

TOWN PLANNING BOARD

**Minutes of 468th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 6.7.2012**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Mr. Rock C.N. Chen

Dr. C.P. Lau

Ms. Anita W.T. Ma

Dr. W.K. Yau

Professor K.C. Chau

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. Janice W.M. Lai

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

Professor Edwin H.W. Chan

Ms. Christina M. Lee

Dr. W. K. Lo

In Attendance

Assistant Director of Planning/Board
Miss H. Y. Chu

Chief Town Planner/Town Planning Board
Mr. J. J. Austin

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

General

1. The Chairman congratulated the following Members for being appointed as Justice of Peace (JP):

- (i) Mr. Timothy K. W. Ma;
- (ii) Professor P. P. Ho; and
- (iii) Dr. W. K. Yau

2. The Chairman also congratulated Mr. Benny Y. K. Wong, Deputy Director of Environmental Protection, for being awarded the Bronze Bauhinia Star.

Agenda Item 1

Confirmation of the Draft Minutes of the 467th RNTPC Meeting held on 15.6.2012

[Open Meeting]

3. The draft minutes of the 467th RNTPC meeting held on 15.6.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/FSS/8 To rezone the application site from “Green Belt” to “Government, Institution or Community (1)” and to incorporate Notes of the “Government, Institution or Community (1)” zone, Fanling Sheung Shui Town Lot No. 151., 18 Wu Tip Shan Road, Fanling
(RNTPC Paper No. Y/FSS/8A)

Presentation and Question Sessions

5. Ms. Jacinta Woo, District Planning Officer/Shan Tin, Tai Po and North of the Planning Department (DPO/STN, PlanD) and Ms Doris S. Y. Ting, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), and the following representatives of the applicants, were invited to the meeting at this point.

Mr. Ko Kim Ching
Ms. Teresa W. F. Ko
Mr. Chan Tat Choi
Mr. Daniel Wei
Ms. Michelle Kwok
Mr. Alex Y. Wong

6. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Ms. Doris Ting, STP/STN, to brief Members on the background of the application. Ms. Ting did so as detailed in the Paper and made the following main points with the aid of a powerpoint:

[Ir. Dr. Wilton Fok and Mr. H. F. Leung joined the meeting at this point.]

- (a) the applicants proposed to amend the Approved Fanling/SheungShui OZP No. S/FSS/16 by rezoning the application site from “Green Belt” (“GB”) to “Government, Institution or Community (1)” (“G/IC(1)”). The application was to facilitate the conversion of four existing 2-storey detached houses into columbarium use with 10,000 double-urn niches. In connection with the proposed zoning amendment, the applicants also proposed to include a set of Schedule of Uses for the proposed “G/IC(1)” zone with “Columbarium with 10,000 niches” and “Office (ancillary facilities for Columbarium use only)” to be put under Column 1 of the Notes;
- (b) the four 2-storey detached houses were proposed to be converted into columbarium use by changing the internal layout of the houses without affecting the building mass, height and external appearance of the houses. The existing private gardens and swimming pools within the Site would be converted into memorial gardens and water ponds respectively;
- (c) according to the applicants, the existing mature trees and landscape features within the application site would be retained and the proposed development did not involve any site formation works or filling/excavation of land/pond. Burning of ritual paper would be prohibited within the application site. The opening hours of the proposed columbarium would be from 8:00 a.m. to 6:00 p.m. The proposed conversion works were scheduled to commence in end-2013 for completion in early 2014. The placement of niches would be implemented in two phases: the first phase (mid 2014 to 2017) would allow a maximum of 5,000 niches to be placed and the remaining 5,000 niches would be placed after mid 2017;
- (d) a vehicular access had been provided at the north-western corner of the Site towards Wu Tip Shan Road and the eight existing parking spaces for private cars and light vans would be retained. The applicants also proposed special traffic arrangement and crowd control measures on festival days and shadow periods (i.e. Ching Ming and Chung Yueng Festivals; and 3 weekends before and 2 weekends after the Ching Ming and

Chung Yeung Festivals respectively) which included the following:

- (i) closure of parking spaces and vehicular access within the proposed columbarium;
- (ii) pedestrianization of Wu Tip Shan Road to restrict vehicular traffic;
- (iii) visitors to be advised to use public transport services such as MTR, franchised buses and green minibuses, and walk to the proposed columbarium;
- (iv) implementation of crowd control measures leading to the application site from Fanling MTR Station as shown on Drawing Z-8 of the RNTPC Paper by adopting a one-way gyratory system along the footpath in the vicinity of the proposed columbarium, requiring incoming visitors from Fanling MTR Station to walk across Pak Wo Road through the subway, across the access road of the public car park and the local footpath along the eastern side of the Site to enter the proposed columbarium (Route 1). To leave the proposed columbarium, visitors would be required to walk westbound along the northern footpath of Pak Wo Road, across Pak Wo Road via the footbridge near the Roundabout at Pak Wo Road and Chi Fuk Circuit and Wu Tip Shan Road back to the Fanling MTR Station (Route 3). To cater for additional number of visitors during peak hours, the applicants proposed an alternative route (Route 2) where visitors from Fanling MTR Station would be required to walk across Pak Wo Road through the subway, across the access road of the carpark, then walk westbound along the southern footpath of Pak Wo Road and turn to the northern footpath of Wu Tip Shan Road to gain access to the proposed columbarium; and
- (v) implementation of appointment-by-visitor scheme with the maximum number of permits issued limited to 500 visitors per hour

in order to control the number of visitors;

- (e) government departments' comments were detailed in paragraph 8 of the Paper. The key departmental comments were summarized as follows:
 - (i) Commissioner for Transport (C for T) did not support the rezoning application from the traffic engineering point of view as the applicants had not addressed his key concerns on the traffic impacts of the application. He also had reservation on the proposed development within "GB" zone as the permission of the application would set an undesirable precedent for similar applications within the same "GB" zone in the future, the resulting cumulative adverse traffic impact on nearby networks would be substantial and unacceptable. C for T also advised that Fung Ying Seen Koon as well as the pick-up and set-down point of the shuttle bus service to Wo Hop Shek Cemetery during the special festival periods were located in the vicinity of the application site. The additional visitors to the proposed development would impose additional loading to the current special traffic arrangement in the area during festival periods. He advised that the most critical point of the pedestrian flow during the festival periods was the footbridge connecting Fanling MTR Station with Pak Wo Road. However, the statement had not touched on this main area of concern and a full picture of pedestrian circulation thereat was not provided. Also, the TIA report submitted by the applicant had not fully addressed the concerns on the possible traffic impact that might be caused due to the proposed columbarium development. These concerns included the need to have an adequate provision of car parking space, loading/unloading bay and internal vehicle manoeuvring space within the Site; the pedestrian flow count in the report was much less than the statistical information possessed by TD which indicated that the Fanling Station Footbridge had already reached or was even beyond the design capacity during festival periods; closure of Wu Tip Shan Road to restrict the access of vehicles needed to be well justified

and might not be feasible; the proposed temporary drop off area at the Chi Wa Lane turning circle would likely block the access and was undesirable from the traffic engineering viewpoint; and the practical problem to conduct the unidirectional pedestrian flow control proposed by the applicant, in view of the vast number of pedestrians on the footbridge during the festival day and there might not be enough holding area to hold the sudden surge of pedestrians;

- (ii) the Commissioner of Police (C of P) expressed concerns on the smoothness of traffic flow. He had reservation on the applicants' proposed crowd control measures as the concerned footbridge was a public place and the applicants did not have the legal power to enforce any crowd control measure. He also advised that the Police would not entertain request for carrying out crowd control measures caused by private reasons, not to mention the intense manpower requirement during the festival periods;
- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. He advised that the "GB" zone had already been disturbed due to the development of the existing four houses. Approval of the rezoning application for columbarium use might attract similar applications in the "GB" zone resulting in further degradation of the "GB" zone. The landscape quality of the "GB" zone would further deteriorate and the intactness of the "GB" zone would be undermined.
- (iv) the District Officer/North, Home Affairs Department (DO/N, HAD) advised that some residents of Fanling Town Centre, some residents of the North District and the owner of Vine Art Villa supported the application on the following grounds:
 - ◆ the application site was located away from residents and close to Fung Ying Seen Koon and Kun Chung Temple with

columbarium use;

- ◆ the proposed development could meet the current shortage of niches;
 - ◆ priority could be given to the residents of the North District for occupation of niches; and
 - ◆ the proposed development was supported provided that it was not for private commercial use.
- (v) DO/N, HAD also advised that the Indigenous Inhabitants Representative (IIR) of Fanling Wai, IIR and Residents Representative (RR) of Fan Leng Lau, Fanling Wai Village Office, four North District Council (NDC) members, some residents of the North District, the Chairman/Secretary of some residential developments nearby, the Headmaster of the Church of Christ in China (CCC) Kei San Secondary School and 民主黨北區工作隊 raised strong objection to the application mainly on the following grounds:

Traffic

- ◆ the existing traffic and transport network in the North District would be overloaded due to the increase in pedestrian and vehicular flow caused by the proposed columbarium;
- ◆ Wu Tip Shan Road was a non-standard and narrow road and would not be able to accommodate both vehicular and pedestrian traffic during festival days;
- ◆ the footbridge connecting Fanling MTR Station and Pak Wo Road was extremely busy and special crowd control measures had been conducted by the Police during festival days. The

proposed development would worsen the overcrowding condition and cause danger to the public;

- ◆ the proposed development would lead to serious illegal parking, especially along Wu Tip Shan Road, Chi Fuk Circuit and Chi Wa Lane;
- ◆ the footpath leading to the proposed development at Wu Tip Shan was also the access to the columbarium development of Wing Yam Hall in Fung Ying Seen Kwoon. The width of the footpath was only about 8 feet and heavy pedestrian flow at the footpath might cause accidents;

Green Belt

- ◆ the green belt area in the North District was decreasing and the current “GB” zoning should be maintained to reserve area for public use. Residents required open space in the area instead of other uses / developments in the “G/IC” zone as Wu Tip Shan was a popular place for hiking and morning exercises;

Environmental Issues

- ◆ the increase in pedestrian and vehicular flow would worsen air and noise pollution;
- ◆ Burning of joss sticks and offerings would generate fume and smoke to the surrounding area. Although burning of offerings was prohibited within the application site, there was no guarantee that visitors would not burn joss sticks and offerings;

Columbarium Development

- ◆ Fanling had suffered much in meeting the current and future needs of columbarium in Hong Kong. Further increase in

locally unwanted land uses were not welcome as the number of niches in Wo Hop Shek Cemetery and Sandy Ridge Cemetery had been increased as agreed by the District Council. There were too many columbarium developments in Fanling;

- ◆ columbarium should be expanded in Wo Hop Shek Cemetery;
- ◆ the proposed columbarium was a direct contravention of the Government's intention to regulate the proliferation of private columbarium projects;

Other Issues

- ◆ the approval of the application would set an undesirable precedent for similar applications;
 - ◆ the proposed columbarium would cause adverse psychological impact on nearby residents. The daily livelihood of local residents and the tranquil learning environment of the nearby students would be disturbed;
 - ◆ the proposed development was located in proximity to the permitted burial grounds and *fung shui* would be affected; and
 - ◆ property value in the vicinity of the application site would be adversely affected.
- (f) during the first three weeks of the statutory public inspection period, a total of eight public comments were received, including a North District Council (NDC) member, the Fanling Wai Village Office, the Headmaster of the CCC Kei San Secondary School, Designing Hong Kong Limited and four members of the general public. The NDC member supported the application without giving any reason, while the remaining seven commenters objected to the application on the following grounds:

- (i) Wu Tip Shan Road was a single track road with narrow footpath. The existing road network could not support the increase in traffic demand especially during festivals. The proposed columbarium would lead to adverse traffic impact to nearby residents and students. Details of traffic arrangements and traffic impact assessment were missing;
 - (ii) the proposed development would cause adverse environmental impact including air and noise pollution on the surrounding areas;
 - (iii) the proposed development would deprive citizens' right of using green belt areas;
 - (iv) the proposed columbarium would cause adverse psychological impact on residents;
 - (v) the approval of the application would set an undesirable precedent; and
 - (vi) the proposed development would affect fung shui of Fanling Wai;
- (g) during the first three weeks of the statutory public inspection period for the Further Information submitted by the applicant, four public comments from a NDC member, a Legislative Council (LegCo) member and another NDC member with 438 signatures of nearby residents, the Fanling Wai Village Office and a member of the general public. One of the NDC members supported the application, whereas the remaining three commenters objected to the application on the following grounds:
- (i) the design of Wu Tip Shan Road was not suitable for access of a large amount of vehicles. The proposed columbarium would lead to illegal parking in the vicinity of the application site, e.g. Chi Fuk Circuit; and

- (ii) the pedestrian flow generated by the proposed columbarium would lead to overloading at the footbridge between Fanling MTR Station and Fung Ying Seen Koon.
- (h) PlanD did not support the application based on the assessments made in paragraph 10 of the Paper, which were summarised as follows:
- (i) the proposal, which was to convert the four existing houses into a columbarium with 10,000 double-urn niches by changing the internal layout of the houses without affecting the building mass, height and external appearance of the houses was not anticipated to generate any visual impact to the surroundings. While the proposed use was not incompatible with the surrounding developments, which were predominantly covered by natural vegetation, graves within permitted burial grounds, and temples with columbaria, including the Kun Ching Temple and Fung Ying Seen Koon, the major consideration of the current application should be traffic arrangement and crowd control for the proposed columbarium during festival days;
 - (ii) the applicants had proposed special traffic arrangement and crowd control measures to be implemented on festival days and shadow periods. C for T did not support the application as the applicants had not addressed his key concerns on the traffic impacts of the proposed development, including the cumulative adverse traffic impact on the nearby pedestrian and vehicular traffic networks which were substantial and unacceptable. As Fung Ying Seen Koon and the pick-up / set-down point of the shuttle bus service to Wo Hop Shek Cemetery during the special festival periods were located in the vicinity of the application site, the additional visitors to the proposed columbarium would impose additional loading to the current special traffic arrangements in the area. Moreover, the most critical point of the pedestrian flow during the festival period

was the footbridge connecting Fanling MTR Station with Pak Wo Road, where the peak hour pedestrian flow during Ching Ming Festival had already reached or even exceeded its design capacity. In view of the vast number of pedestrians on the footbridge during the festival days, there would be a practical problem to conduct the proposed unidirectional pedestrian flow control as proposed by the applicants, as there might not be enough holding area to hold the sudden surge of pedestrians. In addition, the proposed road closure at Wu Tip Shan Road, which was a public road providing vehicular access to various developments and a school in the area, might not be feasible and should be well justified;

- (iii) C of P had advised that the concerned footbridge was a public place and the applicants would not have legal power to enforce any crowd control measure thereat. Moreover, the Police would not entertain any request for carrying out crowd control measures caused by private reasons, not to mention the intense manpower requirement during the festival periods. In this regard, the proposed special traffic arrangement and crowd control measures suggested by the applicants could not be implemented and the applicants had failed to demonstrate that the proposed columbarium would not cause adverse impact on the traffic and pedestrian flows in the area, particularly on festival days and the shadow periods;
- (iv) on the appointment-by-visitor scheme proposed by the applicants, it was doubtful whether the proposed management measure for the proposed columbarium could be effectively implemented by the applicants or monitored by government departments, given that the relevant licensing authority for private columbaria was yet to be established;
- (v) regarding the environmental measures proposed by the applicants including prohibition of the burning of ritual paper, and closure of the columbarium from 6:00 p.m. to 8:00 a.m. in order to minimise

the potential air and noise nuisance, there were again no effective mechanism to enforce the implementation of these mitigation measures. As the applicant had proposed to rezone the site to “G/IC(1)” zone with a columbarium of 10,000 niches to be put under Column 1 of the schedule of uses in the Notes of the OZP, the submission of a planning application was not required and appropriate approval conditions could not be imposed under the planning application mechanism. Even if the columbarium use was put under Column 2 and approval conditions could be imposed, there was still doubt on the enforceability of the approval conditions as planning permission would lapse once the permitted development was completed. It was more appropriate that the operation of the columbarium should be subject to the control and monitoring of the licensing authority for public columbaria, which had yet to be established;

- (vi) there was no similar application within the same “GB” zone in the vicinity of the application site on the Fanling/Sheung Shui OZP. Approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would further deteriorate the landscape quality and undermine the intactness of the “Green Belt” zone, resulting in a general degradation of the environment of the area. In this regard, CTP/UD&L, PlanD had reservation on the application; and
- (vii) Public comments raising strong objections to the application had been received. The objections were mainly on the grounds of land use incompatibility, and adverse environmental, traffic, psychological and feng shui impacts. In particular, the applicant had failed to satisfactorily address the concerns on adverse impact on traffic and pedestrian flow during the festival periods.

7. The Chairman then invited the applicants’ representatives to elaborate on the

application. Mr. Ko Kim Ching made the following main points:

- (a) he bought the subject lot in 1985 and had lived there until the redevelopment of the subject site;
- (b) the four houses were originally intended to be occupied by his siblings. However, since they had all emigrated, he decided to sell the four houses.
- (c) as the subject site was surrounded by a permitted burial area for indigenous villagers, with a lot of worshipping activities during the Ching Ming and Chung Yeung festivals, no buyers were interested and the subject site had been vacant for the past eight years;
- (d) he considered that the fung shui of the site was poor due to the surrounding environment. He had spent over \$120 million on the development of the four houses without obtaining any return from the investment. Personally, he was on the brink of bankruptcy;
- (e) the proposed columbarium development would help meet the increase in demand for columbarium developments and would relieve him from his financial pressures; and
- (f) the tenants of the residential home for the elderly at the subject site (operating without planning permission) were adversely affected by the ashes generated from the burning of joss sticks. Moreover, the bell chimes from the nearby temples adversely affect the elderly, causing depression and insomnia, and a higher tendency to commit suicide.

8. Mr. Chan Tat Choi made the following main points:

- (a) He noted the departmental concerns and the need to provide additional information on pedestrian management;
- (b) the site and its surroundings had undergone major changes since the 1990's.

There had been a massive increase in the number of graves, some of which were in close proximity to the site. The site was no longer suitable for other uses except columbarium;

- (c) as the proposed columbarium only involved changes in the internal layout of the existing buildings, it would be implemented immediately to help address the demand of columbarium in Hong Kong. Moreover, the surrounding environment provided a suitable ambience for worshipping of ancestors;
- (d) the proposed columbarium did not contravene the planning intention of “GB” zone as it did not involve any tree felling and the character of the site was similar to other columbarium development previously approved by the Committee such as Lung Shan Temple and Wan Chuen Sin Koon;
- (e) as the site was close to Fanling MTR Station, the proposed development would generate little traffic impact so that the social benefit of the proposed development to Hong Kong at large would outweigh the adverse traffic impact generated; and
- (f) as the proposed development would not cause adverse environmental impact and was not incompatible with the surrounding land use, he proposed that the Committee should agree to the application and place “Columbarium” under Column 2 of the Notes of the “G/IC(1)” zone so that the necessary traffic management, crowd control and environmental mitigation measures could be further considered by the Committee at the planning application stage.

9. A Member asked about the graves in the surrounding area and how the planning intention of the “GB” zone would be affected by the proposed development. In response, Ms. Jacinta Woo said that the permitted burial grounds were mainly for indigenous villagers and they were located within the “GB” zone surrounding the subject site. Notwithstanding the existence of the permitted burial grounds, the planning intention of the “GB” zone was to define the limits of urban and sub-urban development areas and to contain urban sprawl and

there was a general presumption against development within this zone. The four existing houses on the application site were previously approved by the Board mainly on the grounds that the site was at the fringe of the "GB" zone and in close proximity to the residential and GIC development, the proposed development intensity of 0.4 was not unacceptable; the scale of redevelopment should not add significant traffic flow to the adjacent road network; and the proposed development could be shielded off by appropriate landscape treatments to merge with surrounding wooded areas. The approval of the columbarium development would set an undesirable precedent for similar applications within the "GB" zone. The cumulative effect of approving such similar applications would further deteriorate the landscape quality and undermine the intactness of the "GB" zone, resulting in a general degradation of the environment of the area. In response to the further query of the Member, Ms. Woo said that although some graves were scattered in the permitted burial ground adjacent to the application site, the area was still covered by trees and shrubs and the general environment was not like a cemetery. The Wo Hop Shek cemetery was some distance away from the application site.

10. In response to the Vice-Chairman's enquiry, Mr. Alex Y. Wong said that he had observed the pedestrian flow at the subject area during the recent Ching Ming Festival and the situation was not too bad. He said that the special traffic arrangement and crowd control measures proposed were only for the worst case scenario when there was serious congestion in the area. The proposed columbarium was close to a MTR station and was well served by public transport. The proposed crowd control measures were only a suggestion for the Police to consider in case of sudden surge in visitors. In response to the Vice-Chairman's enquiry on the applicants' ability to enforce the measures and the effectiveness of the proposed appointment-by-visitor scheme, Mr. Wong said that there could be different kinds of crowd control measures, taking into account the traffic conditions of columbarium of similar nature in Hong Kong. He noted that the pedestrian flow condition of some of the existing columbarium sites such as Po Fook Shan and Fung Ying Seen Koon was not as bad as originally thought. He clarified that the proposed special traffic arrangement and crowd control would not need to be implemented if a crowd situation did not arise outside the application site. Mr. Chan Tat Choi said that the footbridge at the Fanling MTR Station was mainly crowded during the daily peak hours and said that the number of people using the footbridge during the festival periods would be much less. Mr. Chan also clarified that although the niches were double-urn niches, each niche would only receive the cremated

ashes of a single family so that the number of visit generated would not be doubled. As the proposal would be implemented in two phases, there was an opportunity for the applicant and the relevant government departments to observe the traffic flow and improve crowd control measures where necessary. Mr. Chan also noted that people nowadays tended to avoid the crowd and would visit the columbarium during the shadow period, rather than during Ching Ming or Chung Yeung Festivals. Mr. Ko Kim Ching added that as most visitors would come by MTR, the capacity and the schedule of the trains would limit the amount of people arriving at the columbarium.

11. A Member asked how the vehicular traffic generated by Wo Hop Shek Cemetery would affect the subject site. In response, Mr. K. C. Siu replied that as no vehicles were allowed to enter Wo Hop Shek Cemetery during the festival periods, the general public would normally take the shuttle bus, the pick up / set down point of which was located at the public carpark site to the east of the application site. In this regard, most people going to Wo Hop Shek Cemetery would need to cross the footbridge, causing it to be very crowded and operating at or above its capacity. The public would also use the subject footbridge to visit Fung Ying Seen Koon which was located in the vicinity of the application site. In this regard, Mr. Siu considered that the existing footbridge would not be able to handle the additional pedestrian traffic generated by the proposed columbarium. Besides, Wu Tip Shan Road was a very narrow road. Closing the road during the festival periods would adversely affect other road users in the area. In response to the same Member's enquiry on how the rezoning proposal would affect the landscape quality and intactness of the "GB" zone, Ms. Jacinta Woo said that although the proposal would only involve the conversion of the existing buildings and would not cause adverse landscape impact on the surrounding area, there was concern that approving the application would set an undesirable precedent for similar rezoning applications and the cumulative effect of these applications, if approved, would further deteriorate the landscape quality resulting in a general degradation of the environment of the area and adversely affect the intactness of the "GB" zone. In response to the Chairman, Ms. Woo confirmed that no other columbarium application for development had been received within this "GB" zone.

12. In response to a Member's concern on the need to improve the existing footbridge at the Fanling MTR Station, irrespective of whether the current application was

approved or not, Mr. K.C. Siu said that the Government was currently conducting a study on the feasibility of improving the existing footbridge.

13. As the applicants' 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 applicants' representatives and representatives of Planning Department for attending the hearing. They all left the meeting at this point.

Deliberation Session

14. In response to the Chairman's enquiry, Mr. K. C. Siu said that in relation to the columbarium development proposal at Wo Hop Shek Cemetery, the Government (Food, Environmental and Hygiene Department) was currently studying the proposal to provide, in addition to the existing shuttle bus pick-up / drop-off points at Fanling MTR station, two pick-up / drop-off points respectively at Tai Wo and Tai Po. However, taking into account the concern of the North District Council that visitors might still visit the Wo Hop Shek Cemetery via the MTR Station at Fanling, it was proposed to examine the feasibility of widening the existing footbridge linking the Fanling MTR Station to cater for the increased pedestrian flow at the footbridge to be generated by the planned columbarium developments at Wo Hop Shek Cemetery.

15. A Member noted that the proposal was not incompatible with the surrounding land uses and that although there were still unresolved technical issues, it was a matter of time before those technical issues could be resolved. The Member considered that the application could either be approved at this stage or could be approved after the footbridge at Fanling MTR station across Fanling Highway had been widened.

16. The Secretary reported that the Board had received several applications for columbarium where traffic management and crowd control measures were main issues that remained unresolved. In view of that, a meeting between PlanD, FEHD, TD and the Police was held at the end of June to discuss the traffic issue. The views of the Board on the traffic

and crowd control problems related to columbarium applications and the possibility of road closure as a solution to the problem were relayed to TD and the Police for their consideration. She said that TD and the Police agreed to examine each application on a case-by-case basis, taking into account the capacity of the local roads in the vicinity of the application site. The Police, however, advised that road closure should not be considered as a solution to the problem as the Police would only consider road closure as a last resort. She also said that for future columbarium applications, the DPO would arrange meetings with the applicants and relevant government departments with a view to working out traffic arrangements and crowd control measures that would be acceptable to all parties concerned. Pointing out that the traffic arrangements and crowd control measures required could not be enforced by way of approval conditions as the planning permission would lapse once the permitted development was completed, she said that these measures could only be properly regulated and enforced upon the establishment of the licensing authority on private columbarium. For the current application, she noted that there were already plans to widen the existing footbridge at the Fanling MTR Station and that it was only a matter of time before the proposal could be approved. The Chairman considered that the Committee should act prudently and should only grant approval to an application when it was reasonably confident that the necessary traffic and crowd control measures would be in place. As there was no definite programme for both the widening of footbridge across Fanling Highway and the establishment of the licensing authority on private columbarium, he considered that the application should not be approved at this point in time. He also proposed that the second rejection reason on the setting of an undesirable precedent should be deleted as there was no other similar application within the same "GB" zone.

17. A Member considered that the rezoning application should be approved so as to put pressure on the Government to speed up the footbridge widening project and establish the licensing authority. The Secretary said that the Committee had a responsibility to ensure that the permitted development would not cause adverse impacts on the surrounding area. She drew Members' attention to a large number of local objections to the current application.

18. A Member considered that the Board should consider planning applications for columbarium in a comprehensive manner. In response, the Chairman said that the Government had promulgated a policy to identify suitable sites for columbaria in each district. The current application involved the conversion of existing houses to columbarium use which

could be completed quickly and probably before any improvement to the bridge. In response to a Member's enquiry on the forecast of demand for columbarium niches in Hong Kong, the Chairman said that the demand in this decade would be above 40,000 niches per year.

19. A Member said that the application should not be approved until the relevant policy and licensing authority on private columbarium was established. The Vice-Chairman said that although the proposed development was not incompatible from the land use point of view, the applicants needed to resolve all the technical problems before the application could be approved.

20. A Member agreed that the applicant should demonstrate that the proposal was feasible before approval could be granted. Moreover, the Government should not be required to use public resources to make a private proposal feasible. In this connection, as the widening of footbridge was not yet implemented, and neither TD nor the Police would enforce the necessary traffic and crowd control measures, the application should not be approved.

21. In response to a Member's query, the Secretary said that although there was a presumption against development within the "GB" zone, the planning intention would no longer be applicable once the subject site was rezoned to "G/IC(1)". In this regard, she said that the Committee would need to consider whether the proposed development was compatible with the surrounding environment before agreeing to the rezoning.

22. In response to another Member's enquiry, the Secretary said that the scheme submitted in the rezoning application was indicative in nature. In the event that the site was rezoned to "G/IC", there would be no planning control over the columbarium development as no development restriction was specified in the Notes of "G/IC" zone. To retain planning control over the future development, the Board could rezone the site but place columbarium use under Column 2 of the Notes of the "G/IC(1)" zone under such circumstances, appropriate traffic management, crowd control and environmental mitigation measures would need to be submitted to the Board for consideration at the planning application stage. Besides, the scheme approved by the Board under a planning application would also serve as a basis for the vetting of the building plan.

23. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and agreed that they should be suitably amended to reflect Member's views as expressed at the meeting. The reason was :

there were doubts on the implementability of the traffic management, crowd control and environmental mitigation measures proposed by the applicants. The applicants had therefore failed to demonstrate that the proposed columbarium would not cause adverse impact on the traffic and pedestrian flows in the area.

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/NE-KTS/5 Application for Amendment to the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/12, to rezone the application site from "Recreation" to "Comprehensive Development Area", Lots 1124 RP, 1125 RP and 1126 in D.D. 92 and Lots 343 RP, 344A S.1 RP (Part), 402 S.A RP, 404 RP, 407 S.A RP, 407 S.A ss.1 RP, 408 S.A RP, 408 S.C ss.2 RP, 408 S.D ss.1, 408 RP and 408 S.D RP in D.D. 94, Hang Tau Tai Po, Sheung Shui
(RNTPC Paper No. Y/NE-KTS/5)

24. The Secretary reported that Mr. Ivan Fu had declared interests in this application as he had current business dealings with MVA Hong Kong Ltd, one of the consultants of the applicant. The Committee noted that Mr. Fu had yet to arrive at the meeting at this point.

25. The Secretary reported that on 22.6.2012, the applicant requested the Board to defer making a decision on the application for two months in order to conduct a land use review within the subject "REC" zone under the prevailing statutory plan.

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

Sai Kung and Islands District

[Mr. Ivan Fu arrived to join the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting]

A/I-CC/14 Proposed Minor Relaxation of Plot Ratio from 0.40 to 0.499 and Site Coverage from 20% to 30 % for Proposed House Development cum ‘Eating Place’ and ‘Shop and Services’ Uses in “Residential (Group C) 5” zone, Cheung Chau Lots No. 196 and 197s.A, 120, 123-124 San Hing Back Street, Cheung Chau
(RNTPC Paper No. A/I-CC/14)

27. The Secretary reported that on 26.6.2012, the applicant requested the Board to defer making a decision on the application for a period of two months in order to allow time to prepare further information to address government departments’ comments.

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

be granted unless under very special circumstances.

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/20 Proposed House (Staff Quarters) in “Conservation Area” and “Government, Institution or Community (6)” zones, Lots. 171, 172, 174, 178RP, 180, 184 and 185RP in D.D. 227 and adjoining Government Land, Tai Po Tsai, Clear Water Bay, Sai Kung (RNTPC Paper No. A/SK-CWBN/20B)

Presentation and Question Sessions

29. The Secretary reported that the application was submitted by Smart Gain Investment Ltd. with Masterplan Ltd., MVA Hong Kong Ltd., MLA Architects (HK) Ltd. and Kenneth Ng & Associates Ltd. as the consultants. The following Members had declared interests in this item:

- Mr. Ivan Fu - had current business dealings with Masterplan Ltd. and MVA Hong Kong Ltd.;
- Ms. Janice Lai - had current business dealings with MLA Architects (HK) Ltd. and Kenneth Ng & Associates Ltd; and
- Mr. Frankie W. P. Chou - was directly involved in the management of the consultant, MLA Architects (HK) Ltd., under one of Home Affairs Department’s consultancy agreements.

30. The Committee noted that Mr. Fu, Ms. Lai and Mr. Chou had no direct involvement in the subject application and agreed that they could be allowed to stay in the meeting.

31. Miss Erica S.M. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (Staff Quarters);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory public inspection period which ended on 28.12.2011, one comment from an individual was received. The commenter objected to the application because of the adverse traffic impact generated by the proposed access arrangement, adverse impacts of the proposed development on the existing stream on the Site, and the adverse visual impact of the proposed 10-15m high “solid sculpture wall”;
- (e) no comment was received during the first three weeks of the statutory public inspection period of the further information submitted on 23.2.2012;
- (f) during the first three weeks of the statutory public inspection period for the further information submitted on 10.5.2012, one public comment from Designing Hong Kong Limited (DHKL) was received. DHKL objected to the application on the grounds that there was insufficient information to demonstrate how the “CA” zone would be affected and compensated during and after the completion of the project and the lack of visual impact assessment for the application.

- (g) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper. Regarding the public comment on the adverse visual, environment and traffic impact of the proposed staff quarters development, the applicant had submitted various technical assessments which were acceptable to various government departments. Based on the planning considerations and assessments given in 11.1 to 11.6 of the Paper, it was considered that the proposed development would not have adverse environmental, traffic, drainage, sewerage, landscape and visual impacts on the surroundings. Regarding the public comment on the impact of the proposed development on the “CA” zone, it was noted that the site only involved a small portion of the “CA” zone (about 158m²) and that compensatory planting had been proposed for the trees with the “CA” zone which would be affected by the proposed development. DAFC had no in-principle objection to the application.

32. Members had no question on the application.

Deliberation Session

33. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.7.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and implementation of proposed building layout and the treatment of the bottom part of House D near the stream to the satisfaction of the Director of Planning or of the TPB ;

- (c) the design, implementation and maintenance of the access road to the proposed development, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the design and implementation of the junction of the proposed access road and University Road by the applicant to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the design and implementation of the noise mitigation measures, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (f) the provision of fire service installations, water supplies for fire fighting and emergency vehicular access to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approval of the application did not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority (BA). 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 BA and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (b) to note the comments of the District Lands Officer/Sai Kung, Lands Department that:
 - (i) the proposed development would adversely affect an existing footpath and a stream. Relevant diversion works might be

necessary; and

- (ii) there was a major grave located along the north-eastern boundary of the Site. Consideration should be given so that it would not be adversely affected;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the proposed building layout of House D was too close to the natural stream and the proposed foundation of House D and landscape treatment was not compatible with the surrounding landscape. Review of the design of building form and layout (House D) and proposed landscape treatment to the existing stream were highly recommended;
- (d) to note the comments of the Commissioner for Transport that the management and maintenance responsibility for the proposed access road should rest with the applicant;
- (e) to note the comments of the Chief Highways Engineer/New Territories East, Highways Department that:
- (i) the Government would not take up the maintenance responsibility of the proposed access road leading from University Road to the Site; and
 - (ii) a portion of the slope feature no. 11NE-B/FR213 would be affected by the proposed development and that, detailed geotechnical assessment on the said slope should be submitted to the Geotechnical Engineering Office (GEO) of the Civil Engineering and Development Department for comment. In addition, the maintenance responsibility of that slope should be rested on the applicant and the slope registration should be updated to GEO;
- (f) to note the comments of the Director of Environmental Protection that:

- (i) the construction work for the proposed developments should observe the environmental requirements to manage any soil erosion, sedimentation and pollution at the source to prevent any reduction in water quality downstream of the Site. The applicant should follow the environmental requirements in, but not limited to, the Environmental Protection Department's (EPD) documents 'Environmental Pollution Control Clauses for Construction Contracts' and 'ProPECC Practice Note 1/94 Construction Site Drainage' available on EPD's website; and
 - (ii) in view of the fact that the proposed access road (which formed part of the current application) fell within an area zoned "Conservation Area", the access road was classified as a designated project under item Q.1, Part I, Schedule 2 of the Environmental Impact Assessment Ordinance (EIAO), requiring an Environmental Permit (EP) for its construction and operation. Please remind the applicant to observe and follow the EIAO statutory requirements. The applicant might contact EPD in due course on the necessary steps to obtain an EP prior to construction;
- (g) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that:
- (i) the proposed development might affect / be affected by Feature Nos. 11NE-B/FR213 and 11NE-B/F226. The stability of the aforementioned slopes should be assessed during the development; and
 - (ii) the portion of Feature No. 11NE-B/FR213 affected by the proposed access road should be maintained by the applicant;
- (h) to note the comments of Chief Engineer/Development(2), Water Supplies Department (WSD) that:

- (i) should there be any necessary diversion of existing water mains affected by the development, the cost should be borne by the applicant; and
 - (ii) for provision of fresh water supply to the proposed development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the standard of WSD;
-
- (i) to note the comments of Chief Building Surveyor/New Territories East 2 & Rail, BD in paragraph 9.1.11 of the RNTPC Paper;
 - (j) to note the comments of the Director of Fire Services that the proposed access road as emergency vehicular access (EVA) arrangement should comply with Part VI of the Code of Practice for Means of Access for Fire-fighting and Rescue administered by the BD. A minimum width of 4.5m for access subject to design might be accepted; and
 - (k) to note the comments of the District Officer/Sai Kung that the proposed development might adversely affect an existing footpath accessing to a grave at the north-eastern side of the Site. Consideration should be given to avoid any possible inconvenience caused to the grave sweepers.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCTC/42 Eating Place in “Open Space” zone, G/F, Block 2, Wong Nai Uk, Lots
No. 2259 to 2261 in D.D. 3 Tung Chung and Adjoining Government
Land, Tung Chung, Lantau Island
(RNTPC Paper No. A/I-TCTC/42)

Presentation and Question Sessions

35. Mrs. Margaret W.F. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied eating place;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were two substantiated noise complaints in March and April 2012 respectively from the site. Given the significant expansion of the eating place, more noise nuisance was anticipated.
- (d) no public comment was received during the first three weeks of the statutory public inspection period and no local objection/view was received by the District Officer (Islands), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 10 of the Paper. The proposed eating place fell within an area at Wong Nai Uk which was zoned “Open Space” (“O”) on the OZP intended for a town park. The site also fell within the Study Area of the Tung Chung New Town Development

Extension Study (the Study) which was commissioned jointly by the Civil Engineering and Development Department (CEDD) and PlanD in January 2012 for completion in mid 2014. The future land uses of Wong Nai Uk would be reviewed by the Study. Although the Director of Leisure and Culture Services (DLCS) advised that there was no programme to develop the town park, approval of the proposed eating place on a permanent basis was not in line with the planning intention of the “O” zone and would also frustrate the Tung Chung Study. DEP did not support the application as there were two substantiated noise complaints of the Site. He pointed out that noise nuisance was anticipated given the significant expansion of the eating place from the previously approved size of 54 m² to the currently proposed 210 m². Apart from restricting the operation hours (i.e. from 7am to 11pm daily), the applicant had not provided any information on mitigation measures to minimize the noise nuisance. Approval of the application, even on a temporary basis, would create noise nuisance to the surrounding villages houses. Although three similar applications (i.e. Applications No. A/I-TCTC/30, 38 and 39) had been approved by the Board in close proximity to the site, these approved restaurants were confined within their premises without proposing any outside-seating areas (OSA) in their applications.

36. Members had no question on the application.

Deliberation Session

37. The Vice-Chairman noted that part of the site was the subject of a planning application (No. A/I-TCTC/40) previously approved by the Committee on 23.12.2010 for proposed eating place of 54 m². However, that application was revoked on 23.12.2011 due to non-compliance with approval conditions regarding the submission and implementation of fire service installations and sewer connection proposals. He said that the size of the proposed eating place had increased substantially to 210 m², but the applicant did not propose any noise mitigation measures. He considered that the application should not be supported.

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

- (a) the eating place was not in line with the planning intention of the “Open Space” zone which was to provide a town park for the Tung Chung new town; and
- (b) the eating place would create noise nuisance to the area and the surroundings. The applicant had not provided any information or details on how the noise nuisance could be mitigated.

Agenda Item 8

Section 16 Application

[Open Meeting]

A/SK-HH/53 Proposed 1 House in “Green Belt” zone, Lot No. 1052 S.A (Part) in D.D. 217 and its Adjoining Government Land, Ta Ho Tun, Sai Kung (RNTPC Paper No. A/SK-HH/53)

39. The Secretary reported that on 8.6.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time to address comments from government departments.

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TLS/40 Proposed Minor Relaxation of Building Storey and Building Height for permitted Residential Development in “Residential (Group C) 4” zone, Lot 1982, in S.D. 2, 5 Fei Ngo Shan Road, Sai Kung
(RNTPC Paper No. A/SK-TLS/40)

Presentation and Question Sessions

41. The Secretary reported that Ms. Janice Lai declared interests in this application as she had current business dealings with Kenneth Ng & Associates Ltd., one of the consultants of the applicant. As Ms. Lai had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting.

42. 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 proposed minor relaxation of building storey and building height for permitted residential development;
- (c) departmental comments – concerned departments had no objection or adverse comments on the application as detailed in paragraph 8 of the Paper;
- (d) eleven comments from members of the public were received during the first three weeks of the statutory public inspection period. All comments were in support of the application on the grounds of compatibility, better design and layout, reduction in building height, reduction in number of houses, innovative design with an artificial rocky landscape slope feature, in line with planning intention, and improvement in existing landscape and in

visual aspects. During the first three weeks of the statutory public inspection period of the further information, which ended on 8.6.2012, no comment was received; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10 of the Paper. The public comments in support of the application were noted.

43. Members had no question on the application.

Deliberation Session

44. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.7.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscape proposal with tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a Natural Terrain Hazards Study and a Geotechnical Planning Review Report to the satisfaction of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB; and
- (c) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approval of the application did not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building

Design Guidelines (SBD), 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 Board might be required;

- (b) to note the comments of the District Lands Officer/Sai Kung that to effect the proposed residential development, the owner of the Lot was required to apply for a lease modification upon obtaining planning permission from the Board. It was stressed that there was no guarantee that the proposed modification would be approved by the Government. The modification, if eventually approved, would be subject to such terms and conditions including payment of fees and premium, as the Government considered appropriate;
- (c) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Part D of the Code of Practice for Fire Safety in Buildings which was administered by the BD. It appeared that emergency vehicular access was not provided for the proposed buildings and this was undesirable from the fire safety point of view. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (d) to note the comments of the Chief Building Surveyor/New Territories East, BD that :
 - (i) emergency vehicular access complying with Building (Planning) Regulations (B(P)R) 41D should be provided;
 - (ii) PNAP APP-2, the Hong Kong Planning Standards and Guidelines and the advice of the Commissioner for Transport would be referred

to when determining exemption of GFA calculation for car parking spaces;

- (iii) from the figures provided by the applicant, please note the following comments:
 - (a) all plant rooms should be justified for GFA exemption under B(P)R 23(3)(a) and B(P)R 23(3)(b). Otherwise, they should be GFA accountable;
 - (b) caretaker office should be GFA accountable unless exempted under PNAP APP-42;
 - (c) boilers and filtration plant rooms not for communal use should be GFA accountable under Buildings Ordinance (BO);
 - (d) superfluous covered circulation areas at car parks should be GFA and site coverage (SC) accountable under BO;
 - (e) unexcavated/fill area in DWG No. 1102-120320-09 for unnecessary raised-up gardens/patios and swimming pools should be GFA and SC accountable under BO; and
 - (f) balconies should be GFA and site coverage countable unless exempted in accordance with the requirements stipulated in JPN No. 1;
- (iv) the applicant should note that the policy on GFA concessions under PNAP APP-151, in particular the 10% overall cap on GFA concessions and, where appropriate, the SBD requirements under PNAP APP-152; and
- (v) detailed comments would be given during GBP submission stage;

- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable 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

- (f) to note the comments of the Chief Architect/Advisory & Statutory Compliance, Architectural Services Department that the applicant was advised to further explore the opportunity to step up measures to improve the visual relationship of the proposed development and the environment.

[The Chairman thanked Miss Erica S.M. Wong, Mrs. Margaret W.F. Lam and Mr. Charles C.F. Yum, STPs/SKIs, for their attendance to answer Members' enquires. Miss Wong, Mrs. Lam and Mr. Yum left the meeting at this point.]

Sha Tin, Tai Po and North District

[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.]

[Ir. Dr. Wilton Fok left the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

46. 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 twenty houses (New Territories Houses – Small Houses) with an Emergency Vehicular Access;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the area had active agricultural activities. Other government departments had no objection to or adverse comments on the application;
- (d) five comments were received during the first three weeks of the statutory public inspection period. A villager of San Tong Tsuen objected to the application on the grounds that there were a large number of houses proposed for development at Sha Pa but the villagers of San Tong Tsuen had not been consulted. Two members of the public commented that the proposed development would spoil the livelihood of the local residents and destroy the environment. The Hong Kong Bird Watching Society

(HKBWS) objected to the application as the proposed Small Houses were not in line with the planning intention of the “AGR” zone and the site was in close proximity to the Upper Lam Tsuen River which was an ecologically important stream. As there was no information on how to address the potential ecological impact, the HKBWS was concerned that the proposed development would bring disturbance and pollution and cause adverse ecological impacts in the area. Approval of the application would set a bad precedent for more development in future and ruin the rural environment and ecological value of the area. Another commenter, Designing Hong Kong Limited, commented that the scale of the proposed development was excessive and expressed concern on the traffic impacts from the proposed development; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper. Although DAFC did not support the application from the agricultural point of view, the application site was currently partly active and partly fallow agricultural land intermixed with village houses. In this regard, the proposed houses were considered not incompatible with the surrounding area. While one public comment was related to land administration issues and consultation of the villager, three public comments were concerned with the disturbance and pollution in the area, in particular, the potential water pollution due to septic tank leakage. Regarding the aspect of pollution, DEP had no objection to the proposed development as it would be able to connect the proposed Small Houses to the public sewer. Regarding the public comment on the traffic impacts of the proposed development, the Commissioner for Transport had indicated that additional traffic generated by the proposed development was not expected to be significant.

47. Members had no question on the application.

Deliberation Session

48. Ms. Anita K.F. Lam said that the proposed Emergency Vehicular Access straddled government land (GL), private land and the stream course. In this connection, she suggested that the standard advisory clause to advise the applicant to submit an application to the District Lands Officer for occupation of government land should be added if the application was approved.

49. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.7.2016, 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) to comply with the applicant's written undertaking on the construction work of the proposed development to Drainage Services Department (DSD) submitted by the applicant dated 7.6.2012 (Appendix 1h of the RNTPC Paper) to the satisfaction of the Director of Drainage Services 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 submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB;
- (e) the submission and implementation of the run-in proposals to the satisfaction of the Director of Highways or of the TPB;
- (f) 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;

- (g) the provision of protective measures to ensure that 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
- (h) a clean flow suitable for irrigation purpose with flow capacity no less than the existing state should be maintained to the downstream areas during and after the construction to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB.

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

- (a) the actual construction of the proposed Small Houses should only begin after the completion of the public sewerage network;
- (b) to note the comments of the Director of Environmental Protection (DEP) that adequate space should be provided for the proposed Small Houses to be connected to the public sewerage network;
- (c) the applicants should make proper sewer connection from the proposed Small Houses to the public sewerage at their own costs;
- (d) the applicants should take up full ownership and construction and maintenance responsibility of the sewerage connection system;
- (e) the sewerage connection point should be within the application site;
- (f) the applicants were required to register, before execution of Small House grant documents, 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;
- (g) to note the comments of the District Lands Officer/Tai Po (DLO/TP) that applicants were required to obtain prior consent from his office and

affected lot owners before commencement of construction works;

- (h) to note the comments of DLO/TP that the applicants were required to apply to his office for occupation of the government land for the proposed emergency vehicular access. Such application would be considered by Lands Department acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fees, as might be imposed by the Lands Department;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) in paragraph 3 of Appendix V of the RNTPC Paper;
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department in paragraph 4 of Appendix V of the RNTPC Paper;
- (k) to note the comments of the Chief Engineer/Project Management, DSD that the scope of provision of village sewerage to “Village Type Development” zone areas of Lam Tsuen Valley was being finalized under the DSD’s project 4332 DS, “Lam Tsuen Valley Sewerage” commenced in February 2009, with the village sewerage works in Sha Pa Village to be started in 2012/2013, for completion in 2016/17 tentatively subject to the land acquisition progress. Also the applicant should continue to pay attention to the latest development of the proposed sewerage scheme. DSD would keep all the relevant Village Representatives informed of the latest progress. The applicants might contact his Consultant, Ove Arup & Partner at 2268 3404 for detailed information of the project;
- (l) to note the comments of DEP that the use of septic tank and soakaway system as interim measures for sewage treatment and disposal before the planned public sewer was available was not acceptable as it had the potential to cause water pollution to the Water Gathering Ground;

- (m) to note the comments of the Director of Agriculture, Fisheries and Conservation to follow the Buildings Department (BD) Practice Note for Authorized Persons and Registered Structural Engineers No. 295, 'Protection of natural streams/rivers from adverse impacts arising from construction works' in particular the Appendix B, "Guidelines on Developing Precautionary Measures during the Construction Stage" so as to avoid disturbance to the stream and cause water pollution to the Upper Lam Tsuen River (Plan A-2a) and to minimise disturbance to trees as far as possible as there were trees at or in the immediate vicinity of the site (Plan A-3);
- (n) to note the comments of the Director of Fire Services to ensure that the proposed emergency vehicular access (EVA) would fulfil the requirements in accordance with "A Guide to Fire Safety Requirements for New Territories Exempted House" administered by Lands Department (LandsD) and detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (o) to note the comments of the Commissioner for Transport that the existing village access nearby was not under his management and the applicants should check with the Lands Authority on the land status of the village access and clarify with the relevant Lands and maintenance authorities on the management and maintenance responsibilities of the village access accordingly;
- (p) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the proposed EVA would encroach upon existing slopes maintained by his office and to advise on the party who would undertake the construction and future maintenance of the proposed EVA and in the detailed design of the proposed run-in at Lam Kam Road;
- (q) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that

necessary submissions should be made to the DLO/TP to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in Practice Notes for Authorized Persons APP56. If such exemption was not granted, the applicants should submit site formation plans to the BD in accordance with the provision of the Buildings Ordinance (BO);

- (r) to note the comments of H(GEO), CEDD that plans should be submitted to the BD in accordance with the provisions of the BO if any formation works were proposed to be carried out for the proposed EVA;
- (s) to note the comments of Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department to notify his office two weeks prior to the commencement of construction work so as to facilitate the staff of AMO to conduct site inspection in the course of excavation;
- (t) to note the comments of the Director of Electrical and Mechanical Services (DEMS) 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

- (u) to note the comments of DEMS that there was a high pressure town gas underground transmission pipe located near the application site (running along the Lam Kam Road). For any development near the town gas transmission pipes and facilities, the applicants should be informed and maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of the existing or planned gas pipes routes/gas installations in the vicinity of the application site and keep the minimum set back distance away from the gas pipelines during the design and construction stages of development. The applicants should also note the requirements of the Electrical and Mechanical Services Department (EMSD)'s "Code of Practice on Avoiding Danger from Gas Pipes".

[Mr. Frankie Chou left the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/456 Proposed House (New Territories Exempted House – Small House) in
"Agriculture" and "Village Type Development" zones, Lot
No. 1150 RP in D.D. 19, Lam Tsuen San Tsuen, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/456)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed House (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site was located partly within “AGR” zone and had active agricultural activities. Other government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory public inspection period and no local objection/view was received by the District Officer (Tai Po), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper. Although DAFC did not support the application as there were active agricultural activities in the “AGR” zone, the site was located between existing Small Houses and an approved Small House development (under application No. A/NE-LT/408) to its immediate east. It was considered that the proposed Small House under application was not incompatible with the surrounding rural environment, which mainly contained a mix of village houses, agricultural land, vegetated fields and woodland trees, and there was no significant vegetation on site.

52. Members had no question on the application.

Deliberation Session

53. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.7.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the Director of Environmental Protection that the proposed Small House should be connected to the future public sewer when available;
- (b) the sewerage connection point should be within the application site and within the “Village Type Development” (“V”) zone;
- (c) adequate space should be reserved for the future sewer connection work;
- (d) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the applicant was required to maintain the drainage system properly, to rectify the system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system;

- (e) to note the comments of Chief Engineer/Project Management, Drainage Services Department (CE/PM, DSD) and Chief Engineer/Mainland North (CE/PM, DSD) that the site was in an area where no public stormwater drainage system was available currently for connection in the vicinity of the lots, but the house should be able to be connected to the proposed public sewers when the village sewerage works under the Project 4332 DS, ‘Lam Tsuen Valley Sewerage’ were completed in around 2016/17;
- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department; and
- (g) to note that the permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) would comply with the provisions of the relevant statutory plan planning permission be obtained from the TPB where required before carrying out the road works.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/398 Proposed House (New Territories Exempted House – Small House) in “Green Belt” and “Village Type Development” zones, Lots 82 S.C and 28 S.C in D.D. 27, Sha Lan, Tai Po
(RNTPC Paper No. A/NE-TK/398)

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 house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site was wholly outside the village ‘environs’ (‘VE’) of Shan Lan;
- (d) during the first three weeks of the statutory public inspection period, four public comments were received, from the Sha Lan Villas Residents Association and three individuals. The commenters objected to the application for the reasons that the site was zoned “GB” and should be preserved and protected, the green belt area would be further reduced with the development of Small Houses in the area, and the proposed development would adversely affect the traffic, environment and ecology in the surrounding area; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone. DLO/TP, LandsD did not support the application as the site was entirely outside the “V” zone and the ‘VE’ of any recognised villages. Public comments were also received against the application on the adverse impacts on the subject “GB” zone.

56. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (b) the proposed development did not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories” as the site was entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognised village; and
- (c) the approval of the application would set an undesirable precedent for other similar applications in the area.

Agenda Items 13 to 19

Section 16 Applications

[Open Meeting]

A/NE-LYT/473 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 1591 S.C, 1592 S.C and 1600 S.G in D.D. 76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/473)

A/NE-LYT/474 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 1597 S.B and 1600 S.J in D.D. 76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/474)

A/NE-LYT/475 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 1592 S.E, 1597 S.A and 1600 S.I in D.D. 76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/475)

A/NE-LYT/476 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 1592 S.D and 1600 S.H in D.D. 76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/476)

A/NE-LYT/478 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 1597 S.E, 1599 S.B and 1600 S.M in D.D. 76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/478)

A/NE-LYT/479 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 1597 S.D, 1599 S.A and 1600 S.L in D.D. 76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/479)

A/NE-LYT/480 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 1597 S.C and 1600 S.K in D.D. 76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/480)

58. The Committee noted that these seven applications were similar in nature and the application sites were located within the same area zoned “Agriculture” on the OZP. The Committee agreed that these seven applications could be considered together.

59. The Secretary reported that the applications were scheduled for consideration by the Committee at this meeting. However, Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) advised that with reference to the aerial photo taken in September 2011, the existing trees located on the site had been removed which had caused disturbance to the existing landscape resources and character. Moreover, his recent site visit revealed that the site and its adjoining area were filled with construction materials covered in wild grass and no existing tree was found.

60. The Secretary noted that the application might involve vegetation clearance and unauthorised land filling prior to the application and that such practices contravened the

approaches announced by the Board in July 2011 to deter “Destroy First, Build Later” activities. To allow more time for investigation and collect more information on the land filling/clearance works undertaken on the site, it was recommended that a decision on the application be deferred for two months to ascertain whether any unauthorized clearance of vegetation and land filling works were involved that might constitute an abuse of the planning application process.

61. After deliberation, the Committee decided to defer a decision on the application. The Committee agreed that the application should be submitted for its consideration after the investigation in two months’ time.

Agenda Items 20 and 21

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/73 Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Village Type Development” zones, Lot 560 s.C in D.D. 46, Loi Tung Village, Sha Tau Kok, Fanling
(RNTPC Paper No. A/NE-MUP/73)

A/NE-MUP/74 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 560 s.D in D.D. 46, Loi Tung Village, Sha Tau Kok, Fanling
(RNTPC Paper No. A/NE-MUP/74)

Presentation and Question Sessions

62. The Committee noted that the two applications were similar in nature and the application sites were located next to one another. The Committee agreed that the two applications could be considered together.

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

- (a) background to the application;
- (b) the proposed two Houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from an agricultural development standpoint as the sites had high potential for agricultural rehabilitation. Other government departments had no objection to or adverse comments on the applications;
- (d) three comments were received during the first three weeks of the statutory public inspection period. While a North District Council member supported the Small House applications, the other two commenters (Designing Hong Kong Limited and WWF Hong Kong) objected to the application for the following reasons:
 - (i) the area was in lack of a plan for sustainable layout of infrastructure and development to ensure quality living for current and future residents;
 - (ii) due to failure to provide sewerage system, cumulative impact of seepage from septic tanks would impose adverse impact on the ground water and nearby water bodies;
 - (iii) substandard engineering of road and lack of parking areas and access might result in unsafe and inadequate provisions as well as resulting in disharmony among residents and crimes;
 - (iv) the Director of Lands and the Town Planning Board were responsible for the adverse atmosphere for not ensuring adequate access and parking space before granting planning approval;
 - (v) it was demanded that in the administration of the Small House

Policy, adequate access and parking space should be provided; and

- (vi) approving the applications would set an undesirable precedent and encourage “destroy first and develop later” developments; the proposed development was not in line with the planning intention of the “AGR” zone; clearance of existing vegetation would be required due to the proposed development and its associated construction works, rendering potential adverse landscape impact on the area; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications for the reasons as detailed in paragraph 12 of the Papers. Although DAFC did not support the applications from the agricultural development point of view, the Small House developments at this location were considered not incompatible with the surrounding area as village houses within the village proper of Loi Tung Village were located nearby. Regarding the public comment that the application site was a suspected “destroy first, develop later” case, it was revealed in the aerial photos dated 3.8.2010 and 9.9.2011 and recent site photos, that the site was currently covered with grass and there was no material change to the site condition in the last two years. Besides, the application site was not involved in any active enforcement action. Regarding the public comments concerning the absence of a sustainable layout plan, piecemeal approval of the development, and adverse landscape impact on the area, as concerned government departments had no adverse comment to the application, it was considered that the proposed development would not have any significant adverse traffic, environmental, drainage and landscape impacts on the surrounding area

64. In response to the Chairman’s query, Ms. Ting said that the site photos on Plans A-3a, 3b and 4 of the RNTPC Papers were taken in early June and those photos showed that the sites were covered with grass.

65. After deliberation, the Committee decided to approve the applications, on the terms of the application as submitted to the Town Planning Board (TPB). The permissions should be valid until 6.7.2016, 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of Chief Engineer/Development(2), Water Supplies Department (WSD) that:
 - (i) the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection and to resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
 - (ii) the site was located within flood pumping gathering ground;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. The Environmental Protection Department

should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank;

- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Sha Tau Kok Road to the application site was not currently maintained by his department; and
- (d) 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.

Agenda Item 22

Section 16 Application

[Open Meeting]

A/NE-MUP/75 Temporary Open Storage of New and Second-Hand Vehicles for Sale (including Private Cars, Light and Medium Goods Vehicles for a Period of 3 Years) in “Agriculture” zone, Lots 48, 49, 50, 52 RP, 52 A (Part) and 52 B (Part) in D.D. 37 and Adjoining Government Land, Man Uk Pin
(RNTPC Paper No. A/NE-MUP/75)

67. The Secretary reported that the application was scheduled for consideration by the Committee at this meeting. However, as shown by the aerial photo taken in August 2010, the application site was originally a green area covered by vegetation and it was suspected that the site had been cleared and the cleared area had been filled with construction waste. The site was subject to planning enforcement action for unauthorised development. Reinstatement Notice (RN) was issued to the concerned landowners on 3.5.2012 requiring the removal of the leftovers and debris on the land and grassing of the site within three months. Non-compliance with statutory was subject to prosecution under the Town Planning Ordinance.

68. The Secretary continued to say that on 24.6.2011, the Board, in considering the TPB paper No. 8843 on “Proposed Measures against the “Destroy First and Build Later” Approach” noted that as the existing state of the site, which was a relevant consideration in a planning application, might be in a state of flux, particularly where a Reinstatement Notice (RN) had been served, the Board would be entitled in such a case to take into account the state of the site after the RN had been duly complied with. The Board also agreed that where the application site was subject to enforcement action and a RN had been served, if the enforcement of the RN impinged on the physical state or “individual characteristics” of the site, the Board could take into account the state of the site as required in the RN in considering the application. Given that any act relating to “destroy first, development later” should not be encouraged and the site in question, currently occupied by an unauthorised development, was in a state of flux, it was recommended that a decision on the application be deferred until the application site had been reinstated.

69. After deliberation, the Committee decided to defer a decision on the application. The Committee agreed that the application should be submitted for its consideration within one month from the date of issue of Compliance Notice by the Planning Authority which confirmed the satisfactory completion of the reinstatement work as required under the RN.

Agenda Items 23 and 24

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/33 Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Village Type Development” zones, Lot 1576 S.E in D.D. 91, Kai Leng, Sheung Shui
(RNTPC Paper No. A/NE-PK/33)

A/NE-PK/34 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 1576 S.D in D.D. 91, Kai Leng, Sheung Shui
(RNTPC Paper No. A/NE-PK/34)

Presentation and Question Sessions

70. The Committee noted that the two applications were similar in nature and the application sites were located next to each other. The Committee agreed that the two applications could be considered together.

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

- (a) background to the application;
- (b) the proposed Houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from an agricultural development point of view as agricultural life in the vicinity of the application sites were active and the application sites were of high potential for agricultural rehabilitation. Other government departments had no objection to or adverse comments on the applications;
- (d) during the first three weeks of the statutory public inspection period one public comment from a North District Council Member was received indicating support for the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Papers. Although DAFC did not support the applications from an agricultural development point of view, the application sites were located on private land. The proposed Small House developments were not incompatible with the surrounding land uses, which were predominantly rural in nature comprising vacant land with wild grasses, temporary domestic structures, active and fallow agricultural land and village dwellings.

72. Members had no question on the applications.

Deliberation Session

73. 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 6.7.2016, 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of fire fighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site was in an area where no public sewerage connection was available. The Director of Environmental Protection should be consulted regarding the sewage treatment / disposal aspects of the development and the provision of septic tank. Also, no public storm-water drainage was available at the site;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the

provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and

- (ii) the application site was located within the flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/780 Shop and Services (Real Estate Agency) in "Industrial" zone, Unit F1, G/F, On Wah Industrial Building, 41-43 Au Pui Wan Street, Fo Tan
(RNTPC Paper No. A/ST/780)

Presentation and Question Sessions

75. 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 applied shop and services (Real Estate Agency) use;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) one comment from a member of the general public was received during the first three weeks of the statutory publication period, indicating that he had no comment; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years for reasons detailed in paragraph 11 of the Paper.

76. Members had no question on the application.

Deliberation Session

77. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.7.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 6.1.2013; and
- (b) if the above planning condition (a) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;

- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining workshop should not be adversely affected;
- (f) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application; and
- (g) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/781 Temporary Shop and Services (Fast Food Shop) for a Period of 3 Years
in “Industrial” zone, Unit C3, G/F, Block 1, Kin Ho Industrial
Building, Nos. 14-24 Au Pui Wan Street, Fo Tan
(RNTPC Paper No. A/ST/781)

Presentation and Question Sessions

79. 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 applied temporary Shop and Services (Fast Food Shop) use;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory public inspection period and no local objection/view was received by the District Officer (Sha Tin), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years for reasons detailed in paragraph 11 of the Paper.

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.7.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 6.1.2013; and
- (b) if the above planning condition (a) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use;
- (c) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining workshop should not be adversely affected. Building safety requirements would be formulated upon receipt of food premises licence application;
- (d) to note the comments of the Director of Fire Services that the proposed “fast food shop” should only be licensed as “food factory” or “factory canteen”. A fast food shop licensed and operated as “general restaurant” and “light refreshment restaurant” would not be accepted. Detailed fire service requirements would be formulated upon receipt of formal

submission of general building plans; and

- (e) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

[The Chairman thanked Mr. 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.]

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

Tuen Mun and Yuen Long District

Agenda Item 27

Section 12A Application

[Open Meeting]

Y/TM/5 Application for Amendment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/29 from “Open Space” and “Government, Institution or Community” to “Government, Institution or Community” to facilitate ‘Religious Institution’ (church) development, Lots 491, 492, 495 RP (Part), 498 RP, 500, 501, 502 RP, 503, 717 RP in D.D. 374 and Adjoining Government Land, So Kwun Wat, Tuen Mun
(RNTPC Paper No. Y/TM/5A)

83. The Secretary reported that Dr. C. P. Lau declared interest in this item as he owned a property in the area with direct views on the application site. As the item was for deferral of the consideration of the application, the Committee agreed that he could stay at the meeting.

84. The Secretary reported that on 12.6.2012, the applicant requested the Board to further defer making a decision on the application for two months in order to address various issues from government departments.

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

Agenda Item 28

Section 12A Application

[Open Meeting]

Y/TM/8

Application for Amendment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/29 from “Green Belt” to “Government, Institution or Community” for a Religious Institution and Columbarium, Lots 1744 S.A to S.C and 1744 S.F to S.I in D.D. 132, Hing Fu Street, Tuen Mun (RNTPC Paper No. Y/TM/8)

86. The Secretary reported that on 14.6.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time to address public comments and departmental comments on traffic, environment and landscape aspects.

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

be granted unless under very special circumstances.

Agenda Item 29

Section 16 Application

[Open Meeting]

A/TM/432

Proposed Comprehensive Residential Development and Minor Relaxation of Building Height Restriction from 10 Storeys above Car Park to 10 Storeys above a 1-Storey Basement Carpark with Entrance Lobby and E/M Facilities in “Comprehensive Development Area” zone, Various Lots in D.D. 374 and 375 and Adjoining Government Land, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM/432B)

88. The Secretary reported that the application was submitted by Fill Year Ltd. with MVA Hong Kong Ltd. and Scott Wilson Ltd. as the consultants. The following Members had declared interests in this item:

- Mr. Ivan Fu - had current business dealings with MVA Hong Kong Ltd.;
- Ms. Janice Lai - had current business dealings with Scott Wilson Ltd; and
- Dr. C. P. Lau - had a flat that overlooked the application site.

89. As the application was for deferral, the Committee agreed that Mr. Fu, and Dr. Lau could stay in the meeting. The Committee also noted that Ms. Lai had left the meeting temporarily at this point.

90. The Secretary also reported that on 15.6.2012, the applicant requested the Board to further defer making a decision on the application for two months in order to allow time to prepare further information to address departmental comments.

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

[Mr. W.W. Chan, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), Mr. Vincent T.K. Lai and 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 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/185	Proposed House Development and Minor Relaxation of Building Height Restriction (Amendments to Approved Scheme under Application No. A/YL/165) in “Village Type Development” zone, Lot 4041 in D.D. 120, Fraser Village, Yuen Long (RNTPC Paper No. A/YL/185)
----------	---

Presentation and Question Sessions

92. The Secretary reported that the application was submitted by Fill Year Ltd. and Heatex Ceramic Ltd., which was owned by Sun Hung Kai Properties with Kenneth Ng & Associates Ltd. as one of the consultants. The following members had declared interests in this item:

- Ms. Janice Lai - had current business dealings with Kenneth Ng & Associates Ltd.; and
- Mr. Ivan Fu - had current business dealings with Sun Hung Kai Properties Ltd.

93. As Mr. Fu's interest was direct, the Committee agreed that he should withdraw from the meeting. The Committee also noted that Ms. Lai had left the meeting temporarily at this point.

[Mr. Ivan Fu left the meeting temporarily at this point.]

94. 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 house development and minor relaxation of building height restriction (amendments to approved scheme under Application No. A/YL/165);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 8 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory public inspection period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 10 of the Paper.

95. In response to a Member's enquiry, Mr. Lai said that the increase in building height was to facilitate an increase in the storey height for each floor from 2.74m to 3.28m.

However, as the applicant proposed to lower the site formation level to accommodate the increase in building height, the overall building height of the development would not exceed 15.93mPD as required under the lease.

Deliberation Session

96. In response to a Member's enquiry, the Secretary said that although the application site was within the "V" zone, the proposed development was not the "House (New Territories Exempted House) type of use. In fact, Fraser Village was not an indigenous village. The use applied for was "House (not elsewhere specified)". As the proposed development was not the standard NTEH type of housing, the applicant wanted to increase the building height from 8.23 applicable to an NTEH, to the proposed building height of 9.85m. In response to the same Member's enquiry, the Secretary said that the applicant would need to obtain planning permission if the proposed development was converted into 4-storey houses.

97. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.7.2016, 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 of landscape proposals including a tree survey and a tree preservation scheme before commencement of the site formation works to the satisfaction of the Director of Planning or of the TPB;
- (b) the implementation of the landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of emergency vehicular access (EVA), water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the implementation of drainage facilities, as proposed by the applicant in

the submitted Drainage Impact Assessment to the satisfaction of the Director of Drainage Services or of the TPB;

- (e) the design and provision of vehicular access arrangement, car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
- (f) if the above planning condition (a) was not complied with, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

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

- (a) the approval of the application did not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority (BA). 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 BA and major changes to the current scheme were required, a fresh planning application to the TPB might be required;
- (b) to note the comments of the District Lands Officer/Yuen Long that any application to the Lands Department (LandsD) to seek compliance with the lease conditions, if required and submitted by the lot owner, would be processed by LandsD acting in the capacity as landlord at his discretion. The applicant should ensure that the car parking provisions under the current scheme were in all respects complied with the requirements under lease. His comments on the detailed design and disposition of the proposed residential development, including but not limited to the layout of the driveway/carport/disabled car parking provisions, the building height accountability of roof top structures and the GFA accountability of those facilities as listed in Table 4B (at Appendix Ig of the Paper), would be

reserved until formal submission of building plans. Any excessive space might be GFA accountable;

- (c) to note the comments of Chief Building Surveyor/New Territories West, BD that the site should be accessible from the proposed access road having a width of not less than 4.5m wide, which would be completed before the occupation permit application. Attention should be drawn to Building (Planning) Regulation 41D regarding the provision of EVA. The latest pre-requisite requirements under the QBE guidelines contained in PNAP APP-151 & 152 would be applicable to this permission if granted. Detailed comments, including GFA concession, would be given upon formal submission of building plans;
- (d) to note the comments of Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD should not be responsible for the maintenance of the existing vehicular access road connecting the application site and Tai Shu Ha Road West. No trees should be encroached onto the nearby carriageway;
- (e) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the site fell within Scheduled Area No. 2, marble with cavities might be present underneath the site. The applicant should submit building and foundation plans, and ground investigation proposals to the BD for approval as required by the provisions of the Buildings Ordinance; and
- (f) to liaise with the residents of Fraser Village on the proposed development.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/795 Proposed Temporary Logistic Centre and Ancillary Parking of Vehicles for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3150 RP (Part), 3151 RP (Part), 3152 RP (Part), 3162 RP, 3163 RP (Part), 3164 (Part), 3165, 3166, 3167 S.A (Part), 3168 (Part), 3169 (Part), 3177 (Part), 3178 (Part), 3179 (Part), 3180, 3181 S.A (Part), 3181 RP (Part), 3182, 3183 (Part), 3184 (Part), 3187 RP (Part) and 3188 RP in D.D. 129 and Adjoining Government Land, Ha Tusen, Yuen Long
(RNTPC Paper No. A/YL-HT/795)

[Ms. Janice Lai and Mr. Ivan Fu returned to join the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary logistic centre and ancillary parking of vehicles for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest one being about 25m away) and along the access road (Ping Ha Road). Other government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the

statutory public inspection period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons as detailed in paragraph 12 of the Paper. Although DEP did not support the application, relevant approval conditions restricting the operating hours of the logistic centre and prohibiting workshop activities on-site had been recommended to address DEP's concerns.

100. Members had no question on the application.

Deliberation Session

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.7.2015, 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. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction and workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no material/vehicle was allowed to be stored/parked within 1m of any tree on the site, as proposed by the applicant, during the planning approval period;
- (e) the drainage facilities implemented on the site should be maintained at all times during the planning approval period;

- (f) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.1.2013;
- (g) the implementation of the accepted landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 6.1.2013;
- (h) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.1.2013;
- (i) in relation to (h), 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 6.4.2013;
- (j) the submission of a run-in/out proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 6.1.2013;
- (k) in relation to (j) above, the implementation of the run-in/out proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Highways or of the TPB by 6.4.2013;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further

notice; and

- (n) upon 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.

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

- (a) prior planning permission should have been obtained before commencing the development on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government, and to apply to him for occupation of the government land (GL) involved and to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If the application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. He did not guarantee the right-of way or provide maintenance works for the GL allocated to the Chief Engineer/Land Works, Civil Engineering and Development Department for 'Ping Ha Road Improvement Works – Remaining Works' through which the vehicular access to the site passed;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental

nuisance;

- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring space should be provided within the site. No vehicle was allowed to queue back to public road or reverse onto/from public road. The land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that a run-in/out should be constructed at the access point at Ping Ha Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement, and that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;

- (g) to note the comments of the Director of Fire Services that portable hand-operated approved appliances should be provided for storages, open sheds or enclosed structures with a total floor area of less than 230m² with access for emergency vehicles to reach 30m travelling distance to the structures, as required by occupancy and should be clearly indicated on plans. The applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to him for consideration; and

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/796 Temporary Open Parking of Coaches with Ancillary Minor Workshop and Open Storage of Scrap Metal with Two Loading/Unloading Spaces for a Period of 3 Years in "Open Space" and "Open Storage" zones, Lots 479 RP (Part), 480 S.A RP (Part), 480 RP (Part), 485, 486, 487 S.A, 487 S.B, 488, 489 S.A, 489 S.B RP (Part), 490 RP, 491 RP, 494 RP, 495 RP (Part), 496, 497, 498, 499, 500, 501 RP (Part), 504 RP, 505 and 506 (Part) in D.D. 124 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/796)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary open parking of coaches with ancillary minor workshop and open storage of scrap metal with two loading/unloading spaces for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along the access road leading to the site. Other government departments had no objection to or adverse comment on the application;
- (d) one public comment from the owner of Lot No. 506 in D.D. 124 was received during the first three weeks of the statutory public inspection period. The commenter objected to the inclusion of his land into the application site, and that he had never authorized any person to apply for planning permission; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons as detailed in paragraph 12 of the Paper. Although DEP did not support the application as there were sensitive receivers along the access road, relevant approval conditions restricting the operating hours had been recommended mitigate any potential environmental impacts and to address DEP's concerns. Regarding the commenter who objected to the inclusion of his land (Lot No. 506 in D.D. 124) into the application site, it was noted that Lot No. 506 in D.D. 124 had not been included into the application site.

104. Noting that the previous planning permission was revoked due to non-compliance

of approval conditions, a Member enquired about the reason for PlanD to give sympathetic consideration to the application. In response, Mr. W. W. Chan said that although part of the subject site was zoned as “O”, the Leisure and Cultural Services Department (LCSD) did not have any programme to develop the “O” site and temporary uses could be considered for the time being. The site had a long history of being used for open storage and car parking purpose. In order to regulate open storage developments in the New Territories, Town Planning Board Guidelines No. 13E was promulgated by the Board to address the possible adverse impacts of open storage developments. Upon revocation of the previous permission, the open storage use had ceased and the site had been cleared. The current application was submitted by a different applicant and, in this regard, sympathetic consideration could be given as the proposed temporary open storage use was generally in line with TPB PG-No. 13E. The Secretary added that the current application was submitted for a partly different use on a slightly different site.

105. In response to the Chairman's enquiry, Mr. W. W. Chan said that Lot 506 in DD 124 did not form part of the application site.

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

Deliberation Session

106. Noting a Member's concern on the possible impact caused by run-off of waste water or other materials to the surrounding areas, the Chairman said that an advisory clause would be included in the permission reminding the applicant to follow the latest Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites to minimize any potential environmental nuisance. In response to the same Member's enquiry on whether the advisory clause could be imposed as an approval condition, the Secretary said that there were difficulties in enforcing the requirement. The Secretary suggested that an advisory clause could be added to remind the user to keep the site in a neat and tidy manner.

107. A Member enquired how the existing open storage uses on site which did not comply with the planning intention of the sites could be phased out. In response, Mr. W.W. Chan said that that the proliferation of open storage sites in the Ha Tusen area was being

addressed by a comprehensive study to review the land use in the area, taking into account the long-term planning intention and the demand of the open storage and vehicle parking sites in the area. Mr. Chan said that the temporary use of open storage and vehicle parking use at the subject site could be tolerated in the interim period as it would not frustrate the long-term planning intention of the "O" zone.

108. Mr. Chan further explained the purpose of the Town Planning Board Guidelines for Application for Open Storage and Port Backup uses (TPB PG-No. 13E) which provided the framework for the Board to consider application for open storage uses. While port back-up and open storage uses were required to serve Hong Kong's economy, the proliferation of open storage activities in the New Territories had led to considerable degradation of the rural environmental and caused serious problems related to impacts of noise and air pollution, flooding and visual intrusion as well as road congestion and safety. In order to prevent further uncontrolled sprawl of activities and minimize adverse environmental impacts resulting from these land uses, "Open Storage" ("OS") and "Other Specified Uses" annotated "Port Back-up Uses" (OU(PBU)) zones were designated in appropriate areas on statutory town plans with a view to meeting the demand for open storage and port back up sites and to regularizing the already haphazard proliferation of such uses within these zones. Temporary open storage and port back-up uses might also be permissible on application to the Board in areas covered by rural statutory town plans, except in environmentally or ecologically sensitive areas. Mr. Chan briefly explained the four categories of areas as set out in the TPB PG-No.13E as follows:

- (i) Category 1 areas: these areas were considered suitable for open storage and port back-up uses. Favourable consideration would normally be given to applications within these areas, subject to no major adverse departmental comments and local objections;
- (ii) Category 2 areas: these areas were mostly without clear planning intention or fixed development programme, within or close to clusters of open storage or port back-up sites which were regarded as "existing uses" and/or subject of previous planning approvals. Subject to no adverse departmental comments and local objections, planning permission could be granted on a temporary basis;

- (iii) Category 3 areas : Within these areas, "existing" and approved open storage and port back-up uses were to be contained and further proliferation of such uses was not acceptable. Applications would normally not be favourably considered unless the applications were on sites with previous planning approvals; and
- (iv) Category 4 areas : these were areas with ponds or wetland or with extensive vegetation or close to environmentally or ecologically sensitive areas. Applications for open storage and port back-up uses in these areas would normally be rejected except under exceptional circumstances.

109. The Chairman supplemented that DLCS could resume the land for development of the open space when necessary by giving advanced notice of, say, six months to the operator as stated in the Paper.

110. The Secretary added that according to TPB PG-No.13E, the northern part of the site fell within Category 1 area while the southern portion of the site fell within Category 3 area. For the part of the subject site which fell into Category 3 areas, as there was no definite development programme for the planned "O" use, and the site had been previously occupied by open storage uses, sympathetic consideration might be given on the condition that relevant technical assessments/ proposals were provided to demonstrate that the proposed use would not generate adverse impacts on the surrounding areas. Planning permission would normally not be given to applications within Category 3 area without previous planning approvals.

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.7.2015, 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 (i.e. vehicular movement in/out/within the site) between 10:00 p.m. to 6:00 a.m. from Mondays to Saturdays, and between 8:00 p.m. to 8:00 a.m. on Sundays and public holidays, as proposed by the applicant, was allowed on the coach parking portion of the site during the

approval period;

- (b) no night time operation between 10:00 p.m. to 7:00 a.m. from Mondays to Saturdays, as proposed by the applicant, was allowed on the open storage and ancillary workshop portions of the site during the approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the open storage and ancillary workshop portions of the site during the planning approval period;
- (d) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.8.2012;
- (e) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.1.2013;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.4.2013;
- (g) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.1.2013;
- (h) in relation to (g) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.4.2013;
- (i) 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 6.1.2013;

- (j) in relation to (i) above, the implementation of 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 6.4.2013;
- (k) the submission of a landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 6.1.2013;
- (l) in relation to (k) above, the implementation of the landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 6.4.2013;
- (m) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j), (k) or (l) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected

without the prior approval of the Government; and to apply to him for occupation of the government land (GL) involved and to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion 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/fees, as might be imposed by LandsD. DLO/YL did not provide maintenance works or guarantee right-of-way for vehicular access to the site via a local road on GL from Hung Chi Road;

- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Director of Environmental Protection to minimize any potential environmental nuisance;
- (d) there should be proper management of the temporary open storage at the application site which should be kept in a clean and tidy condition;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and to consult the relevant lands and maintenance authorities accordingly. Sufficient manoeuvring space should be provided within the site. No vehicle was allowed to queue back to public road or reverse onto/from the public road;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department to construct the run-in/out at the access point at the road near Hung Tin Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement; and that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and

drains;

- (g) to note the comments of the Director of Fire Services in Appendix V of the Paper and to submit relevant layout plans incorporated with the proposed FSIs to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations (FSIs) were to be installed should be clearly marked on the layout plans. The details of the open sheds for logistics use should be provided. The applicant should also adhere to the 'Good Practice for Open Storage' provided at Appendix VI of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and

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

[Mr. Rock Chen left the meeting at this point.]

Agenda Item 33

Section 16 Application

[Open Meeting]

A/YL-LFS/235

Proposed Residential Development with Minor Relaxation of Plot Ratio from 0.2 to 0.2334 in “Residential (Group C)” and “Residential (Group D)” zones, Lots 10 RP, 12 RP, 14 S.B RP, 14 RP, 15 S.A RP, 15 RP, 16 RP, 17 S.A RP, 17 S.B, 17 S.C and 17 RP in D.D. 128, Lots 2153 S.A and 2388 S.A ss.2 in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/235)

113. The Secretary reported that on 25.6.2012, the applicant requested the Board to defer making a decision for two months in order to allow time to prepare supplementary information to address technical concerns of government departments.

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

[Ms. Anita Lam returned to the meeting at this point.]

Agenda Item 34

Section 16 Application

[Open Meeting]

A/YL-NTM/275 Temporary Container Vehicle Park with Ancillary Offices for a Period of 3 Years in “Open Storage” zone, Lots 2844 RP (Part), 2845 (Part), 2849 (Part), 2850, 2851 RP, 2854, 2855, 2856, 2857, 2858 RP, 2859 RP (Part), 2874 (Part), 2875 (Part), 2893 (Part), 2895 (Part), 2896 (Part), 2897 (Part) and 2898 (Part) in D.D. 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/275)

115. The Secretary reported that on 19.6.2012, the applicant requested the Board to defer making a decision for two months in order to allow time for preparation of further information to address departmental and public comments.

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

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

Agenda Item 35

Section 16 Application

[Open Meeting]

A/YL-KTN/385 Temporary Private Car Park for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3316 RP (Part), 3331 RP (Part), 3337 RP, 3338 RP (Part), 3339, 3340 RP (Part), 3341 RP (Part), 3342 (Part), 3343 to 3346, 3347 (Part), 3348 (Part), 3349 RP (Part), 3350, 3351 (Part), 3359 RP and 3360 RP in D.D. 104 and Adjoining Government Land, Long Ha, San Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/385)

117. The Secretary reported that on 2.7.2012, the applicant requested the Board to defer making a decision on the application for one month in order to address the comments of Transport Department.

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

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/386 Proposed Temporary Open Storage of Vehicles with Ancillary Office for a Period of 3 Years in “Agriculture” zone, Lot 161 RP (Part) in D.D. 110, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/386)

Presentation and Question Sessions

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

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 proposed temporary open storage of vehicles with ancillary office for a period of three 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 applicant as there were sensitive receivers of residential structures located to the immediate north and east of the site (with the nearest one about 10m away) and in the vicinity of the site. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view as she advised that according to the aerial photos taken on 1.11.2010 and 12.12.2011, the site was originally vegetated, but was subsequently cleared, paved and used for open storage of vehicles. Approval of the application might set an undesirable precedent to similar open storage applications in the area, encouraging urban sprawl into the “AGR” zone and further degrading the local landscape character. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the agricultural life in the vicinity of the site was very active and the site had high potential for agricultural rehabilitation;
- (d) one public comment was received from a Yuen Long District Council member during the first three weeks of the statutory public inspection period. The commenter objected to the application as the development was in conflict with the agricultural use; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 12 of the Paper. The development was not in line with the planning intention of the “AGR” zone. DAFC also 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. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis. The application did not comply with the TPB PG-No. 13E in that there was no previous approval for open storage use granted at the site and that existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable. Moreover, there were adverse departmental comments and local objection against the application. DEP did not support the application as there were residential structures located to the immediate north and west and in the vicinity of the site, and environmental nuisance was expected. From the landscape point of view, there was reservation on the application as approval of the application might set an undesirable precedent to similar open storage applications in the area, encouraging urban sprawl into the “AGR” zone and further degradation of the local landscape character. The applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas. In this regard, the current application did not warrant sympathetic consideration. There was also a local objection to the proposed development which was in conflict with the agricultural uses.

120. In response to a Member's enquiry, Ms. Ho said that the site was subject to planning enforcement action. Enforcement Notice was issued to the concerned parties on 10.4.2012 to enforce unauthorised storage use (including deposit of containers) therein. In response to the Chairman's enquiry, Ms. Ho confirmed that the two other open storage/storage yards and workshop in the vicinity of the subject site were also unauthorised development.

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

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

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/557 Proposed Temporary Public Car Park with Ancillary Site Office for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lot 545 (Part) in D.D. 106 and Adjoining Government Land, Tung Wui Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/557)

[Ms. Janice Lai left the meeting at this point.]

Presentation and Question Sessions

122. 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 public car park with ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. She advised that based on the aerial photos on 24.5.2010 and 19.1.2011, there were signs of vegetation clearance within the site. The approval of this application would set an undesirable precedent to other similar applications in the area, resulting in degradation of existing landscape resources and urban sprawl. Other government departments had no objection to or adverse comment on the application;
- (d) one public comment from a Yuen Long District Council member was

received during the first three weeks of the statutory public inspection period. The commenter indicated that the villagers of Ng Ka Tsuen objected to the application as the land filling works arising from the proposed development would cause blockage of drainage channel and hence flooding problem in the rainy season. Besides, the site was located near the road junction and the vehicles entering the site would cause safety problem to the pedestrians and cyclists. The application should be considered taking into account its adverse impacts on environment, traffic and the local residents; and

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

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons as detailed in paragraph 12 of the Paper. Although CTP/UD&L, PlanD had reservation on the application as the site was cleared for the proposed development and the application was a suspected “Destroy First, Build Later” case, investigation was subsequently carried out by concerned departments which confirmed that the current application was not a “Destroy First, Build Later” case as the site formation works and land filling activity did not constitute unauthorised development under the Town Planning Ordinance or violate other relevant legislation, lease or government requirements. To address the landscape concern raised by CTP/UD&L, PlanD, relevant approval conditions had been recommended. Regarding the objection which was raised by local villagers on adverse drainage and road safety grounds, the proposed development was considered not incompatible with the surrounding land uses and the formation/clearance works on the site did not violate relevant legislation, lease or government requirements and no adverse comment had been received from the relevant departments. Appropriate approval conditions and advisory clauses were recommended to avoid/minimize the drainage, traffic, landscape and environmental impacts arising from the proposed development.

123. Members had no question on the application.

Deliberation Session

124. As vegetation clearance and site formation works had been carried out on the site, a Member enquired why the site was not considered as a “Destroy First, Building Later” case. In response, Mr. W. W. Chan replied that the approach adopted by the Board to deter "Destroy First and Build Later" activities was mainly intended to prevent incidents in which application sites were illegally filled up and vegetation was cleared, prior to obtaining approval for development in the hope that the Board would give sympathetic consideration to the application. The approach adopted by the Board was to defer making a decision on the application before full investigation into whether the unauthorised development constituted an abuse of the planning application process was made. For the current application site which was zoned “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) on the Kam Tin South OZP, only the filling of pond or excavation of land would require planning permission from the Board. As site formation works and the clearance of vegetation did not require planning permission, such activities would not be considered as unauthorised development under the “OU(RU)” zone. The Secretary supplemented that as there was no statutory planning control over the filling of land or site formation works under “OU(RU)” zone, the Planning Authority did not have the authority to require the reinstatement of the site before the Committee gave consideration to the application.

125. Two Members enquired the reason why site formation works under the “OU(RU)” zone did not require planning permission. In response, the Secretary said that the “OU(RU)” zoning was intended to allow developments that were compatible with the rural landscape. In this regard, the level of planning control under the “OU(RU)” zone was less stringent than other rural and conservation zonings such as “Agriculture”, “Conservation Area” and “Green Belt”. However, the need for planning permission for pond filling activity under “OU(RU)” zone was mainly to address the potential drainage problems in the area.

126. In response to a Member’s enquiry, Ms Bonita K. K. Ho said that the application site was currently cleared and paved and the site formation works was mainly to raise the level of the proposed carpark to the same level as Tung Wui Road. Making reference to

Plan A-3a of the RNTPC Paper, a Member was concerned about the site formation works. The Chairman reiterated that planning permission for such site formation works was not required under the “OU(RU)” zoning.

127. A Member noted that as the “OU(RU)” zoning was mainly intended for development, it would not be possible to prevent such site formation works and vegetation clearance from taking place on these sites. The Secretary supplemented that the "OU(RU)" zone was usually designated for sites where the rural character had already been affected by development and the intention was to rehabilitate the damaged natural landscape with a view to phasing out the open storage development and introducing passive recreation uses as well as a selected range of rural uses. Areas with large scale of undisturbed natural landscape would usually be zoned as “Agriculture” or other conservation-related zonings, where more stringent planning control would be imposed.

128. In response to a Member’s concern on the adverse drainage impact caused by such site formation works, the Secretary said that DSD would be consulted on the necessary control over site formation works at flood prone areas, and the Notes of the OZP could be amended to help address drainage and flooding problems in the area, should it be required by DSD.

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

129. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.7.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no 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;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other

workshop activities was allowed on the site at any time during the planning approval period;

- (d) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) 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 tractors/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (f) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (g) the existing vehicular access/run-in between the site and the public road should be maintained at all times during the planning approval period;
- (h) 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 6.1.2013;
- (i) in relation to (h) 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 6.4.2013;
- (j) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.1.2013;
- (k) in relation to (j) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of

Drainage Services or of the TPB by 6.4.2013;

- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.1.2013;
- (m) in relation to (l) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.4.2013;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issue relating to the development with the concerned land owners of the application site;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) the permission was given to the use under application. It did not condone any other use including the open storage use which currently existed on the

site but was not covered by the application. The applicant should be requested to take immediate action to discontinue such use not covered by the permission;

- (d) to note the comments of District Lands Officer/Yuen Long (DLO/YL) that the private land involved under the application comprised Old Scheduled Agricultural Lot held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the government. No approval had been given for the specified structure for office. From the application, government land (GL) was included in the site. No permission had been given for occupation of GL within the site. The site was accessible via GL from Tung Wui Road. Lands Department (LandsD) did not provide maintenance works for this GL nor guarantee right of way. The lot owner and occupier of the GL concerned needed to apply to LandsD to permit any structure 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 approval was granted, it would be subject to such terms and conditions including among others the payment of premium or fee, as imposed by LandsD;
- (e) 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 potential environmental nuisances;
- (f) to note the comments of Director of Environmental Protection that no water point of vehicle washing should be allowed on the site. Besides, the sewage generated by the moveable toilet should be collected regularly and taken out from the site;
- (g) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that based on the landscape proposal submitted, the proposed trees along the north-eastern boundary seemed to be overlapping

with the proposed car park spaces. In general, the car park spaces should be set back for at least 1.5 m to allow tree planting along the boundary;

- (h) to note the comments of Director of Agriculture, Fisheries and Conservation that based on the drainage proposal submitted, the surface run-off would be collected and discharged into the adjacent watercourse, which was a former meander of Kam Tin River retained under the Kam Tin Main Drainage Channel project for ecological mitigation purposes. The applicant should adopt necessary measures in their proposed drainage system (eg. silt/oil traps) to prevent polluting the meander with surface run-offs during operation as far as practicable;
- (i) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the proposed development should not cause adverse drainage impact on the adjacent areas. Regarding the drainage proposal submitted, the flow direction of the proposed 300m U-channel should be reversed. The size of the proposed catchpits and the details of the connection with the existing stream should be shown on the drainage proposal plan. The applicant should check and demonstrate that the hydraulic capacity of the existing stream would not be adversely affected by the proposed development. DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside site boundary or the applicant's jurisdiction;
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structure, for other storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. The layout plans should be drawn to

scale and depicted with dimensions and nature of occupancy. 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 above, the applicant was required to provide justifications to his department for consideration;

- (k) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works were to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they were unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (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 any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. Containers used for offices were considered as temporary buildings that were subject to the control of the BO. Formal submission under the BO was required for any proposed new works, including the temporary structures. The applicant should also observe the requirements on provision of emergency vehicular access to all buildings under Building (Planning) Regulation 41D; and

- (l) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant and/or his contractors should liaise with the electricity supplier, and if necessary, ask the electricity supplier to divert the underground cables (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the application site. The "Code of Practice on Working

near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/567 Renewal of Planning Approval for Temporary “Open Storage of Electricity Generators and Compressors with Maintenance Work” (under Application No. A/YL-KTS/467) for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 391 RP (Part), 392 RP, 398 S.A (Part) and 1356 RP (Part) in D.D. 106, Shek Wu Tong, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/567)

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

Presentation and Question Sessions

131. 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 renewal of planning approval for temporary “open storage of electricity generators and compressors with maintenance work” for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of

residential structures/development located to the south (the nearest Small Houses development under construction was about 10m away) and in the vicinity of the site. Other government departments had no objection to or adverse comment on the application;

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

- (d) one public comment from the Village Affairs Association of Tin Sam Tsuen, Pat Heung, Yuen Long was received during the first three weeks of the statutory public inspection period. The commenter expressed concern that the development would cause adverse environmental impacts on the nearby residents. The grease generated by the development would contaminate the area particularly during rainy days and affect the drainage system and the safety of the pedestrians/villagers. The heavy vehicles of the development would cause traffic congestion and safety problem if there was a fire hazard. Since the electricity generators and compressors were stacked up, they would also be blown off by strong wind or typhoon and the nearby residents and vehicles would be in danger; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the open storage of electricity and compressors with maintenance work could be tolerated for a further period of one year for the reasons as detailed in paragraph 12 of the Paper. Although DEP did not support the application due to the existence of a Small House development under construction near the site, it was considered that DEP's concern could be addressed by granting a shorter approval period of one year to the application so that any possible nuisance would be closely monitored. Relevant approval conditions restricting the operating hours, prohibiting paint spraying activity at the open area of the site and requiring the maintenance of the peripheral fence wall of 2.5m high were also recommended to address DEP's concern. Regarding the local concern on the adverse environmental, drainage and traffic impacts on the surrounding areas and safety problems on the nearby residents/vehicles, it was recommended to give a shorter approval period and to include appropriate approval

conditions and advisory clauses (on environmental mitigation measures) to address the concern. An approval condition restricting the stacking height of the materials stored within 5 metres of the periphery of the site was also recommended to address the safety problem.

132. Members had no question on the application.

Deliberation Session

133. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, from 11.7.2012 until 10.7.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 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 operation on Sundays and statutory holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no paint spraying activity should be carried out at the open area of the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no reversing of vehicles into or out from the site was allowed during the planning approval period;
- (e) the vehicular access/run-in between the site and the public road should be maintained at all times during the planning approval period;
- (f) the stacking height of the materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence;
- (g) the peripheral fence wall of 2.5m high should be maintained at all times

during the planning approval period;

- (h) the existing trees and landscape planting on the site should be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (j) the submission of a record of the existing drainage facilities on the site within 3 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 10.10.2012;
- (k) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.8.2012;
- (l) the submission and implementation 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 10.1.2013;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of

the TPB.

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) a shorter approval period was granted and shorter compliance periods were imposed accordingly so as to monitor the situation on the site given a Small House development was located close to the site to its south;
- (c) to note the comments of District Lands Officer/Yuen Long that the private land involved comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the government. A Short Term Waiver (STW) No. 2504 was granted on Lot 391 RP and 392 RP permitting structures for office and workshop ancillary to the open storage of electricity generators and compressors with a total built-over-area not exceeding 495m² and height not exceeding 5.2m. The site was accessible to Kam Sheung Road via government land (GL). Lands Department (LandsD) did not provide maintenance works on this GL nor guarantee right of way. The lot owner had to ensure that all the existing structures would comply with the conditions of the STW 2504 or the lot owner should according to approved parameters apply to LandsD to 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 payment of premium or fee, as might be imposed by LandsD. Should any irregularities be found without application, his office reserved the right to take enforcement action including termination of the STW;
- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open

Storage Sites” issued by the Director of Environmental Protection to minimize any possible environmental nuisances;

- (e) to note the comments of Director of Agriculture, Fisheries and Conservation that the applicant should adopt necessary run-off control measures to prevent polluting the adjacent watercourse which would connect to a nearby channel with some ecological value;
- (f) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the existing drainage facilities should be maintained in good condition and would not cause any adverse drainage impact to the adjacent areas;
- (g) to note the comments of Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements in Appendix VI of this RNTPC paper. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his department for consideration. To address the approval condition related to provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval;
- (h) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission

voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, 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 Supplier Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carry out works in the vicinity of the electricity supply lines; and

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

Agenda Item 39

Section 16 Application

[Open Meeting]

A/YL-KTS/568 Temporary Vegetable Collection Station for a Period of 3 Years in
“Village Type Development” zone, Lot 365 S.A in D.D. 106, Shek Wu
Tong, Kam Sheung Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/568)

135. The Secretary reported that on 29.6.2012, the applicant requested the Board to defer making a decision on the application for one month in order to allow sufficient time to prepare supplementary information related to the fire service installations for the application.

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

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/630 Temporary Horse Riding School For a Period of 3 Years in
“Agriculture” zone, Lots 2831, 2832, 2833, 2834, 2835, 2836, 2837,
2838, 2839, 2840, 2841, 2842 (Part), 2843 (Part), 2846 (Part), 2847,
2848, 2849 S.A, 2849 S.B (Part), 2849 S.C (Part), 2850 (Part), 2853
(Part), 2855 S.A (Part) and 2855 S.B (Part) in D.D. 111 and Adjoining
Government Land, Wang Toi Shan, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/630)

Presentation and Question Sessions

137. 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 horse riding school for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;

- (d) one public comment from a Yuen Long District Council member was received during the first three weeks of the statutory public inspection period. He objected to the application as the site was subject to repeated revocations and the applicant had no intention to fulfil the approval conditions; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of three years for the reasons as detailed in paragraph 11 of the Paper. Regarding the local objection claiming that the applicant had not demonstrated genuine effort in complying with approval conditions, it was noted that the applicant had made effort and complied with the approval conditions related to the maintenance of the fence, landscape and drainage proposal aspects under the last approval. The applicant had also submitted drainage and FSIs proposals under the current application. As the application had previously been revoked, shorter compliance periods were recommended to monitor the progress of compliance under the current application.

138. Members had no question on the application.

Deliberation Session

139. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.7.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the operation hours of the use were restricted to 9:00 a.m. to 7:00 p.m. from Mondays to Fridays and 9:00 a.m. to 8:00 p.m. from Saturdays to Sundays, as proposed by the applicant, during the planning approval period;
- (b) the existing fencing on the site should be maintained at all times during the planning approval period;
- (c) the submission of drainage proposal within 3 months from the date of

planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.10.2012;

- (d) in relation to (c) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.1.2013;
- (e) the submission of landscaping and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.10.2012;
- (f) in relation to (e) above, the implementation of landscaping and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.1.2013;
- (g) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.10.2012;
- (h) in relation to (g) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.1.2013;
- (i) if any of the above planning conditions (a) or (b) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) 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.

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

- (a) a shorter compliance period was granted so as to monitor the fulfilment of the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the government. No approval had been given for the specified structure as office, common room and ancillary facilities (such as stable, storeroom, spectator stand and shelter). No permission had been given for occupation of government land (GL) within the site. The site was accessible from Kam Tin Road via a track on private land and GL. LandsD did not provide maintenance works on this GL nor guarantee right of way. The lot owner and occupier of the GL concerned would still 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 imposed by LandsD;
- (d) to note the comments of the Commissioner for Transport that the site was connected to public road network via a section of local access road which was not managed by 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;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road/Fan Kam Road;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that all the trees should be properly maintained. No nailing or ropes should be allowed on trees. Dead or uprooted trees should be replaced. Regarding the submitted landscape proposal, locations of existing trees, shrubs, turf areas and pond should be clearly indicated on a landscape plan with proper legend. The species and quantity of all the plantings should be provided for reference. Besides, method statements for tree maintenance according to good horticultural practices should be submitted for review;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should apply for necessary licence(s) from her department. The applicant should also adopt good site practice and measures during operation to avoid encroaching onto / disturbing the Lam Tsuen Country Park which was immediately adjacent to the site;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the submitted drainage proposal appeared to be preliminary. Many essential details such as gradients and sizes of the proposed u-channels, connection details of the proposed channels and the existing drainage facilities and respective locations of the drainage facilities with respect to the development site etc., were missing. The site was in an area where there were no proper public stormwater and sewerage systems. The area was probably being served by some of the existing local village

drains;

- (i) to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by Environmental Protection Department to adopt environmental mitigation measures to minimize any possible environmental nuisances;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that there was no record of approval by the Building Authority for the structures existing at the site. The applicant should also observe the requirements in Appendix III of the RNTPC paper;
- (k) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (l) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the building plans. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements as listed in Appendix III of the RNTPC paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed, the applicant was required to provide justifications to his department for consideration.

Regarding the FSIs proposal submitted, the dimension of structures should be indicated on plan. Besides, portion of upper level of Zone B was indicated as open top. The applicant should clarify whether it was a flat roof with the usage being provided or a void so that the portion of lower level was open-air. In addition, the layouts and FSI proposal for the two structures (spectator stands) close to the car park area on the block plan should be provided.

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/640 Proposed Temporary Open Storage (Machinery and Equipment, Accessories, Construction Materials and Cars) for a Period of 3 Years in “Residential (Group D)” zone, Lots 26, 28, 29, 33 and 35 in D.D. 111, A Kung Tin, Yuen Long
(RNTPC Paper No. A/YL-PH/640)

Presentation and Question Sessions

141. The Secretary reported that on 6.7.2012, the applicant submitted a letter, which was tabled at the meeting for the Committee’s consideration, requesting the Board to defer making a decision on the application for two months in order to allow time to prepare further information to address comments from relevant government departments.

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

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/641 Temporary Open Storage of Construction Materials and Vehicle Parts for a Period of 3 Years in “Residential (Group D)” zone, Lots 2901 (Part), 2902 (Part), 2904 (Part), 2905 (Part), 2909 (Part) and 2911 (Part) in D.D. 111 and Adjoining Governmnet Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/641)

Presentation and Question Sessions

143. 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 applied temporary open storage of construction materials and vehicle parts use for a period of three 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 dwellings located to the west (the nearest dwelling being 25m away) and in the vicinity of the site. Other government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, two local comments from a Yuen Long District Council member and a villager of Wang Toi Shan Tsuen were received. The commenters objected to the application as the village road was narrow and could not accommodate the vehicles entering and exiting the proposed development. Also, the vehicles

would cause adverse noise impacts to the surrounding rural environment. Besides, the application had been revoked twice and the applicant did not demonstrate effort to comply with the approval conditions; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons as detailed in paragraph 12 of the Paper. Although DEP did not support the application, no environmental complaint had been received by DEP in the past three years and relevant approval conditions restricting the operating hours and types of vehicles and prohibiting workshop activities would be recommended to address DEP's concerns. Regarding the two local objections on adverse traffic and environmental impacts, relevant government departments including the Transport Department and the Police had no adverse comments on the application. To address environmental concerns, appropriate approval conditions had been recommended. While the last two previously approved applications were revoked due to non-compliance with approval conditions on fire safety aspects, D of FS had no adverse comment on the application and fire extinguishers and emergency signs as well as lightings had been provided on-site. Shorter compliance periods for approval conditions could be recommended to closely monitor the progress of compliance.

144. Members had no question on the application.

Deliberation Session

145. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.7.2015, 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. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant,

was allowed on the site during the planning approval period;

- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (d) the stacking height of construction materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence of the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (f) the existing trees and landscape planting on the site should be maintained at all times during the planning approval period;
- (g) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.10.2012;
- (h) in relation to (g) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.1.2013;
- (i) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.8.2012;
- (j) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.10.2012;

- (k) in relation to (j) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.1.2013;
- (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.

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

- (a) shorter compliance periods for the approval conditions were given in order to closely monitor the compliance of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) to resolve any land issue relating to the development with the concerned owners of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land involved comprised Old

Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the Government. Lot 2902 (Part) was covered by a Short Term Waiver No. 2916 for the purpose of storage of construction materials use with permitted built-over area not exceeding 90m² and building height not exceeding 5.2m above ground level and 1.2m below ground level. No permission had been given for occupation of government land (GL) within the site. The site was accessible from Kam Tin Road via private land and GL. LandsD did not provide maintenance works on this GL nor guarantee right of way. The lot owner concerned would need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and condition, including among others the payment of premium or fee, as might be imposed by LandsD;

- (e) to note the comments of the Commissioner for Transport that the site was connected to the 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;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (g) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to alleviate any potential environmental nuisance;

- (h) there should be proper management of the temporary open storage at the application site which should be kept in a clean and tidy condition;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the photo submitted indicating that an underground pipe was under maintenance. However, this pipe was not indicated in the drainage plan. Besides, the drainage plan should indicate the arrangement on how the stormwater runoff of the site would discharge to the existing public drainage facilities;
- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation that the trees surrounding the site should be preserved during operation as far as practicable;
- (k) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structure, the applicant should make reference to the requirements in Appendix V of this RNTPC paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his Department, the applicant was required to provide justifications to his Department for consideration. Besides, to address the condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval;
- (l) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction,

operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard pedestal hydrant;

- (m) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, 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 Supplier Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carry out works in the vicinity of the electricity supply lines; and

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

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/303 Proposed School (Kindergarten) in “Village Type Development” zone,
Lot 5289 in D.D. 116 and Adjoining Government Land, 153 Sung
Ching San Tsuen, Tai Tong Road, Yuen Long
(RNTPC Paper No. A/YL-TT/303)

Presentation and Question Sessions

147. 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 school (kindergarten);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, three public comments were received from residents living in the vicinity of the site and in Sung Ching San Tsuen. The commenters objected to the application mainly on traffic, noise nuisance, sewerage/waste issues and safety/security grounds. They commented that the pathway connecting the site to Tai Tong Road was already very narrow and pedestrian traffic and cycle parking generated from the proposed development might cause congestion and inconveniences to the villagers. They were also concerned that noise generated from the school activities and sewerage/waste issues, such as clogging of existing pipelines and mosquito breeding, would cause nuisance to the residents in the neighbourhood. Concerns on traffic safety, in particular the picking up/dropping off of students from Tai Tong Road,

and security issues were also raised; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper. Regarding the local concerns on adverse traffic impacts, noise nuisance, sewerage and waste generation and safety and security issues, it was noted that the proposed kindergarten had no direct access from public roads and could only be accessed from Tai Tong Road via a local village track that was communally used by the nearby villagers and residents. While there were public concerns on the potential congestion of the footpath and on the safety of the students, relevant government departments consulted had no adverse comments on the application. Regarding the safety concerns, the applicant had committed to ensure that the school premises would be well fenced and staff of the kindergarten would be present to monitor and safeguard the students. Regarding the issue of noise impact, the applicant had committed to have school activities only on weekdays from 8:30 a.m. to 6:30 p.m. and there would be no operation on Sundays and public holidays to minimize any possible noise impact.

148. In response to a Member's enquiry on the investigation mentioned in paragraph 4 of the Paper, Ms. Bonita K. K. Ho said that the subject site was not covered by a valid planning permission and the storage of construction material was observed during a recent site visit. In this connection, an investigation was initiated to find out whether there was any unauthorized development at the application site. Some structures for toilets at the open area were noted and PlanD was verifying whether these structures constituted as unauthorized development. In response to the Chairman's enquiry, Ms. Ho said that the scaffolding observed in photos 1 and 3 on Plan A-4a of the Paper was mainly for the maintenance of the external wall of the kindergarten premises.

Deliberation Session

149. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.7.2016, 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 water supplies for firefighting and fire service installations prior to the commencement of the development to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the lot owner(s) 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, access to the site was through an informal village track on Government land and other private land extended from Tai Tong Road. His office did not provide maintenance works for this track nor guarantee right-of-way to the site. Part of the government land was temporarily allocated to the Drainage Services Department (DSD) for the “PWP Item 4368DS – Yuen Long South Branch Sewers” project;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to nearby public roads and drains and that his Department should not be responsible for the

maintenance of any access connecting the site and Tai Tong Road;

- (e) to note the comments of the Chief Engineer/Mainland North, DSD that drainage facilities should be provided to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. Moreover, DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside the site boundary or the applicant's jurisdiction;
- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The emergency vehicular access provision in the application site should comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulations (B(P)R) 41D; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the 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 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 (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO.

As the proposed kindergarten was subject to the issue of a licence, any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority. Two independent means of escape in width of not less than 1050mm should be provided. Moreover, 2/F should be separated from G/F and 1/F by fire barriers in accordance with the requirements as stated in the Code of Practice for Fire Safety in Buildings 2011. If new container office, storerooms and toilets were proposed, they were considered as temporary buildings subject to control under the B(P)R Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site 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.

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/304 Temporary Storage of Ceramic Tiles for a Period of 3 Years in
 “Residential (Group D)” zone, Lot 4685 S.B RP (Part) in D.D. 116 and
 Adjoining Government Land, Tai Shu Ha Road East, Tai Tong, Yuen
 Long
 (RNTPC Paper No. A/YL-TT/304)

Presentation and Question Sessions

151. 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 applied storage of ceramic tiles for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate east and south and in the vicinity of the site;
- (d) no public comment was received during the first three weeks of the statutory public inspection period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons as detailed in paragraph 11 of the Paper. The development was not in line with the planning intention of the “R(D)” zone. It was also incompatible with the surrounding environment comprising mainly residential dwellings to the immediate east and south of the site. Although there were warehouses, open storage yards and workshops in the vicinity of the site, they were mostly suspected unauthorized developments subject to enforcement action to be taken by the Planning Authority. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. DEP did not support the application as there were sensitive receivers of residential uses and environmental nuisance was expected. The applicant did not provide any information to address the potential environmental impact of the development. The approval of the application would set an undesirable precedent and encourage other similar applications for storage/warehouse uses within the subject “R(D)” zone.

152. In response to the Chairman’s query, Ms. Bonita K. K. Ho said that the site was currently occupied for the applied use without a valid planning permission.

Deliberation Session

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

- (a) the development was not in line with the planning intention of “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. No strong planning justification had been given to justify a departure from the planning intention, even on a temporary basis;
- (b) the development would generate adverse environmental impact on the residential uses located to the immediate east and south and in the vicinity of the application site; and
- (c) the approval of the application would set an undesirable precedent for applications within the “R(D)” zone. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/582 Temporary Open Storage of Metal Parts with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots 748 (Part), 797 (Part) and 798 (Part) in D.D. 117, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/582)

Presentation and Question Sessions

154. 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 open storage of metal parts with ancillary workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate south and southeast of the site as well as in the vicinity of the site. Other government departments had no objection to or adverse comment on the application;
- (d) one public comment from a Yuen Long District Council member was received during the first three weeks of the statutory public inspection period. The commenter objected to the application and considered that the applicant did not demonstrate effort to comply with the approval conditions given the numerous revocations of planning approvals relating to the site. Therefore, the Board should not consider granting approval to the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 12 of the Paper. Although DEP did not support the application due to the presence of sensitive receivers and in the vicinity of the site, there had not been any environmental complaint in the past three years. Relevant approval conditions restricting the operating hours and prohibiting the use of heavy goods vehicles were recommended to address DEP's concerns. Regarding the public comment on the applicant's lack of commitment to comply with the approval conditions, it was noted that the applicant had already vacated the site prior to seeking planning permission for the use under application.

155. Members had no question on the application.

Deliberation Session

156. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.7.2015, 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. and 9:00 a.m. , as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation between 1:00 p.m. and 6:00 p.m. on Saturdays and no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no heavy goods 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;
- (d) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (e) the submission of a record of the existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.10.2012;
- (f) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.10.2012;
- (g) the 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 6.1.2013;

- (h) the provision of fire extinguisher(s) together with a valid fire certificate (FSI 251) within 6 weeks from the date of planning approval to the satisfaction of Director of Fire Services or of TPB by 17.8.2012;
- (i) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.10.2012;
- (j) the 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 6.1.2013;
- (k) if any of the above planning conditions (a), (b), (c), or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i), or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; 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.

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

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

- (b) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (c) sympathetic consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owners concerned would need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal village track on Government land and other private land extended from Shan Ha Road. His office did not provide maintenance works for this track nor guarantee right-of-way;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department 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 comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that there was room for further tree planting along the western and southern boundaries of the application site to enhance the screening and greening effect. The location and numbers of existing trees as shown on the submitted landscape and tree preservation proposal were found not tally with the actual situation on-site. All the existing and proposed trees on site should be clearly marked and differentiated on plan using two different symbols in order to avoid confusion. In addition, stored materials were found stacking around the tree bases, jeopardizing the healthy growth of trees. All the stored materials should be cleared from the bases of trees and kept minimum 1m away from the tree trunks.
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant should make reference to the requirements in Appendix V of the RNTPC Paper. For the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his Department for approval. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority 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 Building Authority 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 Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on 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

- (1) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the 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. W.W. Chan, DPO/TMYL, Mr. Vincent T.K. Lai and Ms. Bonita K.K. Ho, STPs/TMYL, for their attendance to answer Members' enquires. Mr. Chan, Mr. Lai and Ms. Ho left the meeting at this point.]

Agenda Item 46

Any Other Business

158. There being no other business, the meeting closed at 6:10 p.m..