1.3.2013;
- (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 conditions (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 expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

109. The Committee also agreed to advise the applicant:

- (a) that a shorter approval period was granted to monitor the situation on the site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the site was unallocated government land (GL). No permission had been given for occupation of GL under the site. Although there was no known programme for disposal of the site, the site was entirely on GL and was not associated with any permitted land use of the adjoining private land. In general, GL that was available for Short Term Tenancy was let by Abbreviated Tender System considering it was the fairest method of obtaining the best market value. The site was accessible via GL direct to Ko Po Road. LandsD did not provide maintenance works on this GL nor guarantee right of way;
- (c) that the approval of the application did not imply that the site would be directly granted to the applicant by LandsD for the proposed development and that the planning approval had no relationship on how the site would be disposed by LandsD. The applicant should liaise with LandsD regarding the land disposal aspect of the site for the proposed development;
- (d) to adopt 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 (DEP) to minimize any possible environmental nuisances;

- (e) to note DEP's comments that all wastewaters from the site should comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (f) to note the Commissioner for Transport's comments that the site was connected to public road network via a section of local access road which was not managed by Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the Chief Engineer/Development (2), Water Supplies Department's comments that the eastern portion of the site fell within a 12m wide Waterworks Reserve (WWR) which was designated to protect the critical trunk water mains (2 no. 2,200mm diameter). The western portion of the site fell within a WWR to protect the drainage overflow culvert leading from Au Tau Water Treatment Works to Kam Tin River (Plan A-2 of the Paper). The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the WWRs with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. Government should not be liable to any damage arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (h) to note the Director of Agriculture, Fisheries and Conservation's comments that there were existing trees within the site, which should be preserved as appropriate;
- (i) to note the Director of Fire Services' comments that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and indicate type of construction for each structure, if any. All proposed fire service installations (FSIs) with fire safety notes should be clearly

indicated and stated on the plan(s). Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications to his department for consideration; and

- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that before any new building works were carried out on the site, the 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 coordinator for the proposed building works in accordance with the Buildings Ordinance. It appeared that the site did not abut on a specified street having a width of not less than 4.5m wide, in such aspect, the development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage if appropriate. In this regard, 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. The proposed structure might be considered as temporary building and was subject to control under the B(P)R Pt. VII.

## **Agenda Item 24**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/383      Renewal of Planning Approval for Temporary "Place of Recreation (including Barbecue Spot and Picnic Area)" for a Period of 3 Years in "Agriculture" and "Village Type Development" zones, Lots 676 (Part), 678 (Part), 679 (Part), 680 (Part), 681 (Part), 682 (Part), 684RP (Part) and 1615 (Part) in D.D. 109 and Adjoining Government Land, Shui Mei Tsuen, Kam Tin North, Yuen Long  
(RNTPC Paper No. A/YL-KTN/383)

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**Presentation and Question Sessions**



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

- (a) background to the application;
- (b) the renewal of planning approval for temporary “Place of Recreation (including barbecue spot and picnic area)” for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were active agricultural activities in the vicinity of the site and the site 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; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary place of recreation could be tolerated for a further period of 3 years. As for the comments of DAFC, it should be noted that only a minor portion of the site fell within the “Agriculture” (“AGR”) zone. Besides, about one-third of the site was an existing pond which was used as fishing ground while the remaining area of the site was mainly unpaved grassland for recreational activities. The temporary nature of the development would not jeopardize future rehabilitation of the site for agricultural purposes or the long-term planning intention of the “AGR” zone.

111. Members had no question on the application.

Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 20.6.2012 until 19.6.2015, 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 6:00 p.m. to 10:00 a.m. from Mondays to Fridays, and between 9:00 p.m. to 10:00 a.m. on Saturdays and Sundays was allowed, as proposed by the applicant, during the planning approval period;
- (b) no public announcement system, portable loudspeaker or any form of audio amplification system was allowed to be used on the site at any time during the planning approval period;
- (c) no pond filling or paving, as proposed by the applicant, was allowed on the site and the site should remain the same as the current situation under which surface runoff of the site would flow into the existing pond during the planning approval period;
- (d) a right-of-way should be maintained within the site to serve the nearby residents, as proposed by the applicant, at all times during the planning approval period;
- (e) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the 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 19.12.2012;

- (h) 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 19.12.2012;
- (i) in relation to (h) 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 19.3.2013;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon 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.

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

- (a) resolve any land issues relating to the development with the concerned owners of the site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the land under application comprised Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structure was allowed to be erected without prior approval of the government. No approval had been given for the specified structures as snack bar, shade shelters, washroom and shade area and store room. No permission had been given for occupation of government land

within the site. Part of the site fell within Government Land Licence (GLL) No. Y1615 granted for cultivation. Such part of the site should be revised in order not to affect the GLL. Moreover, the site was accessible from Kam Tin Road via private land and government land (GL). LandsD did not provide maintenance work on this GL nor guarantee right of way. The lot owner and occupier of the GL concerned would need to apply to LandsD to permit 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;

- (c) 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;
- (d) monitor the traffic condition and carry out appropriate measures to avoid traffic congestion in the vicinity;
- (e) note the Director of Agriculture, Fisheries and Conservation’s comments that there were fish ponds within and adjacent to the site. The applicant should adopt public safety and preventive measures as necessary to avoid polluting the ponds or disturbing the fish culture activities;
- (f) note the Commissioner for Transport’s comments that the site was connected to public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (g) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Chi Ho Road;
- (h) note the Chief Engineer/Development (2), Water Supplies Department's comments that the water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (i) note the Director of Food and Environmental Hygiene's (DFEH) comments 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;
- (j) note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan 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. For other storages, open sheds or enclosed structure with total floor area less than 230m<sup>2</sup> with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. Should the applicant wish to apply for exemption from the provision of certain FSI, he was required to provide justifications to his department for consideration;
- (k) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with Buildings Ordinance (BO). Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should

not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future. If the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage. Emergency vehicular access should also be provided under B(P)R 41D unless exempted; and

- (l) note the Director of Leisure and Cultural Services' (DLCS) comments that the site fell within the Yuen Shan Site of Archaeological Interest. The applicant should inform DLCS immediately in case of discovery of antiquities or supposed antiquities in the site during the course of ground excavation, if any.

### **Agenda Item 25**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/590 Temporary Open Storage of Metal Ware and Plastic Goods including Containers and Road Signs for a Period of 3 Years in "Undetermined" zone, Lots 1415 RP, 1416 RP and 1426 in D.D. 119 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/590)

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

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

- (a) background to the application;
- (b) the temporary open storage of metal ware and plastic goods including containers and road signs for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential uses which were sensitive receivers to the immediate west 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); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage could be tolerated for a period of 3 years for the reasons as stated in paragraph 12 of the Paper. As for the comments of DEP, there had not been any environmental complaint in the past 3 years. To address DEP's concerns, approval conditions restricting the operation hours and prohibiting workshop activities and use of heavy goods vehicles were recommended.

115. Referring to the photos in Plans A-4a and A-4b, a Member said that the open storage seemed untidy. Some barrels stored at the site could be filled with rainwater and could lead to mosquito breeding. Ms. Bonita Ho said that she had visited the site on a sunny day and the barrels stored there were mostly covered with linen canvas. There was no malodour at the site.

#### Deliberation Session

116. Noting the condition of the application site as shown on Plans A-4a and A-4b, a Member suggested that the applicant should be requested to manage the open storage use at the site properly to avoid generating environmental nuisance. Members agreed.

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2015, 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 dismantling, repairing, cleansing 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 Application No. A/YL-TYST/425 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 1.12.2012;
- (g) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.12.2012;
- (h) in relation to (g) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.3.2013;



- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.12.2012;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.3.2013;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon 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.

118. The Committee also agreed to advise the applicant:

- (a) that there should be proper management of the temporary open storage at the application site which should be kept in a clean and tidy condition;
- (b) that renewal of the planning permission should have been made before continuing the applied use at the site;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's

(LandsD) comments that the lot owners and the occupiers of the government land 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 Shan Ha Road. His office did not provide maintenance works for this track nor guarantee right-of-way;

- (e) to note the Commissioner for Transport's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (g) 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;
- (h) to note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (i) to note the Director of Fire Services' comments on the applicant's proposed fire service installations (FSIs) in Appendix V of the Paper. Detailed fire

safety requirements would be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration;

- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there was no record of approval by the Building Authority (BA) 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. Before any new building works (including containers as temporary buildings) were to be carried out on the site, the prior approval and consent of 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 of the BO. 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 planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access under Building (Planning) Regulations (B(P)R) 5 and 41D respectively. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and
  
- (k) to note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior

consultation and arrangement with the electricity supplier was necessary. 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.

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

### **Agenda Item 26**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/591      Temporary Open Storage of Construction Materials and Recyclable Materials (including Metal, Paper and Plastic Goods) for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lots 1439 (Part) and 1440 S.A (Part) in D.D. 119, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/591)

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

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

- (a) background to the application;
- (b) the temporary open storage of construction materials and recyclable materials (including metal, paper and plastic goods) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in

paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential uses which were sensitive receivers to the immediate south and in the vicinity of the application 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); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage could be tolerated for a period of 3 years for the reasons as stated in paragraph 12 of the Paper. As for the comments of DEP, there had not been any environmental complaint in the past 3 years. To address DEP's concerns, approval conditions restricting the operation hours and prohibiting workshop activities and use of heavy goods vehicles were recommended.

120. Members had no question on the application.

#### Deliberation Session

121. Noting the condition of the application site as shown on Plans A-4a and A-4b, a Member suggested that the applicant should be requested to manage the open storage use at the site properly to avoid generating environmental nuisance. Members agreed.

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.6.2015, 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 storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;
- (d) no dismantling, repairing, cleansing or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) 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;
- (f) the existing drainage facilities implemented under Application No. A/YL-TYST/428 on the application site should be maintained at all times during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.12.2012;
- (h) 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 1.12.2012;
- (i) in relation to (h) 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 1.3.2013;
- (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 1.12.2012;

- (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 1.3.2013;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; 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:

- (a) that there should be proper management of the temporary open storage at the application site which should be kept in a clean and tidy condition;
- (b) that renewal of the planning permission should have been made before continuing the applied use at the site;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the lot owners 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 Shan Ha Road. His office did not provide maintenance works for this track nor guarantee right-of-way;

- (e) to note the Commissioner for Transport's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (g) 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;
- (h) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that there was still tree planting opportunity along the northern and eastern boundaries of the site;
- (i) to note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard pedestal hydrant;



- (j) to note the Director of Fire Services' comments on the applicant's proposed fire service installations (FSIs) in Appendix V of the Paper. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration;
  
- (k) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there was no record of approval by the Building Authority (BA) 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. Before any new building works (including open sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of 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 of the BO. 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 planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access under Building (Planning) Regulations (B(P)R) 5 and 41D respectively. 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 Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission

voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplier was necessary. 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 27**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/592 Temporary Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 990 (Part), 991 (Part), 994 (Part), 1020 (Part), 1022 (Part), 1023 (Part), 1024 (Part), 1025, 1026 and 1027 (Part) in D.D. 119 and Adjoining Government Land , Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/592)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of construction machinery and construction materials for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection did not support the application as there were residential developments which were sensitive receivers to the immediate east, south and west of the site 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); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage could be tolerated for a period of three years for the reasons as stated in paragraph 12 of the Paper. Although DEP did not support the application, the applicant proposed to provide boundary fence and not to operate at the site during night time between 11:00 p.m. and 7:00 a.m. and on Sundays and public holidays, and not to carry out workshop activities on the site. It was expected that the open storage would not generate significant environmental impacts on the surrounding areas.

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 1.6.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

- (c) no 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;
- (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 provision of boundary fence for the application site, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.9.2012;
- (f) 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 1.12.2012;
- (g) the submission and implementation 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 1.12.2012;
- (h) 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 13.7.2012;
- (i) 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 1.12.2012;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (k) if any of the above planning conditions (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:

- (a) that prior planning permission should have been obtained before commencing the applied use at the site;
- (b) that shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (c) that sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (e) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) comments that the lot owners and occupiers of the government land 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 did

not provide maintenance works for this track nor guarantee right-of-way. Part of the government land was temporarily allocated to the Drainage Services Department (DSD) from 3.12.2009 to 30.6.2014 for the “PWP Item 4368DS (part-upgraded from 4235DS in Migt 2009) – Yuen Long South Branch Sewers” project;

- (f) to note the Commissioner for Transport’s comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department’s comments that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the 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 Chief Town Planner/Urban Design and Landscape, Planning Department’s (PlanD) comments that information of the preserved trees should be provided for clarification;
- (j) to note the Chief Engineer/Mainland North, DSD’s comments that catchpit should be provided at the turning points along the proposed 375mm surface u-channel. The size of the proposed catchpits and the details of the connection with the existing surface drain should be shown on the drainage proposal. The applicant should check and demonstrate that the hydraulic capacity of the existing surface drain would not be adversely affected by the development. The proposed peripheral hoarding should be shown on

the drainage proposal and it should not obstruct any surface runoff or overland flow. Moreover, DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works to be carried out outside the site boundary or the applicant's jurisdiction;

- (k) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments 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;
- (l) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant should make reference to the fire safety 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. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration;
- (m) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there was no record of approval by the Building Authority (BA) 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. Enforcement action might be taken by the BA to effect removal of any such unauthorized building works (UBW) in accordance with BD's enforcement

policy 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. The temporary structures for office, storage and guardroom uses were considered as temporary buildings that were subject to control under the Building (Planning) Regulations (B(P)R) Part VII. Before any new building works were to be carried out on the site including any temporary structures, the prior approval and consent of the BA should be obtained. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and

- (n) to note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplier was necessary. 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.

[The Chairman thanked Mr. K.C. Kan, Mr. Vincent T.K. Lai, Ms. Bonita K.K. Ho, STPs/TMYL, for their attendance to answer Members' enquires. Mr. Kan, Mr. Lai and Ms. Ho left the



meeting at this point.]

**Agenda Item 28**

**Any Other Business**

128.       There being no other business, the meeting closed at 5p.m.