

TOWN PLANNING BOARD

Minutes of 473rd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 21.9.2012

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Dr. C.P. Lau

Dr. W.K. Yau

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Mr. H.F. Leung

Dr. W.K. Lo

Ms. Anita W.T. Ma

Professor K.C. Chau

Mr. W.C. Luk

Ms. Janice W.M. Lai

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

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

Chief Traffic Engineer/New Territories West,
Transport Department
Mr. W.C. Luk

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

Secretary

Absent with Apologies

Mr. Rock C.N. Chen

Ms. Christina M. Lee

Professor Edwin H.W. Chan

Dr. Wilton W.T. Fok

Chief Engineer (Works), Home Affairs Department
Mr. Frankie W.P. Chou

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

In Attendance

Assistant Director of Planning/Board
Ms. Christine K.C. Tse

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

Town Planner/Town Planning Board
Ms. Roberta P.Y. Au

Agenda Item 1

Confirmation of the Draft Minutes of the 472nd RNTPC Meeting held on 7.9.2012

[Open Meeting]

1. The draft minutes of the 472nd RNTPC meeting held on 7.9.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. 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/ST/18 Application for Amendment to the Approved Sha Tin Outline Zoning Plan No. S/ST/26, to rezone the application site from “Residential (Group A)” to “Green Belt”, Government Land in Sha Tin Area 31 Hin Tin Street near Ka Tin Court and Helen Liang Memorial Secondary School

(RNTPC Paper No. Y/ST/18)

Presentation and Question Sessions

3. The Secretary reported that as the Hong Kong Housing Authority (HKHA) was the project proponent of the Home Ownership Scheme (HOS) development at the application site, the following Members had declared interests in this item:

Mr. Jimmy Leung - being a member of the Strategic Planning
(the Chairman) Committee and Building Committee of HKHA
as the Director of Planning

Dr. W.K. Lo] being a member of the Building Committee,
Prof. Edwin Chan] HKHA

Mr. H.F. Leung - had business dealings with the Housing
Department (HD)

4. Members noted that Prof. Edwin Chan had tendered his apology for being not able to attend the meeting and Dr. W.K. Lo and Mr. H.F. Leung had left the meeting temporarily. As the Committee considered that the Chairman’s interest was direct and should leave the meeting temporarily for the item, the Vice-chairman took up the chairmanship of

the meeting at this point.

5. Ms. Maggie M.Y. Chin, District Planning Officer/Shu Tin, Tai Po and North (DPO/STN) and Mr. Willy L.F. Pang, Senior Town Planner/Shu Tin (STP/ST) of Planning Department, and the following applicant's representatives were also invited to the meeting at this point :

Ms. Chu Oi Yan (朱愛恩女士)	Applicant's representative
Mr. Daniel Ng, member of Sha Tin District Council (吳錦雄議員)	Applicant's representative
Ms. Keung Chun Yan (姜頌欣女士)	Applicant's representative
Mrs. Janet Leung (梁黃慧端女士)	Applicant's representative

6. The Vice-chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. Willy Pang to brief Members on the background of the application. With the aid of a powerpoint presentation, Mr. Willy Pang did so as detailed in the Paper and made the following main points :

- (a) background to the application;

Departmental Comments

- (b) the departmental comments were detailed in paragraph 9 of the Paper and highlighted below:

- (i) the Director of Housing (D of H) objected to the application and the reasons were summarized as follows:

- in the Chief Executive's 2011/12 Policy Address, the Administration unveiled new housing measures. A new policy had been put forward for the resumption of the HOS in response to the aspirations of low and middle-income families to buy their own homes. The application site was one of the six sites under the first batch of New HOS;

- the application site had been zoned “R(A)” since 1978. It was a vacant and readily available site for residential development. The proposed New HOS development at the application site was in line with the planning intention and would optimize the use of scarce land resources with available infrastructures; and
 - one site-specific HOS block was proposed at the far end of the Site with maximum distance from the existing residential developments to minimize obstruction of the views of the local residents. Visual Assessment revealed that the proposed HOS block would not cause unacceptable visual impact as there was a cluster of developments of similar building mass in the surroundings. The proposed HOS development would blend in well with its surroundings and the neighbourhood character would be maintained;
- (ii) the Director of Health commented that the concerns of the applicant on potential hygiene problems brought by future increase in population density and the risk of spread of infectious diseases was noted; She considered that adequate infrastructure would be provided in the proposed HOS development to minimize hygiene problems, for the issue on the risk of spread of infectious diseases related to the Union Hospital (about 70m from the subject site) and the health workers would implement measure, to prevent the spread of infectious diseases from patients, which was the situation in all other public and private hospitals/ health care premises in Hong Kong;
- (iii) the Commissioner for Transport (C for T) had no comment on the application. He had previously confirmed that he had no adverse comment on the proposed HOS development from traffic engineering viewpoint and a Traffic Impact Assessment (TIA) was not required; and
- (iv) other concerned government departments had no objection to or

adverse comment on the application.

Public Views

- (c) the District Officer (Sha Tin) advised that the Sha Tin District Council (STDC) members expressed the concerns of the residents on traffic, air flow and provision of recreational facilities aspects. Nevertheless, the STDC members had passed a motion to support the HOS development to meet the pressing need for public housing but requested the Government to provide additional facilities in Tai Wai (e.g. library, recreational space) and enhance transport services;

- (d) a total of 630 public comments were received, of which 627 comments supported the rezoning application. The supporting comments were mainly given by the residents of Parc Royale and Hill Paramount which were summarised as follows:
 - (i) the proposed HOS development would destroy the existing trees and natural vegetation of the site, causing adverse impacts on local traffic and the environment and generate nuisance to the nearby residents;

 - (ii) the proposal to rezone the application site from residential to green belt would provide benefits to the surrounding neighbourhood by providing more open space and preserving the natural environment;

 - (iii) the natural slopes could protect the surrounding areas from landslides. The HOS development would destroy the natural slopes and pose hazards to the nearby developments;

 - (iv) the green belt would bring more fresh air to the nearby residents and birds in the natural environment. It could also prevent the spread of infectious diseases;

 - (v) the green belt would stop the sudden increase in population and hence, would not overtax the provision of infrastructure and

community facilities;

- (vi) the HOS development would affect the provision of community facilities. The development of Hill Paramount had already taken much spaces in the past and there was no compensation of community facilities whatsoever;
 - (vii) the HOS development would create wall effect to the surrounding areas and the air quality of the area would be adversely affected. The Union Hospital could spread infectious diseases easily when the population density increased; and
 - (viii) the site could be used as a 4-5 storeys library with children play area on top, or a community centre, for the enjoyment of the public.
- (e) the remaining three public comments were from the Chairman of the Shatin Rural Committee who had no particular comments on the application; a member of STDC suggesting that the proposed amendment on this application should also apply to the other two proposed HOS developments in Sha Tin, i.e. Mei Mun Lane and Pik Tin Street in order to treat the three HOS developments in the same manner; and a resident of Parc Royale who casted another view that the proposed HOS development at the subject site would not affect the surrounding environment; and

Planning Department's views

- (f) PlanD did not support the application based on the assessment as stated in paragraph 11 of the Paper and were summarized as follows:
- (i) the application site had been zoned "R(A)" on the OZP since 1978. It was located adjacent to an existing high-density residential development (Ka Tin Court), with the nearest block at about 45m from the site. As a logical extension to the residential neighbourhood, the HOS development was compatible with the

surrounding built environment. Retaining it in the “R(A)” zone would optimize the use of land resources;

- (ii) there was a strip of densely vegetated natural slope to the east of the subject site, separating it from the “R(B)1” site (Hill Paramount) uphill and providing visual relief for the nearby residents. The subject site had a relatively flat topography and trees were only found at the periphery. Since the site did not possess the characteristics of a “GB” zone, it was not appropriate to have it rezoned to “GB”;
- (iii) the HOS development at the application site was one of the new HOS projects identified to meet the urgent need for subsidized housing in accordance with the policy directive announced by the Chief Executive in his 2011/12 Policy Address. The selection of the HOS sites had been carefully considered, taking into account land use compatibility and site availability. Development at the subject site would meet the target delivery of the first batch of HOS flats in 2017/18;
- (iv) The proposed HOS development was to meet the public aspirations for increasing the housing supply for families in need. With the preliminary assessments and appraisals, the proposed HOS development would not have any adverse impacts in terms of environmental, tree preservation, health, traffic, visual and geotechnical aspects. Regarding the slope safety concern, it was noted that the future HOS development would be constructed on flat land and not on the adjacent slope. Barrier walls would be constructed within the site boundary and no stability works on the natural slope would be carried out. The impact on natural slope environment would therefore be minimized. The natural slope to the east of the application site would provide visual relief to the surrounding residents.

7. The Vice-chairman then invited the applicant's representatives to elaborate on the application. With the aid of a powerpoint and materials tabled at the meeting, Ms. Chu Oi Yan made the following main points:

- (a) the application site was zoned "R(A)" since 1978. The zoning for the application site was considered outdated as a number of developments, including Julimount Garden, Hill Paramount, Parc Royale, Ka Tin Court (HOS) and Union Hospital, were built in the vicinity of the site in the past 34 years, but no community facilities were provided to cater for the increase in population. The "G/IC" site at Hin Tai Street was used for the development of a residential building, namely Hill Paramount. As there were many residential developments but insufficient provision of community facilities in the area, it was necessary to reserve the application site for open space use and rezone it to "GB" so as to provide the green environment for the residents in Sha Tin Area 31; and
- (b) development of HOS on the application site was considered not cost-effective as the developable area was small and the slope was covered by loose soil. The unstable condition of the slope was confirmed in the preliminary geotechnical assessment provided by HD in the STDC meeting on 22.3.2012. HD would need to construct a protective wall along the site boundary and only one HOS block with 250 units could be provided. It would be a waste of public money to construct the protective wall and maintain it in the long run. As the slope within the application site was connected to Parc Royale, the piling works associated with the construction of HOS development would adversely affect the structural safety of Parc Royale. Part of the slope nearby was currently maintained by the owners of Parc Royale. It was unfair for the residents of Parc Royale to bear the additional maintenance cost of the slope due to the proposed HOS development. They reserved their rights to claim for compensation on the extra maintenance cost or outcome due to any possible landslide.

8. Mr. Daniel Ng made the following main points:

- (a) it was incorrect for PlanD to say that STDC supported the HOS development on the site. As recorded in the minutes of STDC meeting on 22.3.2012, the STDC supported the HOS development with the condition that the Government would provide additional facilities in Tai Wai (e.g. library, recreational space) and enhance public transport services;
- (b) the applicant considered that the application site was of high landscape and ecological values. He had done a survey and there were more than 85 big trees of over 30 years old in the site. More than ten species of plants such as minosaceous, leguminosae, mystaceae and alga could be found and they formed a complete succession of a cline. There were also different kinds of creatures such as red-bellied tree squirrel, odonata and pieris rapae. The application site was considered as a garden treasured by the residents of Parc Royale. The HOS development would seriously affect the natural environment on the site and affect the greenery and sustainability of the area. There were cases in Fung Yuen and Sha Lo Tung which showed that residential developments had killed over 70% of butterflies and 80% of dragonflies. It was unreasonable to sacrifice the valuable landscape and ecological resources for a HOS development which could only provide a small number of flats. It was important to point out that the remedial measures to be taken by HD after the completion of HOS development were only measures for decoration and beautification of the site. The measures could not attract birds or other creatures to the area and it was not considered environmentally sustainable;
- (c) the HOS block was an in-fill type of development which would block the southern wind and create wall effect. The air quality and ventilation of the surrounding area would be adversely affected. No air ventilation assessment had been undertaken by HD. Besides, the infrastructure in terms of water, sewerage, drainage, government facilities and traffic, of the surrounding areas could not cope with the additional demand generated by the proposed HOS development;
- (d) the traffic problem caused by the HOS development could not be simply

resolved by minor road works or modification of round-about at Hin Tin Street as proposed by HD. The major traffic problem of Hin Tin Street was that it was currently at full capacity and could not absorb any additional traffic flow to be generated by 800 residents. At present, more than 4000 vehicles per day were recorded at Hin Tin Street every day and there were a private carpark and three green mini-bus routes. HD had not proposed any mitigation measures to overcome the traffic problem of Ka Tin Court and Parc Royale nor any response to the findings and public concerns submitted by the applicant. Besides, only 12 parking spaces would be provided in the HOS site and this would not be enough to fulfill the demand of 800 residents. They might resort to use other parking spaces in the surrounding areas; and

- (e) it was doubtful as to whether the HOS development could successfully integrate with other parts of the area as mentioned by HD. In fact, the area could not accommodate any more population given the existing infrastructure capacity, traffic flow, natural environment and the problems raised by Ms. Chu about the HOS development.

9. Ms. Chu Oi Yan concluded that the applicant strongly objected to the in-fill type development of the HOS block at the application site because it was unfair to the residents living in the vicinity, especially the residents of Parc Royale. Although the provision of HOS by the Government was to respond to the public aspirations for more flats, it should not carry out at the expense of the other local residents. It was unfair for the residents of Parc Royale to suffer from the improper housing policy. The applicant hoped that the Government would strike a balance between the housing needs and the rights of the local residents. It was also unfair to the residents living in Sha Tin Area 31 to bear the adverse impact generated by the HOS proposal. The applicant would reserve their rights to claim for an extra cost due to the HOS development.

10. Noting that there were strong local objections against the application, a Member asked PlanD to explain how the slope to the east would provide visual relief, and applicant to explain the boundary of the area that the survey was conducted.

11. In response, Mr. Willy Pang explained that the natural slopes to the east of the application site could provide visual relief for the surrounding residents. The proposed HOS would not create adverse visual impact.

12. In response to a Member's query, Mr. Daniel Ng replied that the survey was conducted by himself and covered the area on within the application site. The results showed that there were various species of flora and fauna, including squirrels at the site.

13. In response to a Member's query on traffic impact. Mr. Willy Pang replied that according to TD, traffic impact assessment (TIA) was considered not necessary for the HOS development and the existing public transport facilities could cope with the new population intake. Mr. W.C. Luk supplemented that from the traffic viewpoint, a TIA for the application site was not required because it was anticipated that the proposed HOS development would not reduce the reserved capacity of the nearby road junction to below 15%. Regarding the applicant's concern on the traffic of more than 4000 pcu along Hin Tin Street per day, he commented that a standard road had a capacity of about 1700 pcu per hour and therefore there was no capacity problem at Hin Tin Street. Mr. Daniel Ng however pointed out that there were complaints from the residents on the long waiting time of the green minibus and the safety concern due to the heavy traffic at Hin Tin Street. Although the existing traffic flow of Hin Tin Street did not attain the maximum capacity of about 1700 pcu per hour, it was incorrect to compare the road capacity of Hin Tin Street with a road in urban area. He said that TD should consider the traffic condition of Hin Tin Street by facts rather than by numeric records. Mr. Luk said that the road capacity data was only provided for reference and there was no intention to compare an urban area with the subject site. Regarding the waiting time for the green minibus the bus company should provide service up to an acceptable standard.

14. In response to a Member's query about the condition of slope, Mr. Willy Pang explained that HD and CEDD had conducted investigation on the site confirmed that no stability works on the natural slope would be required. A retaining wall was proposed along the application site boundary to ensure the impact on natural slope would be minimized. The natural slope near the application site was a piece of government land managed by the CEDD.

15. In response to a Member's query, Mr. Willy Pang said that the area to the east, southeast and south of the application site was zoned "Open Space".

16. Ms. Chun Yan Keung said that the natural slope managed on government land was connected to the slope maintained by Parc Royale. The resident of Parc Royale worried that the construction of HOS would affect their slope and they would have to bear extra maintenance cost.

17. As the applicant's representative had no further points to raise and there were no further questions from Members, the Vice-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 Vice-chairman thanked the applicant and the applicant's representative and the PlanD's representative for attending the hearing. They all left the meeting at this point

[Applicant's representatives, Ms. Maggie M.Y. Chin, DPO/STN and Mr. Willy L.F. Pang, STP/ST left the meeting at this point.]

Deliberation Session

18. A Member commented that the subject application was a S12A application for rezoning the application site to "GB". However, the applicant provided little justification on the appropriateness of the "GB" zoning, but focus largely on whether the HOS development should be supported/ rejected. The Secretary said that Members should consider whether the rezoning proposal from "R(A)" to "GB" was appropriate. The Vice-Chairman and Members agreed that Members' discussion should focus on the justification provided by the applicant on the proposed rezoning to "GB".

19. A Member said that there was insufficient justification to support the rezoning proposal. Another Member agreed and said that the applicant did not provide clear evidence to justify the "GB" zoning. It was doubtful as to whether the application site possessed the characteristics of a "GB" zone as claimed by the applicant.

20. Another Member raised concerns on the possible impacts generated by the HOS

development on the surrounding natural environment. The Member considered that the HOS development should include more natural environment so as to better integrate with the surrounding greening and landscape treatment. Members agreed to convey the above concerns to HD.

21. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the subject site, given its flat topography, good accessibility, and proximity to existing residential neighborhood was suitable for residential development. Retaining it in the “Residential (Group A)” zone would optimize the use of land resources;
- (b) the natural slopes to the east of the application site would provide visual relief to the surrounding residents; and
- (c) the proposed Home Ownership Scheme (HOS) development was to meet the public aspirations for increasing the housing supply for families in need. With the preliminary assessments and appraisals, the proposed HOS development would not have any adverse impacts in terms of environmental, tree preservation, health, traffic, visual and geotechnical aspects.

[Mr. Jimmy Leung, Dr. W.K. Lo and Mr. H.F. Leung returned to join the meeting at this point]

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

Sai Kung and Islands District

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/218 Proposed House (New Territories Exempted House — Small House)
in “Agriculture” zone, Lots 679 S.B and 680 S.B in D.D. 244, Ho
Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/218)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed 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 as the Site was considered to have high potential for agricultural rehabilitation. Other concerned government departments had no objection to or adverse comment on the application;
- (d) one public comment was received during the first three weeks of the statutory publication period. The comment from the Kadoorie Farm and Botanic Garden Corporation expressed concern on the application as it would induce the loss of agricultural land and set an undesirable precedent. No local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessment as detailed in paragraph 11 of the Paper. Although DAFC did not support the application from agricultural point of view, there were also no farming activities at or near the Site, and the proposed Small House was not incompatible with the surroundings. Similar applications for Small House development in this in the vicinity of the Site had been approved.

23. Members had no question on the application.

Deliberation Session

24. 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 21.9.2016, 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; and
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's standard;

- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the subject site was within an area where there was no DSD's sewerage connection available in the vicinity at present; and
- (d) to note the comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department that the application site fell within the boundary of the Ho Chung Site of Archaeological Interest, and the applicant was required to provide the Antiquities and Monuments Office (AMO) of Leisure and Cultural Services Department with sufficient time and let the staff of the AMO enter the subject site to conduct an archaeological survey prior to the commencement of construction works.

Agenda Item 5

Section 12A Application

[Open Meeting]

Y/SK-PK/2

To rezone the application site from “Residential (Group C) 2”, “Agriculture” and “Green Belt” to “Other Specified Uses” annotated “Columbarium” and “Green Belt”, Lots No. 1025 S.A, 1025 S.B, 1026 S.A (Part), 1026 RP, 1030 S.A RP (Part), 1030 S.B ss.1 (Part) and Adjoining Government Land in D.D. 217, Mang Kung Wo, Sai Kung (RNTPC Paper No. Y/SK-PK/2A)

26. The Secretary reported that Mr. Ivan Fu had declared an interest in this item as he had current business dealings with consultants of the applicant, namely Environ Hong Kong Limited and MVA Hong Kong Limited. As Mr. Fu had no direct involvement in the application, the Committee agreed that Mr. Fu could stay in the meeting.

27. The Secretary reported that on 11.9.2012, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time to address the departmental comments on the application.

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 three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of the further information, and since a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

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

Sha Tin, Tai Po and North District

[Mr. David Y.M. Ng, Mr. Otto K.C Chan, Ms. Maggie M.Y. Chin and Mr. C.T. Lau, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-HH/24 Proposed House (New Territories Exempted House – Small House) in
“Unspecified Use” zone, Government Land in D.D. 283, Hoi Ha
Village, Sai Kung North
(RNTPC Paper No. A/DPA/NE-HH/24)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 and Appendix IV of the Paper;
- (d) eight public comments raising objection to the application were received from Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Ltd., and members of the public during the first three weeks of the statutory publication period. No local objection/view was received by the District Officer. The major views from the eight commenters on the

proposed Small House were summarized as follows :

- (i) it would block a rain drainage pipe and affect the safety of the residents;
- (ii) further increase in the number of Small Houses in Hoi Ha Village might overload the soakaway system in the area and the overflow of wastewater or contamination of ground water would affect the water quality and marine communities in Hoi Ha Wan Marine Park;
- (iii) it would obstruct the existing vehicular access to the adjacent Small Houses and deprive their residents of any place to park their vehicles. The propose Small House also did not provide any parking space. The shortage of land for parking and access led to disharmony among residents, occupation of government land for parking and access, criminal intimidation and violence;
- (iv) it would destroy an Incense Tree which was protected under the Protection of Endangered Species of Animal and Plants Ordinance Cap 586;
- (v) this subject application was basically the same as Application No. A/DPA/NE-HH/15, which was deferred by the Committee on 18.5.2012;
- (vi) the applicant had not provided any report to demonstrate that there were no impact on the environment, traffic (vehicular and pedestrian), visual, landscape, geotechnical, sewerage and risk aspects;
- (vii) Hoi Ha was surrounded by environmentally sensitive areas, development on this area should be avoided;
- (viii) planning permissions should not be granted on a “piecemeal” basis;

and

- (ix) consultation with residents and other interested parties regarding the future OZP for Hoi Ha was ongoing. Any approval for an application at this juncture would pre-empt the decision of the Board. It was doubtful as to whether the applicant was a genuine “indigenous inhabitant” eligible for applying for a Small House under the Small House Policy.

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper. Regarding the public comments on the drainage aspect, the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no objection to the application and advised that the proposed development should not be in conflict with the existing channel. In response to the public concern on the application, the C for T considered that the subject application involved only construction of one Small House and no vehicular access was required, therefore the subject application could be tolerated. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application as significant landscape impact arising from the proposed house was not anticipated. The Director of Agriculture, Fisheries and Conservation (AFCD) had no comment to the application and advised that the application site was not in direct conflict with the Incense Tree near the northeast corner of the site. Regarding the environmental concern, the Director of Environmental Protection (DEP) had no particular comment as the application only involved a single Small House and the application site was within a built-up area away from the protected areas. For other public comments regarding the lack of impact assessments, relevant departments including LandsD, TD, DSD, EPD, and AFCD had no adverse comments on or no objection to the application. Regarding the eligibility of the applicant to apply for a Small House in Hoi Ha, DLO/TP had advised that the applicant was an indigenous villager of Hoi Ha as confirmed by the Statutory Declarations made by the Indigenous Inhabitant Representative of

Hoi Ha.

30. Members had no question on the application.

Deliberation Session

31. Mr. H.M. Wong asked if Members would consider changing the advisory clause in paragraph 12.2(b) of the Paper, which set out the DEP's advice that the applicant should obtain the certification of compliance with ProPECC 5/93 by an Authorised Person (AP) regarding the design and construction of the septic tank & soakaway system to an approval condition so as to ensure better monitoring of the compliance of EPD's requirements. In this regard, the Secretary said that the AP could be required to submit the proposed design and construction of the septic tank & soakaway system to the satisfaction of DEP. Mr. H.M. Wong said that EPD's requirements were clearly laid down in ProPECC 5/93 and the certificate of compliance by an AP would provide additional safeguard, but it might not be necessary to require the applicant to make a separate submission to DEP for vetting.

32. The Chairman said that such requirement would normally be set out under the Certificate of Exemption (C of E), rather than in the approval condition of a planning permission. In response to an enquiry by Ms. Anita K.F. Lam whether the requirement was normal and in line with the certification of compliance with ProPECC 5/93, say for Small House development which was located near a stream, Mr. H.M. Wong explained that ProPECC 5/93 regarding the design and construction of the septic tank & soakaway system had to be complied with for all Small House developments by adopting such a system, irrespective of whether they were located near a stream. Ms. Anita K.F. Lam pointed out that when LandsD issued a Certificate of Exemption in respect of drainage works (including the provision of septic tank & soakaway system) to a Small House development, it would be subject to compliance with "the requirements imposed by the specified drainage authority".

33. A Member enquired whether the provision of septic tank & soakaway system for a Small House had to be undertaken by a AP. Ms. Anita K.F. Lam advised that in general, such provision would be undertaken by contractors, rather than APs as it would be more costly to engage an AP. Mr. H.M. Wong said that normally EPD would not require AP to certify the compliance of the ProPECC 5/93 for Small Houses. However, the subject Small

House development was located near the Hoi Ha Wan Marine Park, he therefore suggested to impose a stricter requirement for the proposed development. Ms. Anita K.F. Lam said that she would need to look into the possibility after the meeting but there would be no guarantee for LandsD to stipulate EPD's requirement.

34. The Secretary said that as a general practice, the provision of septic tank & soakaway system of Small House development and its compliance to EPD's requirements would be stipulated under the Certificate of Exemption. Hence, it would be more appropriate to alert the applicant of the requirements as an advisory clause. Members agreed. Members also agreed that EPD, PlanD and LandsD would discuss and follow up on the subject matter after the meeting.

35. 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 21.9.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposal, including proposal to ensure that the proposed Small House would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should implement good site practice to avoid adverse impacts to the nearby trees, including the Incense Tree to its immediate northeast;
- (b) to note the comments of the Director of Environmental Protection that the applicant should obtain the certification of compliance with ProPECC 5/93 by an Authorised Person regarding the design and construction of the septic tank & soakaway system;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there were no existing DSD maintained public stormwater drains available for connection in the area. The proposed development should have its own storm water collection and discharge system to cater for the runoff generated within the subject site and overland flow from surrounding of the site, e.g. surface channel of sufficient size along the perimeter of the site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the site if any boundary wall/fence were to be erected, and any existing flow path affected should be re-provided. The applicant/owner was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (d) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Base on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant/contractor should carry out the following measures:

- (i) for the application site within the preferred working corridor of high voltage overhead lines level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
- (e) to note the comment of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department (LandsD);
- (f) to note the comments of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to the District Lands Officer/Tai Po, LandsD to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP No. APP-56. If such exemptions were not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (g) to note the comment of the Chief Highway Engineer/New Territorial East, Highways Department that the access road from Hoi Ha Road to the subject site was not maintained by his Office;

- (h) to note the comments of the District Lands Office/Tai Po that if and after planning approval had been given by the TPB, his Office would process the Small House application, and if the Small House application was approved by the LandsD acting in the capacity as landlord at its sole discretion, such approval would be subject to such terms and conditions as might be imposed by LandsD; and
- (i) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services with the private lots to WSD's standards. The water mains in the vicinity of the site could not provide with the standard pedestal hydrant.

37. The Committee also decided to request EPD, PlanD and LandsD to follow up on the DEP's request that the applicant should obtain the certification of compliance with ProPECC 5/93 by an Authorised Person (AP) regarding the design and construction of the septic tank & soakaway system.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-STK/5 Proposed Temporary Public Carpark (Private Car) for a Period of
3 Years in "Agriculture" zone, Lot 174 S.B.RP (Part) in D.D. 40, Tam
Shui Hang Village, Sha Tau Kok
(RNTPC Paper No. A/DPA/NE-STK/5A)

Presentation and Question Sessions

38. Mr. Otto K.C. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public carpark (private car) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper and summarized as follows:
 - (i) the Commissioner for Transport (C for T) did not support the application because the applicant failed to demonstrate that the proposed ingress/egress arrangement would not adversely affect the prevailing traffic on Sha Tau Kok Road as well as the pedestrian flow on the footpath along Sha Tau Kok Road. The applicant was required to submit a scaled plan showing parking, loading/unloading arrangement as well as the vehicle manoeuvring spaces within the application site, preferably, by using swept-path analysis. In view of the insufficient information to carry out assessment on any possible traffic impact arising from the proposed development, he did not support the application at this stage;
 - (ii) the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view. He stated that with reference to “Landscape Value Mapping of Hong Kong”, the application site was located in an area of “Rural Coastal Plain” and the overall Landscape Character Area (LCA) value was classified as High (Qualified). The proposed carpark dominated by hard paving was incompatible with the surrounding rural character. As shown on the aerial photo taken in Sept 2011, the application site was fully occupied by trees and vegetation. However, the trees and vegetation had been removed. Significant disturbance to the landscape

resources and character had taken place. Approval of the application would set an undesirable precedent leading to degradation of the rural environment;

- (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development standpoint as the application site fell within ‘AGR’ zone. Approval of application might set an undesirable precedent for unauthorised site clearance/land filling prior to approval of development proposal/planning application; and
 - (iv) the Commissioner of Police (C of P) objected to the application because Sha Tau Kok Road was the only vehicular access to Sha Tau Kok Control Point as well as to Sha Tau Kok Chuen. The current traffic flow was already heavy in particular during weekends. The proposed public carpark would inevitably cause more obstruction thereat during the manoeuvring of vehicles into and out of the site and give rise to pedestrian’s safety concern in view of the increase of tourists/ cyclists/ hikers along the walkways on both sides of Sha Tau Kok Road near the application site.
- (d) Seven public comments were received during the first three weeks of the statutory publication period. Two comments from the North District Council members and a member of the general public supported the application as they considered that the proposed temporary public carpark (private car) was good for the local residents and the visitors, and would help solve the traffic jam in the area. Four comments from the Villager Representative of Muk Min Village, Kadoorie Farm & Botanic Garden Corporation, WWF-Hong Kong and Designing Hong Kong Ltd. raised objection to the application mainly on the grounds that the proposed use was not in line with planning intention of “AGR” zone, it would set an undesirable precedent, and it would induce adverse traffic and environmental impacts on the surrounding area. The District Officer/North advised that the Chairman of Sha Tau Kok District Rural

Committee, incumbent District Council member and three village representatives of Tam Shui Hang supported the application while one village representative of Tam Shui Hang and two village representatives of Muk Min Tau and Tsiu Hang had no comment on the application; and

- (e) the Planning Department (PlanD)'s views –PlanD did not support the application based on the assessment as detailed in paragraph 11 of the Paper. The proposed use of this application was not in line with the planning intention of the “AGR” zone which was intended to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification for a departure from the planning intention even on a temporary basis. The site was adjacent to two big fish ponds, and was near Sha Tau Kok Hoi (the Starling Inlet). The proposed temporary carpark dominated by hard paving was incompatible with the surrounding rural character. Approval of the application would set an undesirable precedent and encourage more temporary carparks in the surrounding areas, leading to degradation of the rural environment. In this regard, CTP/UD&L of PlanD objected to the application from landscape perspective. DAFC, C for T and C of P had adverse comments on the application from the agricultural landscaping and traffic points of view. There were also public comments objecting to the application.

39. Members had no question on the application.

Deliberation Session

40. 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 under application was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was primarily to retain

and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification for a departure from the planning intention of the “AGR” zone, even on a temporary basis;

- (b) there was insufficient information to demonstrate that the proposed development under application would not cause adverse impacts on traffic in the surrounding area and safety to other road users including cyclists and pedestrians; and
- (c) there was insufficient information to demonstrate that the proposed development would not have significant landscape impact on the surrounding areas. The proposed temporary public carpark (private car) was considered incompatible with the surrounding rural character. Approval of the application would set an undesirable precedent and encourage more temporary car parks in the surrounding areas, thus leading to the degradation of the “AGR” zones and the rural environment.

Agenda Items 8 & 9

Section 16 Applications

[Open Meeting]

A/DPA/NE-TKP/19 Proposed Rebuilding of House (New Territories Exempted House) in “Unspecified Use” zone, Lot 826 A in D.D. 293 and Adjoining Government Land, To Kwa Peng, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/19 & 20)

A/DPA/NE-TKP/20 Proposed Rebuilding of House (New Territories Exempted House) in “Unspecified Use” zone, Lot 826 RP in D.D. 293 and Adjoining Government Land, To Kwa Peng, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/19 & 20)

41. The Committee noted that these two applications were similar in nature and the

application sites were located in close proximity to each other. The Committee agreed that these two applications could be considered together.

42. The Secretary reported that on 29.8.2012, the applicant's representative requested for a deferment of the consideration of the two applications for the two months in order to allow time for the applicant to address comments from government departments.

43. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the applications 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 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/114 Proposed Temporary Goods Distribution and Storage Use with Ancillary Parking of Vehicles for a Period of 3 Years in "Agriculture" and "Other Specified Uses" annotated "Port Back-up Uses" zone, Lots 152 (Part), 153 RP (Part), 154 S.B RP (Part), 159 S.C RP (Part) in D.D. 52, Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/114)

Presentation and Question Sessions

44. Ms. Maggie M.Y. Chin, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed temporary goods distribution and storage use with 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 receivers (domestic structures) in the vicinity of the site and environmental nuisance was expected. Other concerned government departments had no objection to or adverse comment on the application;
- (d) one public comment was received during the first three weeks of the statutory publication period and stated that he had no specific comment on the application subject to consideration of residents. The District Officer/North advised that the incumbent North District Councillor, two Indigenous Inhabitant Representatives (IIRs) of Sheung Shui Heung, IIR of Wa Shan Tsuen and Resident Representative (RR) of Wa Shan Tsuen had no comment on the application. The Chairman of Sheung Shui District Rural Committee (SSDRC) raised objection to the application on the grounds that the application site had no direct vehicular access and Man Kam To Road was already congested with heavy traffic; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 12 of the Paper. Although the Director of Environmental Protection (DEP) did not support the application, it was noted that periphery fencing had been provided at the application site to minimize the potential environmental impacts and no pollution complaint against the concerned site had been received in the past three years. Relevant approval conditions requiring the maintenance of the peripheral fencing and restriction on the operation hours of the proposed development were recommended. The applicant would also be advised to undertake environmental mitigation measures as set out in the revised 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites'. Regarding a local concern on the traffic impacts on Man Kam To Road, the Commissioner for Transport (C

for T) had no objection and considered that the proposed development would have insignificant traffic impact on the Man Kam To Road. Since the last approvals (Applications No. A/NE-FTA/107 and 109) for goods distribution and storage uses and public vehicle park (container vehicle) were revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance.

45. Members had no question on the application.

Deliberation Session

46. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.9.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) the peripheral fencing of the site should be maintained at all times during the planning approval period;
- (d) 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 21.12.2012;
- (e) in relation to (d) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.3.2013;
- (f) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of

the TPB by 2.11.2012;

- (g) the submission of proposal for fire service installations and water supplies for fire-fighting within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.12.2012;
- (h) in relation to (g) above, the provision of fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.3.2013;
- (i) the submission of landscape 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 21.12.2012;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.3.2013;
- (k) 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; and
- (l) if any of the above planning conditions (d), (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;

- (b) to resolve any land issue relating to the development with the concerned owners of the application site;
- (c) to note the comments of the District Lands Officer/North, Lands Department that the owners of the lots should be advised to apply to his office for a Short Term Waivers (STW) and Short Term Tenancy (STT) for the proposed and existing structures and the Government land involved. There was no guarantee that STW and STT would be granted to the applicant. If the STW and STT were granted, the grants would be made subject to such terms and conditions to be imposed as the Government should deem fit to do so including the payment of STW fee and STT rent;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
 - (i) before any new building works were to be carried out on the application site, the prior approval and consent of the Building Authority should be obtained. Otherwise they were unauthorized building works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance;
 - (ii) use of movable containers as site office or store was considered as temporary structures and was subject to control under Building (Planning) Regulations (B(P)R) Part VII; and
 - (iii) in connection with (i) and (ii) above, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with B(P)R 5 and 41D respectively.
- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that:

- (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 WSD's standards;
 - (ii) the site was located within the flood pumping gathering ground; and
 - (iii) the application site fell within the consultation zone of Sheung Shui Water Treatment Works, which was a potentially hazardous installation.
- (f) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites' issued by the Environmental Protection Department in order to minimize the potential environmental impacts on the adjacent area;
- (g) to note the comments of Director of Fire Services on the following:
- (i) if no building plan would be circulated to his Department via the Centralized Processing System of Buildings Department and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the application site, the applicant was required to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission for fire services installations for his approval, the applicant was advised that:
 - (a) the layout plans should be drawn to scale and depicted with

dimensions and nature of occupancy; and

- (b) the location of the proposed FSI and the access for emergency vehicles should be clearly marked on the layout plans;
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
 - (iii) moreover, to address the condition on provision of fire extinguisher(s), the applicant should submit certificate(s) under Regulation 9(1) of the Fire Service (Installations and Equipment) Regulations (Chapter 95B) to his department for compliance of condition.
- (h) to note the comments of the Commissioner for Transport that the land status of the access leading to the site should be checked with the lands authority and the management and maintenance responsibilities of the same access should be clarified with the relevant lands and maintenance authorities;
- (i) 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. Environmental Protection Department should be consulted regarding the sewerage treatment/disposal facilities for the proposed development; and
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that:
- (i) it was observed that the topped trees and the trees affected by climbers were in poor condition and replacement of these trees was required.; and
 - (ii) the quantity and location of existing trees as shown in the submitted

landscape and tree preservation proposals were different to his site record. Hence, an updated proposal should be submitted.

Agenda Item 11

Section 16 Application

[Open Meeting]

A/NE-TKL/389 Temporary Open Storage of Metal Products and Materials and Storage of Metal and Hardware Products with Ancillary Workshop for a Period of 3 Years in “Open Storage” zone and area shown as “Road”, Lot 2195 RP (Part) in D.D. 76 and Adjoining Government Land, Kwan Tei North Village, Fanling
(RNTPC Paper No. A/NE-TKL/389)

48. The Secretary reported that on 13.9.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address comments from Water Supplies Department and Transport Department.

49. 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 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/390 Temporary Open Storage and Storage of Goods (Aerial Working Platform and Elevating Platform) for a Period of 3 Years in “Agriculture” zone, Lots 1099 S.A (Part), 1100 (Part) and 1101 (Part) in D.D. 82, Ping Che, Fanling
(RNTPC Paper No. A/NE-TKL/390)

Presentation and Question Sessions

50. Ms. Maggie M.Y. Chin, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage and storage of goods (aerial working platform and elevating platform) 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 10 of the Paper;
- (d) two public comments were received during the first three weeks of the statutory publication period. The North District Council member stated that he had no comment on the application subject to consultation of the residents. The other public commenter raised objection to the application on the grounds that the applied use was not in line with the planning intention of “AGR” zone and it would cause adverse traffic impact on the area. The District Officer/North advised that one incumbent District Council member, the Vice- Chairman of Ta Kwu Ling District Rural Committee, Indigenous Inhabitant Representatives (IIR) of Lei Uk, IIR of Tai Po Tin and the Resident Representative (RR) of Tai Po Tin stated that

they had no comment on the application. The RR and IIR of Tong Fong raised objection to the application on the ground that the site was used for dismantling of computer parts and the villagers complained about its noise nuisance; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment as detailed in paragraph 12 of the Paper. Regarding the local objections and public comments against the applied use, relevant government departments including the Commissioner for Transport (C for T) and the Director of Environmental Protection (DEP) had no adverse comment on the application. To address the local concern on the environmental impact of the applied use, approval conditions restricting the operation hours and prohibiting dismantling and workshop use on the application site were proposed. The applicant would be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental nuisances.

51. In response to a query of the Chairman on the existing use at the application site, Ms. M.Y. Chin said that elevating platforms were found at a site visit.

Deliberation Session

52. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.9.2015, 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 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed, as proposed by the applicant, on the application site during the planning approval period;

- (c) no dismantling and workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) 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 21.3.2013;
- (e) in relation to (d) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.6.2013;
- (f) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.11.2012;
- (g) the submission of proposal for water supplies for fire-fighting and 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 21.3.2013;
- (h) in relation to (g) above, the provision of water supplies for fire-fighting and 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 21.6.2013;
- (i) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.3.2013;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.6.2013;
- (k) if any of the above planning conditions (a), (b) or (c) was not complied

with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and

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

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

- (a) the permission was given to the uses under application. It did not condone any other uses which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such uses not covered by the permission;
- (b) to note the District Lands Officer/North, Lands Department's advice that the owners of the lots should be advised to apply to his office for Short Term Waivers (STWs) for regularization of the structures erected. There was no guarantee that STW would be granted to the applicants. If the STWs was granted, the grants would be made subject to such terms and conditions to be imposed as the Government should deem fit to do so including the payment of STWs fees;
- (c) to note the comments of Director of Fire Services on the following:
 - (i) if no building plan would be circulated to his Department via the Centralized Processing System of Buildings Department and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the application site, the applicant was required to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the

submission for fire services installations for his approval, the applicant was advised that:

- (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the location of the proposed fire services installations and the access for emergency vehicles should be clearly marked on the layout plans;
- (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (iii) moreover, to address the condition on provision of fire extinguisher(s), the applicant should submit certificate(s) under Regulation 9(1) of the Fire Service (Installations and Equipment) Regulations (Chapter 95B) to his department for compliance of condition;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the site was located within flood pumping gathering ground;
- (e) to note Chief Building Surveyor/New Territories West, Building Departments' (BD) comments that:
- (i) 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 captioned application; and
 - (ii) for UBW erected on leased land, enforcement action might be taken by the BD to effect their removal in accordance with BD's enforcement policy against unauthorized building works (UBW) as

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

- (f) to follow the environmental mitigation measures as recommended in the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimize any potential environmental nuisances; and
- (g) to note the comments of the Chief Town Planner/ Urban Design and Landscape, Planning Department’ comments that:
 - (i) the applicant should maintain the existing trees in good condition at all time; and
 - (ii) tree planting opportunity was available along the southern, northern and western boundaries of the application site.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/401 Proposed Two Houses (New Territories Exempted Houses – Small Houses) in “Green Belt” zone, Lots 593 S.A and RP in D.D. 28 and Adjoining Government Land, Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/401)

Presentation and Question Sessions

54. Mr. C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed two houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the proposed Small House from nature conservation point of view, the proposed Small House would require felling of existing trees on the adjacent Government land. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had strong reservation on the application from the landscape planning perspective. He commented that the site was located adjacent to the edge of an existing dense woodland of high landscape value. Approval of the application would encourage similar applications in the area and the cumulative effects of these developments would result in urban sprawl and degradation of landscape quality and alter the landscape character from woodland to semi-rural with village houses. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO) of CEDD) advised that the proposed development would affect the existing slope features No. 3SE-D/F48 and 3SE-D/DT7. As the site had been substantially modified by unauthorized filling works, the stability conditions of these two slope features were unknown;
- (d) four public comment raising objection to the application were received during the first three weeks of the statutory publication period, including Designing Hong Kong Limited, WWF Hong Kong, Kadoorie Farm & Botanic Garden Corporation and an individual. The major grounds of objection from the public comments were that the proposed development was not in line with the planning intention of “GB” zone; the proposed Small Houses would have adverse impact on the woodland and negative ecological impacts on the area; the surface runoff from site formation works and the overflow of domestic sewage from septic tank would incur pollution to the adjacent ponds; it would set an undesirable precedent for

future applications; and as the site was involved in unauthorized land filling, the legal matter should be resolved before the approval of the proposed development. No local objection/view was received by the District Officer/ Tai Po; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in paragraph 13 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. The H(GEO) of CEDD advised that there was no information in the submission to demonstrate that the proposed development would have no adverse impacts on the stability of the slopes in the surrounding area. There was also no information in the submission to address the landscape concerns raised by CTP/UD&L of PlanD and DAFC. Although the site of Lung Mei, Tai Mei Tuk and Wong Chuk Tsuen fell within the ‘VE’ and there was a general shortage of land within the “V” zone in meeting the Small House demand, the proposed development did not comply with the Interim Criteria in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas. The proposed development also did not comply with the TPB PG-No. 10 for development within the “GB” zone in that the proposed development would affect the existing natural landscape and adversely affect slope stability in the area. There were also public comments raising concerns on the adverse impacts of the proposed development on the subject “GB” zone.

55. Members had no question on the application.

Deliberation Session

56. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 14.1 of the Paper and

considered that they were appropriate. The reasons were :

- (a) the proposed development did not comply with the Interim Criteria for Consideration of Application for the New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas;
- (b) the proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape and adversely affect slope stability in the area; and
- (c) there was no information in the submission to demonstrate that the proposed development would have no adverse landscape and geotechnical impacts on the surrounding areas.

[The Chairman thanked Mr. David Y.M. Ng, Mr. Otto K.C Chan, Ms. Maggie M.Y. Chin and Mr. C.T. Lau, STPs/STN, for their attendance to answer Members’ enquires. Mr. Ng, Mr. Chan, Ms. Chin and Mr. Lau left the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. W.W. Chan, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), and Mr. Ernest C.M. Fung, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/390 Temporary Public Vehicle Park for Private Car and Light Goods Vehicles for a Period of 3 Years in “Village Type Development” zone, Lots 390 (Part), 392 (Part), 403 RP (Part) and 404 (Part) in D.D. 122 and Adjoining Government Land, Sheung Cheung Wai, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/390)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park for private cars and light goods vehicles for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) stated that one non-substantiated water pollution complaint and one non-substantiated air pollution complaint against the site had been received in 2010 and January -June 2012 respectively. Other concerned government departments had no objection to or adverse comment on the application;
- (d) one public comment from a group of villagers of Ping Shan was received during the first three weeks of the statutory publication period. The commenter raised objection to the application as the vehicle park involved large vehicles which would create noise and dusts nuisances to the nearby residents and would impose traffic hazard to the pedestrians. No local objection/view was received by the District Officer/ Yuen Long; and

- (e) the Planning Department (PlanD)'s views –PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment as detailed in paragraph 11 of the Paper. Regarding the water and air pollution complaints against the site received in 2010 and 2012, they were non-substantiated and DEP had no adverse comment on the application. Regarding the public comment objecting to the application on environmental, traffic and safety grounds, DEP and C for T had no adverse comment on the application. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and type of vehicles parked (private cars and light goods vehicles only) were recommended.

58. Members had no question on the application.

Deliberation Session

59. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.9.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant was allowed to be parked on the site at any time during the planning approval period;
- (c) no vehicle without valid licences issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that

no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to be parked on the site at any time during the planning approval period;

- (e) a notice should be posted at a prominent location of the site to remind drivers on pedestrian safety on the access road to the site at all time during the planning approval period;
- (f) the drainage facilities implemented on the site should be maintained at all times during the approval period;
- (g) the provision of peripheral fencing within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 21.3.2013;
- (h) the submission of a condition record of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.3.2013;
- (i) the submission of a tree preservation and 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 21.3.2013;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape 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 21.6.2013;
- (k) 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 21.3.2013;

- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.6.2013;
- (m) 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;
- (n) if any of the above planning condition (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with other owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that no approval had been given to allow any structures including converted container for toilet use, open shed and converted container for site office use on site; and no permission had been given for occupation of the Government land (GL) within the site. The site was accessible through an informal track on GL and other private land extended from Tsui Sing Road. His office did not provide maintenance works for this track nor guarantees right-of-way. Should planning approval be given to the application, the

concerned lot owners and occupiers of the GL concerned still need to apply to his office to permit structures to be erected or regularize any irregularities on site. Such applications would be considered by his department acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by his department;

- (d) to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any possible environmental nuisances;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces should be provided within the site and no vehicle was allowed to queue back to public road or reverse onto/from public road. The local track leading to the site was not under Transport Department’s (TD) purview and its land status 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 (HyD) that the proposed access arrangement of the site from Ping Ha Road should be approved by TD. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD should not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (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. The applicant’s attention was drawn to the following points:

- (i) if the existing structures were erected on leased land without approval of the BD, they were unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works were to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they were unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO;
 - (iv) in connection with (ii) above, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and
 - (v) if the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (h) to note the comments of Director of Fire Services that fire service installations (FSIs) were anticipated to be required and the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs for his approval. The applicant should be also advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSI to be installed

should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed by his department, the applicant was required to provide justifications for his consideration;

- (i) to note the comments of the Director of Leisure and Cultural Services that the site fell within the Sheung Cheung Wai Site of Archaeological Interest. The applicant should inform the Antiquities and Monuments Office, Leisure and Cultural Services Department in case of discovery of antiquities or supposed antiquities in the course of work;
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the water mains in the vicinity of the site could not provide standard pedestal hydrant; and
- (k) 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, the applicant should carry out the following measures:
 - (i) for site with the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) prior to establishing any structure within the application site, the applicant and/or his contractor(s) should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the

underground cable (and/or overhead line) away from the vicinity of the proposed structure; and

- (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicants and their contractor(s) when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 15

Section 16 Application

[Open Meeting]

A/YL-ST/419 Temporary Open Storage of Recyclable Materials with Ancillary Site Office for a Period of 3 Years in “Residential (Group D)” zone, Lots 149 RP, 150 RP, 151, 152 RP, 153 RP, 154, 155 (Part), 156 S.B RP (Part), 162 RP (Part), 164 RP (Part) and 375 RP (Part) in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/419)

61. The Secretary reported that on 12.9.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to submit technical proposals.

62. 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 16

Section 16 Application

[Open Meeting]

A/YL-ST/421 Proposed School (Annex Extension to an Existing School) in “Village Type Development” zone, Lots 122 (Part), 123 (Part), 124, 125 S.C ss.1, 125 S.C RP and 126 in D.D. 102, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/421)

63. The Secretary reported that on 3.9.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the preparation of the Preliminary Environmental Review for the application as requested by the Environmental Protection Department.

64. 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 17

Section 16 Application

[Open Meeting]

A/YL/191 Proposed Flat in “Residential (Group E)1” zone, No. 21 Wang Yip Street West, Yuen Long (Yuen Long Town Lot No. 461)
(RNTPC Paper No. A/YL/191)

65. The Secretary reported that Mr. Ivan Fu had declared an interest in this application as he had current business dealings with consultants of the applicant, namely MVA Hong Kong Ltd, Environ Hong Kong Limited and Ove Arup & Partners Hong Kong Limited. As Mr. Fu had no direct involvement in the application the Committee agreed that

Mr. Fu could stay in the meeting.

66. The Secretary reported that on 3.9.2012, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time for the preparation of supplementary information to address the comments from various government departments.

67. 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 Items 18 and 19

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

Agenda Item 18

A/YL-HT/800 Temporary Open Storage of Construction Materials, Construction Machinery, Scrap Metal Waste, Electronic Waste, Marble and Tyres, and Sales of Vehicle Parts with a Small-scale Ancillary Repair Workshop and 13 Loading/Unloading Spaces for a Period of 3 Years in "Undetermined" zone, Lots No. 1905 RP (Part), 1946 (Part), 1947 (Part), 1953 (Part), 1954 (Part), 1955 RP (Part), 1956 RP, 1957, 1958, 1959 S.A RP (Part), 1959 S.B (Part), 1959 S.C (Part), 1960 (Part), 1961 RP (Part), 1963 S.B RP (Part), 1965 (Part) and 1968 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/800)

Agenda Item 19

A/YL-HT/801 Temporary Open Storage of Vehicles Parts, Container Trailers, Marble, Construction Materials and Machinery and a Small-scale Ancillary Container Trailer Repair Workshop and 8 Loading/Unloading Spaces for a Period of 3 Years in “Undetermined” zone, Lots 1903 RP (Part), 1905 RP (Part), 1921, 1922 RP (Part), 1943 (Part), 1945 (Part), 1946 (Part), 1947 (Part), 1948 (Part), 1949 (Part), 1950 (Part), 1953 (Part), 1954 (Part), 1955 RP (Part) and 1961 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/801)

Presentation and Question Sessions

68. The Committee noted that the two planning 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.

69. Mr. Ernest C.M. Fung, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the temporary open storage of construction materials, construction machinery, scrap metal waste, electronic waste, marble and tyres, and sales of vehicle parts with a small-scale ancillary repair workshop and 13 loading/unloading spaces for a period of three years under Application No. A/YL-HT/800; and the temporary open storage of vehicles parts, container trailers, marble, construction materials and machinery with a small scale ancillary container trailer repair workshop and eight loading/unloading spaces for a period of three years under Application No. A/YL-HT/801;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Papers. The Director of Environmental Protection

(DEP) did not support on the applications as there were sensitive receivers (residential dwellings) in the vicinity of the sites (the nearest one being about 60m away across Ping Ha). However, there was no environmental complaint against the sites over the past three years. Other concerned government departments had no objection to or adverse comment on the applications;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the two applications could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Papers. Although DEP did not support the applications as there were sensitive receivers in the vicinity of the sites, there was no environmental complaint against the sites over the past three years. To address DEP's concerns, approval conditions on the restrictions on operation hours and handling of electronic wastes on the application sites were proposed. Besides, the applicant would be advised to follow 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the possible environmental impacts of the applied uses on the adjacent areas.

70. Members had no question on the applications.

Deliberation Session

71. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 21.9.2015, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions were subject to the following conditions:

72. For Application No. A/YL-HT/800:

- (a) no night time operation between 7:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no handling (including loading, unloading and storage) of cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment was allowed on the site during the planning approval period;
- (d) no dismantling of electrical/electronic appliances was allowed on the site during the planning approval period;
- (e) handling (including loading, unloading and storage) of electrical/electronic appliances on the site must be carried out within concrete-paved area with covered structures, as proposed by the applicant, during the planning approval period;
- (f) the setting back of the site from the works limit of the Contract No. CV/2006/01 'Ping Ha Road Improvement Works (Ha Tsuen Section)' and/or Contract No. DC/2009/08 'Construction of Yuen Long South Branch Sewers and Expansion of Ha Tsuen Pumping Station' during the planning approval period;
- (g) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.3.2013;
- (i) 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 2.11.2012;

- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 21.3.2013;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 21.6.2013;
- (l) 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 21.3.2013;
- (m) in relation to (l) 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 21.6.2013;
- (n) in relation to (f) above, the provision of fencing of the site within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 21.3.2013;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (p) if any of the above planning conditions, (h), (i), (j), (k), (l), (m) or (n) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

73. For Application No. A/YL-HT/801:

- (a) no night time operation between 7:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.3.2013;
- (e) 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 2.11.2012;
- (f) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 21.3.2013;
- (g) in relation to (f) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 21.6.2013;
- (h) 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 21.3.2013;
- (i) in relation to (h) 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 21.6.2013;
- (j) 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; and

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

74. The Committee also agreed to advise the applicants of Application Nos. A/YL-HT/800 and No. A/YL-HT/801 of the following:

75. For Application No. A/YL-HT/800:

- (a) planning permission should have been obtained before continuing/commencing the development on the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures were allowed to be erected without the prior approval of the Government, and to apply to him to permit structures to be erected or regularize any irregularities on the site, and for occupation of the Government land (GL) involved. Such application would be considered by the LandsD acting in the capacity of the landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium or fee, as might be imposed by LandsD. The applicant should consult the Chief Engineer/Land Works, Civil Engineering Development Department

(CE/LW, CEDD) for any interface problem with access to the site through Government Land Allocation No. TYL 825 granted to CE/LW, CEDD for 'Ping Ha Road Improvement – Remaining Works'. DLO/YL did not guarantee right-of-way of access to the site via GL from Ping Ha Road;

- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport to provide the dimension of the 13 loading/unloading spaces and demonstrate that sufficient manoeuvring spaces were provided within the site without the need for vehicles to reverse onto/from public road. The applicant should note that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the 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;
- (h) to note the comments of the CE/LW, CEDD that most of the GL allocated to him under Contract No. CV/2006/01 'Ping Ha Road Improvement Works (Ha Tsuen Section)', which were adjacent to the site or through which the site could be accessed, were handed over to the Drainage Services Department for its works under Contract No. DC/2009/08 'Construction of Yuen Long South Branch Sewers and Expansion of Ha Tsuen Pumping Station'. The Chief Engineer/Sewerage Projects should be consulted for interface issues, if any. CEDD's contractor might carry out rectification works for the constructed run-in and cause inconvenience to the users of the site by early 2013;

- (i) 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 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. The applicant should adhere to the 'Good Practice for Open Storage' at Appendix VI of the paper, and observe 'A Guide to Application for Dangerous Goods (DG) Licence, Part V: Notification for Storage of Category 9A DG'. 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;

- (j) 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). Prior approval and consent of the BA should be obtained before any new building works (including containers and open sheds as temporary buildings) were to be carried out on the site. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The site should be provided with means of obtaining access from a street and emergency vehicular access in accordance with Building (Planning) Regulations (B(P)R) 5 and 41D respectively. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and

- (k) to note the comments of the Director of Agriculture, Fisheries and

Conservation to implement necessary measures to avoid causing water pollution and disturbance to the nearby watercourses and the riparian vegetation.

76. For Application No. A/YL-HT/801:

- (a) planning permission should have been obtained before continuing/commencing the development on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures were allowed to be erected without the prior approval of the Government, and to apply to him to permit structures to be erected or regularize any irregularities on the site, and for occupation of the Government land (GL) involved. Such application would be considered by the LandsD acting in the capacity of the landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium or fee, as might be imposed by LandsD. The applicant should consult the Chief Engineer/Land Works, Civil Engineering Development Department (CE/LW, CEDD) for any interface problem with access to the site through Government Land Allocation No. TYL 825 granted to CE/LW, CEDD for 'Ping Ha Road Improvement – Remaining Works'. DLO/YL did not guarantee right-of-way of access to the site via GL from Ping Ha Road;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;

- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. 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;
- (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;
- (g) to note the comments of the CE/LW, CEDD that most of the GL allocated to him under Contract No. CV/2006/01 'Ping Ha Road Improvement Works (Ha Tsuen Section)', which were adjacent to the site or through which the site could be accessed, were handed over to the Drainage Services Department for its works under Contract No. DC/2009/08 'Construction of Yuen Long South Branch Sewers and Expansion of Ha Tsuen Pumping Station'. The Chief Engineer/Sewerage Projects should be consulted for interface issues, if any. CEDD's contractor might carry out rectification works for the constructed run-in and cause inconvenience to the users of the site by early 2013;
- (h) 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 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. The applicant should adhere to the 'Good Practice for Open Storage' 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;

- (i) 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). Prior approval and consent of the BA should be obtained before any new building works (including containers and open sheds as temporary buildings) were to be carried out on the site. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The site should be provided with means of obtaining access from a street and emergency vehicular access in accordance with 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

- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation to implement necessary measures to avoid causing water pollution and disturbance to the nearby watercourses and the riparian vegetation.

Agenda Item 20

Section 16 Application

[Open Meeting]

A/YL-NTM/274 Proposed Comprehensive Residential Development ('House') with Supporting Commercial Facilities ('Shop and Services' and 'Eating Place') in "Comprehensive Development Area" zone, Various Lots in D.D. 104, and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/274A)

77. The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with one of the consultants of the applicant, namely Kenneth Ng & Associates Limited. Mr. Ivan Fu had also declared an interest in this item as he had current business dealings with another consultant of the applicant, namely Environ Hong Kong Limited. As Ms. Lai and Mr. Fu had no direct involvement in this application, the Committee agreed that they could stay in the meeting.

78. The Secretary reported that on 3.9.2012, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time for the preparation of supplementary information to address the departmental comments on the application.

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/388 Temporary Open Storage of New and Second-hand Vehicles for Sale
(Including Medium Goods Vehicle, Container Tractor and Private Car)
with Ancillary Office and Storerooms for a Period of 3 Years in
“Village Type Development” zone, Lot 465 S.B RP (Part) in D.D. 103
and Adjoining Government Land, Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/388)

Presentation and Question Sessions

80. 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 temporary open storage of new and second-hand vehicles for sale (including medium goods vehicle, container tractor and private car) with ancillary office and storerooms for a period of three years;
- (c) departmental comments – the comments of the concerned government departments on the application 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, i.e. existing residential structures/dwellings adjoining the site to its immediate north and in the vicinity and environmental nuisance is expected. Concerned government departments had no objection to or adverse comment on the application;
- (d) six public comments were received during the first three weeks of the statutory publication period. All of the public comments raised objection to the application mainly on the grounds of adverse traffic impact, road safety problem, air pollution, noise nuisance and adverse visual and

drainage/sewerage impacts on the residential dwellings in the vicinity of the site. One local objection/view was received by the District Officer (Yuen Long) which was same as one of the public comments received during the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in paragraph 12 of the Paper. The development was not in line with the planning intention of the “V” zone which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. The development was not compatible with the surrounding land uses, which were predominated by existing and proposed residential dwellings/Small Houses such as Yuk Yat Garden Stage III adjoining the site to its immediate north and a Small House construction site to the further northwest of the site. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. The development was not in line with the TPB PG-No. 13E for “Application for Open Storage and Port Back-up Uses” in that there was no exceptional circumstance that warrant sympathetic consideration. In addition, there were adverse departmental comments from DEP and local objections were received during the statutory publication period. The applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas. Although there were previous application (No. A/YL-KTN/40) and similar applications (No. A/YL-KTN/68, 102, 126 and 334) approved by the Committee or the Board on review, they were approved about 11 to 15 years ago before the introduction of the locational assessment criteria under TPB Guidelines No. 13B in October 2001. Approval of the application would set an undesirable precedent for other similar uses proliferate into this part of the “V” zone. The cumulative effect of approving such application would result in a general degradation of the environment of the area.

81. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone which was intended for development of Small Houses by indigenous villagers. The development was not compatible with the surrounding land uses which were predominated by existing and proposed residential dwellings/Small Houses. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board PG-No. 13E in that there was no exceptional circumstance that warrants sympathetic consideration, and that there were adverse departmental comments and local objections against the development;
- (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 other similar uses to proliferate into this part of the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/577 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” and “Village Type Development” zones, Lot 1918 RP
(Part) in D.D. 106, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/577)

Presentation and Question Sessions

83. 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 house (New Territories Exempted House – Small House);
- (c) departmental comments – the comments of the concerned government departments on the application were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the perspective of agricultural development as farming activities in the vicinity of the site were still active. Other concerned government departments had no objection to or adverse comment on the application;
- (d) two public comments were received during the first three weeks of the statutory publication period. One of the comments was from the Kadoorie Farm and Botanic Garden Corporation objecting to the application on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone and approval of the application would encourage similar applications within the “AGR” zone. Another comment was from the Village Affairs Committee of Tin Sam Tsuen objecting to the application on the grounds of possible adverse impacts on drainage

facilities and the existing vehicular access to Tin Sam during the construction of the proposed Small House. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 12 of the Paper. Although DAFC did not support the application from the agricultural development perspective, there was no active agricultural activity on the site. The proposed development was not incompatible with the surrounding areas which were predominated by residential dwellings/structures/ development and agricultural land. Regarding the objection raised by a public comment that the proposed development was not in line with the planning intention of the “AGR” zone, it should be noted that about 53% of the application site and 93% of the footprint of the proposed SH fell within the “V” zone and there was no active agricultural activity on the site. As for the objection raised by another public comment on the adverse drainage and traffic impacts rising from the proposed development, the Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD) and the Commissioner for Transport (C for T) had no adverse comment on the application. To address the local concerns on the drainage aspect, approval condition requiring the submission and implementation of a drainage proposal was proposed.

84. Members had no question on the application.

Deliberation Session

85. 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 21.9.2016, 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 landscaping proposal to the

satisfaction of the Director of Planning or of the TPB;

- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the design and provision of water supply for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the size of the existing drainage facilities outside the application lot and its discharge point to the existing drainage system should be shown on the drainage proposal;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the spacing and minimum height of the proposed Ficus microcarpa (細葉榕) trees should be specified on the landscape plan;
- (d) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, 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 PlanD. The

applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the sites. 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;

- (e) to note the comments of the Director of Fire Services that the applicants should follow the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by Lands Department (LandsD); and

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that site formation works and drainage works for New Territories Exempted Houses were building works under the control of the Building Ordinance (BO). Before any new site formation and/or drainage works were to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they were unauthorized building works. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed site formation and/or drainage works in accordance with the BO. Notwithstanding this, the Director of Lands might issue a certificate of exemption from prior approval and consent of the BA in respect of site formation works and/or drainage works in the New Territories under the Buildings Ordinance (Application to the New Territories) Ordinance. The applicant might approach the District Lands Officer/Yuen Long, LandsD or seek AP’s advice for details.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/174 Proposed Land Filling and Temporary Private Vehicle Park for a
Period of 3 Years in “Agriculture” zone, Lot 625 in D.D. 112, Shek
Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/174)

Presentation and Question Sessions

87. 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 land filling and temporary private vehicle park for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agriculture point of view as the agricultural activity of the site in the vicinity was very active, and the site had high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the north, east and southeast and in the vicinity of the site and environment nuisance was expected. In view that the surrounding area of the site within the same “AGR” zone was predominantly rural in character dominated by agricultural land and scattered woodland, the applied use, if approved, would set an undesirable precedent attracting similar practices, thus resulting in piecemeal developments and destroying the tranquil nature of the rural area. Also, the entire site was proposed to be hard paved with concrete with no space reserved for landscape mitigation, which was

undesirable. To provide adequate landscape buffer between the applied use and the adjacent agricultural area, continuous row of tree planting along the site boundary was essential. In view of the above, 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;

- (d) five public comments raising objection to the application were received during the first three weeks of the statutory publication period. These comments were from a resident of Shui Lau Tin , Shui Lau Tin Pat Heung Unicon Y.M.C.A Society, Designing Hong Kong Limited, Hong Kong Bird Watching Society and Kadoorie Farm and Botanical Garden Corporation. The main grounds of objection from the public comments were that the applied use would generate drainage/flooding, health/hygiene, traffic, environmental problems as well as fire hazards to nearby residents; the proposed use was not in line with the planning intention of the “AGR” zone and was not compatible to the surrounding areas; the proposed land filling would cause a permanent loss of land with agricultural potential and other environmental/ecological impacts; and setting of an unfavorable precedent for other similar applications and encourage the ‘destroy first, develop later’ approach. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment as detailed in paragraph 11 of the Paper and were summarized as follows:
 - (i) the proposed development was not in line with the planning intention of the “AGR” zone, which was to retain and safeguard good quality agricultural land for agricultural purpose. DAFC did not support the application as there were active farming activities in the vicinity and the site had high potential for agricultural rehabilitation. No strong planning justification had been given in the submission to justify for a departure from the planning intention,

even on a temporary basis;

- (ii) as mentioned in Paragraph 4 of the Paper, the current application was a “destroy first, build later” case. The applied use, requiring the paving of the entire site with concrete and asphalt for a private vehicle park, was not compatible with the surrounding land uses which were rural in character predominated by fallow and cultivated agricultural land and residential structures/dwellings. While there were a few car parks in the vicinity, they were suspected “unauthorized developments” subject to enforcement action taken by the Planning Authority. It was considered that sympathetic consideration to the current application should not be given; and
- (iii) the applicants failed to demonstrate that the development would not generate adverse environmental, landscape, drainage and traffic impacts on the surrounding area. In this regard, there were adverse departmental comments on the application. DAFC and DEP did not support the applied use from the agricultural and environmental points of view and CTP/UD&L, PlanD had reservation on the application from the landscape planning point of view. There were also public comments raising objection to the application.

88. Members had no question on the application.

Deliberation Session

89. 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 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 development was not compatible with the surrounding land uses which were rural in character predominated by fallow and cultivated agricultural land and residential structures/dwellings;
- (c) the applicants failed to demonstrate that the development would not generate adverse environmental, landscape, drainage and traffic 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 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

90. 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 houses;

- (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 statutory publications of the application and further information subsequently submitted by the applicant for public inspection, nine public comments were received from the Hung Tso Tin Tsuen Villagers' Affair Committee, the Village Representative of Shung Ching San Tsuen, the indigenous villagers of Hung Tso Tin Tsuen and Shung Ching San Tsuen and a member of the public. All of the public comments objected to the application on the grounds of land use incompatibility, insufficient land for Small House developments for the villagers, and adverse drainage, sewage and fung shui impacts. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper. As for the applicant's request for a period of five years to be given for completing the proposed development, it should be noted that a validity period of four years would normally be given for commencement of an approved development rather than for completion. Nonetheless, should the applicant fail to commence the approved development within the validity period, the applicant could apply for an extension of time for commencement of approved development under s.16A of the Town Planning Ordinance. Regarding the local objections from the villagers, the concerned government departments including C for T, C of P, CE/MN of DSD and DEP had no adverse comment on the application.

91. In response to an query of the Chairman, Mr. W.W. Chan said that the application site was not within the village environs boundary.

Deliberation Session

92. 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 21.9.2016, 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 and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the design and provision of environmental mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (d) the design and provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

93. 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 fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach the Buildings Department 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/Yuen Long, Lands (LandsD) that the site involves 3 private lots in D.D. 116. Preliminary land

status check reveals that the private land involved were Old Scheduled Agricultural Lots held under Block Government Lease. There was a Building Licence for building area of 364 sq. ft. and a permit issued on Lot 4990 in D.D. 116. If planning approval was given, the lot-owner had to apply to LandsD for a land exchange. However, there was no guarantee that the land exchange application would be approved. Such application, if received by LandsD, would be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application was approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as might be imposed by LandsD. The actual site area and building entitlement of the private lots involved would be subject to verification in land exchange stage if any land exchange was applied for by the lot-owner to LandsD;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unless the redevelopment proposal meets the exemption criteria as contained in the Building (Application to the New Territories) Ordinance, formal submission under the Buildings Ordinance (BO) was required. Existing structures that apparently had not been obtained approval under the BO should be removed. The site should be provided with means of obtaining access thereto from a street under the Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access should be provided under the B(P)R 41D. If the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at building plan submission stage. The granting of the planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works should circumstances require; and
- (d) to note the comments of the Director of Fire Services that the emergency vehicular access provision at the site should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the B(P)R 41D. Detailed fire safety

requirements would be formulated upon receipt of formal submission of general building plans and referral from the licensing authority;

- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that landscape treatments to the boundary wall of 2.3m high at both sides should be proposed for screening and softening effect. Consideration should be given to set back the proposed boundary wall from the site boundary for accommodating landscape planting. Besides, typical sections and elevations should be provided to illustrate the appearance of the boundary wall and its relationship with the proposed landscape and houses. Further details of the proposed planting, such as species, size, spacing and quantity, should also be provided;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that no part of the development should encroach onto the nearby public roads/footpaths. The applicant should provide adequate drainage along the boundary of the development to prevent surface water flowing from the site to the nearby public roads/footpaths. The applicant was also reminded that any damage done to the public roads, footpaths, street furniture and road drainage due to his/her works should be made good to the satisfaction of HyD at his/her own cost. If the works requires excavation to be carried out on public roads/foot paths maintained by HyD, excavation permit should be obtained before excavation commences;
- (g) to note the Director of Environmental Protection's observations on the Traffic Noise Impact Assessment Report and Industrial Environmental Review Report as detailed in Appendix III of the RNTPC Paper; and
- (h) 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. 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. Prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/ or overhead line) away from the vicinity of the proposed structure. The ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/306 Temporary Warehouse for Storage of Spare Parts for a Period of 3 Years in “Agriculture” zone, Lots 1339 (Part), 1340 (Part), 1342 (Part) and 1343 (Part) in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/306)

Presentation and Question Sessions

94. 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 temporary warehouse for storage of spare parts 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 south-west, north and in the vicinity of the site and environmental nuisance was expected;

- (d) three public comments were received during the first three weeks of the statutory publication period. A member of the Yuen Long District Council enquired on the land status and details of the lease term. The other two comments from Designing Hong Kong Limited and an indigenous villager from Tai Tong Tsuen objected to the application mainly on the grounds that the applied use was not in line with the planning intention of the “AGR” zone; it would set an undesirable precedent which induced further degradation of the rural environment; and it would cause pollution, traffic, air quality and noise problems. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment as detailed in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. The development was not compatible with the existing residential dwellings in the surrounding areas and the rural character. Although there are warehouses, workshops and open storage yards in the vicinity of the site, they were all suspected unauthorized developments subject to enforcement action taken by the Planning Authority. DEP also did not support the application as there were sensitive receivers of residential uses to the north and in the vicinity of the site (with the nearest at about 20m away to the southwest) and environmental nuisance was expected. There was no planning approval for temporary warehouse or storage use in the same “AGR” zone before. As

there were many vacant agricultural lands in the vicinity of the site, the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “AGR” zone, causing degradation to the surrounding rural environment. There were local objections to the application mainly on the grounds of environmental and traffic impacts.

95. In response to an query of the Chairman, Mr. W.W. Chan said that the workshop and storage uses as indicated on Plan A-2 of the Paper were unauthorized developments and no planning approval had been granted for those uses. He had no information on the enforcement actions taken in this area.

Deliberation Session

96. 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 the “Agriculture” (“AGR”) zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development was not compatible with the existing residential dwellings in the surrounding area and the rural character. It would generate adverse environmental impact on the residential structures in the vicinity of the site; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications in the “AGR” zone. The cumulative effect of approving such applications would result in a general

degradation of the environment of the area.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/307 Proposed House (New Territories Exempted House – Small House) in
 “Agriculture” zone, Lot 2316 S.A in D.D. 116, Tai Tong, Yuen Long
 (RNTPC Paper No. A/YL-TT/307)

Presentation and Question Sessions

97. 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 house (New Territories Exempted House – Small House);

- (c) departmental comments – the comments of the concerned government departments on the application were set out in paragraph 10 and Appendix IV of the Paper. The District Lands Officer/Yuen Long (DLO/YL) did not support the application as the application site fell entirely outside the ‘village environs’ (‘VE’) of any recognized village. The Director of Agriculture, Fisheries and Conservation (DAFC) also did not support the application from agricultural point of view as the site and its surrounding area had high potential for agricultural rehabilitation;

- (d) seven public comments from the local villagers, a villager of Kong Tau Tsuen, members of the public, and Kadoorie Farm and Botanic Garden Corporation were received during the first three weeks of the statutory publication period. All commenters raised objection to the application mainly on the grounds that the proposed use would cause drainage,

sewerage, safety, and environmental problems; it was not in line with the planning intention of the “AGR” zone and approval of the application would encourage similar applications within the “AGR” zone. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment as detailed in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The DAFC did not support the application from the agricultural point of view as the site and its surrounding area had high potential for agricultural rehabilitation. There was no strong planning justification given in the submission for a departure from the planning intention. DLO/YL, LandsD did not support the application as the proposed development did not comply with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell outside the “V” zone covering Kong Tau Tsuen and the ‘VE’. He also advised that there was no general shortage of land within the “V” zone in meeting the estimated demand of Small House development of the concerned villages. The applicant failed to demonstrate in the submission why suitable sites in areas zoned “V” could not be made available for the proposed development. Hence, the application did not warrant a sympathetic consideration. There were also adverse comments received from the public on the land use, environment, visual/landscape, drainage, sewerage and traffic aspects.

98. Members had no question on the application.

Deliberation Session

99. 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 “Agriculture” zone on the OZP, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification given in the submission for a departure from the planning intention; and

- (b) the application did not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House/Small House development in that the site and the footprints of the proposed Small Houses fell entirely outside both the ‘environs’ of recognized village and the “Village Type Development” (“V”) zone. Besides, there was land available within the “V” zone of Kong Tau Tsuen, Kong Tau San Tsuen, Nga Yiu Tau and Tong Tau Po Tsuen to meet the demand forecast for Small House development. The applicant failed to demonstrate in the submission why suitable site within areas zoned “V” could not be made available for the proposed development.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/606 Proposed Temporary Recyclable Collection Centre (Construction Materials, Household Appliances, Used Electrical Appliances and Computers) with Ancillary Workshop and Office for a Period of 3 Years in “Undetermined” zone, Lots 743 (Part) and 744 S.A (Part) in D.D. 119, Yuen Long
(RNTPC Paper No. A/YL-TYST/606)

Presentation and Question Sessions

100. 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 recyclable collection centre (construction materials, household appliances, used electrical appliances and computers) with ancillary workshop and 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) had reservation on the application as there were sensitive users (residential structures) in close proximity to the site. Other government departments had no objection to or adverse comment on the application;
- (d) one public comment was received during the first three weeks of the statutory publication period. A member from a Yuen Long District Council raised objection to/ concerns on the application mainly on the grounds of environmental impacts and possible soil/land contamination arising from the storage and handling of recyclable materials on the site. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment as detailed in paragraph 12 of the Paper. Although DEP had reservation on the application as there were sensitive receivers of residential uses to the immediate east of the site, there had not been any environmental complaint in the past three years. To address DEP's concerns, relevant approval conditions, including restricting the operation hours, restricting the storage and handling of used electrical appliances and computers within covered structures on paved grounds only, prohibiting other workshop activities to be carried out on site other than sorting and packaging, and prohibiting the use of medium and heavy goods vehicles,

were proposed. The applicant would also be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact and to keep the site clean and tidy. Other than DEP, there was no adverse comment on the application from the concerned government department.

101. Members had no question on the application.

Deliberation Session

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.9.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste was allowed outside the concrete-paved covered structures on the application site at any time during the planning approval period;
- (d) no dismantling, repairing, cleansing or other workshop activities, except sorting and packaging activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as

proposed by the applicant, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;

- (f) the 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 21.3.2013;
- (g) in relation to (f) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.6.2013;
- (h) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.3.2013;
- (i) in relation to (h) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.6.2013;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.3.2013;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.6.2013;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should

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

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

103. 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) the site should be kept in a clean and tidy condition at all times;
- (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 the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal village track on Government land and other private land extended from Kung Um Road. His office provides no maintenance works for this track nor guarantees right-of-way. Part of the Government land was temporarily allocated to Drainage Services Department (DSD) for the project, namely “PWP Item 4368DS – Yuen Long South Branch Sewers”;
- (e) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site should be checked with the lands authority. The management and maintenance

responsibilities of the same access 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 his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (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 Engineer/Mainland North, DSD on the drainage proposal (Drawing A-3) that the U-channels at the western part of the site should be provided to intercept the runoff passing through the site and the size and details of the proposed catchpits should be shown;
- (i) 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 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;
- (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 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 FSI to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSIs 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 that there was no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works (including site office and open storage sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. For UBW erected on leased land, enforcement action might be taken by the 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 of not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and

- (l) to note the comments of 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 Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/607 Renewal of Planning Approval for Temporary “Open Storage of Building and Recycling Materials, Construction Machinery, Used Electrical/Electronic Appliances, Cargo Compartments with Ancillary Packaging Activities and Parking of Municipal Vehicles” for a Period of 3 Years in “Undetermined” zone, Lot 1463 S.B ss.1 (Part) in D.D. 119, Lots 2720 RP, 2722 RP, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734 (Part), 2735, 2736 RP (Part), 2737 RP (Part) and 2738 (Part) in D.D. 120 and Lots 1678 RP, 1679 RP, 1681 RP, 1682 (Part), 1683 (Part), 1684 (Part), 1685, 1686, 1687, 1688, 1689, 1690, 1691 (Part), 1692 and 1693 in D.D. 121, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/607)

Presentation and Question Sessions

104. 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 renewal of planning approval for temporary open storage of building and recycling materials, construction machinery, used electrical/electronic appliances, cargo compartments with ancillary packaging activities and parking of municipal vehicles under Application No. A/YL-TYST/547 up to 23.9.2012, for a period of three year;
- (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 in view of the residential uses located in the vicinity of the site (the nearest being to its immediate north, east and southeast) and there were five complaints on air pollution in 2009 and 2011 related to odour from the storage of large quantities of waste plastic materials. Other government departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment as detailed in paragraph 12 of the Paper. Although DEP did not support the application in view of the residential uses located in the vicinity of the site and there were air pollution complaints in 2009 and 2011, the operator had followed DEP's advice to add cover to the storage area to minimize odour and there had been no complaints since the granting of the last application (No. A/YL-TYST/547). To address DEP's concerns, approval conditions restricting the operation hours, restricting the storage and handling of used electrical/electronic appliances and parts within

covered structures on paved grounds only, and prohibiting workshop activities other than packaging were proposed.

105. Members had no question on the application.

Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 24.9.2012 to 23.9.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed on the application site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, was allowed outside the concrete-paved covered structures on the application site at any time during the planning approval period;
- (d) no dismantling, repairing, cleansing or other workshop activities, except ancillary packaging activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (f) the submission of a record of the existing drainage facilities on the

application site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.3.2013;

- (g) the submission of tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 23.3.2013;
- (h) in relation to (g) above, the implementation of tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 23.6.2013;
- (i) the provision of fire extinguisher(s) together with a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2012;
- (j) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.3.2013;
- (k) in relation to (i) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.6.2013;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should

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

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

107. 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 site;
- (b) the site should be kept in a clean and tidy condition at all time;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Scheduled Agricultural Lots held under Block Government Lease which contains the restriction that no structures were allowed to be erected without prior approval of the Government. No approval had been given for the specified structures as storage and ancillary office use. Whilst applications for Short Term Waiver in respect of the subject lots were being considered by LandsD acting in the capacity as landlord at its sole discretion, there was no guarantee that such application would be approved. If such applications were approved, they would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal track on Government land and other private land extended from Kung Um Road. His office provides no maintenance works for this track nor guarantees right-of-way. Part of the Government land was temporarily allocated to the Drainage Services Department for the “PWP Item 4368DS (part-upgraded from 4235DS in Might 2009) – Yuen Long South Branch Sewers” project;
- (d) to note the comments of the Commissioner for Transport that the land

status of the track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same track should be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. Also, his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that all the existing trees on site should be properly maintained. If existing trees were found dead, replacement planting should be carried out;
- (h) 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, the applicant was advised to make reference to the requirements in Appendix VI of this RNTPC paper;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that if the existing structures were erected on leased land without approval of BD (not being New Territories Exempted Houses), they were unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the application. Before any new

building works (including containers and open sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of Buildings Authority (BA) should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the 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. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5 m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/608 Temporary Open Storage and Warehouse for Storage of Furniture, Exhibition Materials, Construction Materials/Machinery and Household Detergent for a Period of 3 Years in “Undetermined” zone, Lots 1198 S.A and S.C to S.G (Part), 1202 RP (Part), 1210 S.F RP (Part), 1225 (Part), 1226 (Part), 1238 (Part), 1239 (Part), 1252 (Part) and 1253 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/608)

Presentation and Question Sessions

108. 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 temporary open storage and warehouse for storage of furniture, exhibition materials, construction materials/machinery and household detergent 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 (domestic structures) in the vicinity of the site and there was one environmental complaint case received in July 2009. Other concerned government departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessment as detailed in paragraph 12 of the Paper. Planning permissions for similar warehouse use at the site had been granted since 2003 and the development had existed since then. There had been no major change in site circumstances since the last approval (No. A/YL-TYST/442) on 4.9.2009. It was noted that DEP did not support the application as there were domestic structures in the vicinity of the application site and one pollution complaint was received in July 2009. However, the complaint was unsubstantial case and advice was given to the operator to minimize environmental nuisance from their operation by DEP. There had been no complaint since the granting of the last application. DEP's concerns on the possible environmental nuisance to the surrounding areas could be addressed by imposing approval conditions on the operation hours, prohibiting the storage of plastic waste, electronic waste and used electrical appliances, the carrying of repairing, dismantling and workshop activities and the use of heavy vehicles.

109. Members had no question on the application.

Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.9.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

allowed to be stored on the application site at any time during the planning approval period;

- (d) no repairing, dismantling and workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance and tractors/trailers, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (f) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.3.2013;
- (h) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.3.2013;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.6.2013;
- (j) the provision of fire extinguisher(s) together with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.11.2012;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 21.3.2013;

- (l) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.6.2013;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development including workshop which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) 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 owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was accessible through an informal track on Government land (GL) and other private lands extended from Kung Um Road. His office provides no maintenance works for this track

nor guarantee right-of-way. The lot owner concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularized any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Part of the GL was temporary allocated to the Drainage Services Department for the “PWP Item 4368DS – Yuen Long South Branch Sewers” project;

- (e) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified with the relevant management 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. Also, his Department should not be responsible for the maintenance of any access connecting the site and Kung Um 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 nine trees were found missing on the site and one tree (*Melaleuca quinquenerivia*) was found inclined that should be replanted and kept upright as soon as possible;
- (i) 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, the applicant was advised to make reference to the requirements in Appendix V of this RNTPC paper;

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that if the existing structures were erected on leased land without approval of BD (not being New Territories Exempted Houses), they were unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of Buildings Authority (BA) should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the 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. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5 m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (k) 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 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, and Mr. Ernest C.M. Fung, STP/TMYL, for their attendance to answer Members’ enquires. Messrs. Chan and Fung left the meeting at this point.]

Agenda Item 30

Any Other Business (i) & (ii)

Section 16A Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/422-8 Application for Extension of Time for Compliance with Planning Condition - Temporary Warehouses (excluding Dangerous Goods Godown) for a Period of 3 Years in “Residential (Group C)” and “Agriculture” Zones, Lots 755, 835 S.B ss.1, 836, 837, 838 RP, 841 RP, 842 RP, 844 RP and 854 in D.D. 83, No. 31A Ma Liu Shui San Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/422-8)

A/NE-LYT/423-8 Application for Extension of Time for Compliance with Planning Condition - Temporary Warehouses (excluding Dangerous Goods Godown) for a Period of 3 Years in “Residential (Group C)” and “Agriculture” Zones, Lots 756, 792 RP, 803 RP, 838 S.A, 839, 840, 841 S.A, 842 S.A, 843 and 844 S.A in D.D. 83, No. 31A Ma Liu Shui San Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/423-8)

Presentation and Question Sessions

112. The Committee noted that these two applications were submitted by the same applicant and were similar in nature. The application sites were located in close proximity to each other. The Committee agreed that these two applications could be considered together.

113. The Secretary reported that on 12.9.2012, applications for extension of time (EOT) under Application No. A/NE-LYT/422-8 and 423-8 were received. On 13.8.2010, the applications were approved by the Committee for temporary warehouses (excluding dangerous goods godown) for a period of 3 years up to 13.8.2013 with approval conditions under Applications No. A/NE-LYT/422 and 423. On 13.5.2011, the Board decided to partially agree with the review applications by amending approval conditions (a) and (c) (approval condition (c) was re-ordered as approval condition (d) and including two new conditions (b) and (e)). Each permission should be valid on a temporary basis for a period of three years until 13.8.2013. Subsequently, EOT applications for compliance with planning conditions were approved with compliance period extended to 25 months until 13.9.2012.

114. The Secretary pointed out that the current applications were received on 12.9.2012 where was only one day before the expiry of the time limit for compliance on 13.9.2012. According to TPB PG No. 34B, an application submitted less than 6 weeks before the expiry of the specified time limit might not be processed for consideration of the Board, despite the application was submitted before the expiry of the specified time limit. As the applications were received by the Board on 12.9.2012, there was insufficient time for Planning Department (PlanD) to obtain departmental comments before the expiry of the specified time limit on 13.9.2012. It was therefore recommended not to consider the EOT application.

Deliberation Session

115. After deliberation, the Committee agreed that the applications for extension of time for compliance of planning conditions could not be considered for the reason that the application submitted less than 6 weeks before the expiry of the specified time limit on 13.9.2012. There was insufficient time for the Planning Department (PlanD) to obtain departmental comments before the expiry of the specified time limit. The Committee could not consider the section 16A application.

Any Other Business (iii)

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/505-6 Application for Extension of Time for Compliance with Planning Condition – Temporary Warehouse for Storage of Non-staple Food for a Period of 3 years in "Undetermined" Zone, Lots 1220 RP(Part), 1221 RP (Part) and 1223 RP (Part) in D.D. 119 and Adjoining Government Land, Kung Um Road, Shap Pat Heung, Yuen Long, N.T
(RNTPC Paper No. A/YL-TYST/505-6)

Presentation and Question Sessions

116. The Secretary reported that on 18.9.2012, an application for extension of time (EOT) for compliance with planning condition (d), (e), (h) and (i) under Application No. A/YL-TYST/505-6 was received. The application was approved by the Committee for temporary warehouse for storage of non-staple food for a period of three year up to 23.12.2013 subject to approval conditions. Since then, EOT applications for compliance with planning conditions were approved with compliance period extended to 21 months until 23.9.2012.

117. The Secretary continued to point out that the current application was received on 18.9.2012 which was only five days before the deadline for compliance on 23.9.2012. According to TPB PG No. 34B, an application submitted less than 6 weeks before the expiry of the specified time limit might not be processed for consideration of the Board, despite the application for EOT was submitted before the expiry of the specified time limit. As the application was received by the Board on 18.9.2012, there was insufficient time for Planning Department (PlanD) to obtain departmental comments before the expiry of the specified time limit on 23.9.2012. It was therefore recommended not to consider the EOT application.

Deliberation Session

118. After deliberation, the Committee agreed that the application for extension of time for compliance of planning conditions could not be considered for the reason that the application submitted less than 6 weeks before the expiry of the specified time limit on 23.9.2012. There was insufficient time for the Planning Department (PlanD) to obtain departmental comments before the expiry of the specified time limit. The Committee could not consider the section 16A application.

119. There being no other business, the meeting closed at 4:45 p.m..