

TOWN PLANNING BOARD

**Minutes of 474th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 5.10.2012**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Dr. C.P. Lau

Dr. W.K. Lo

Dr. W.K. Yau

Professor K.C. Chau

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. Christina M. Lee

Mr. H.F. Leung

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

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

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

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

Secretary

Absent with Apologies

Ms. Anita W.T. Ma

Ms. Janice W.M. Lai

Mr. Rock C. N. Chen

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

In Attendance

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

Chief Town Planner/Town Planning Board
Mr. Edward W.M. Lo

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

Agenda Item 1

Confirmation of the Draft Minutes of the 473rd RNTPC Meeting held on 21.9.2012

[Open Meeting]

1. Ms. Anita Lam submitted a proposed amendment to paragraph 34 of the draft minutes of the 473rd RNTPC meeting held on 21.9.2012 to read as:

“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 requirement would be stipulated under the Certificate of Exemption. Hence, it would be more appropriate to alert the applicant of the requirement as an advisory clause. Members agreed. Member also agreed that EPD, PlanD and LandsD would discuss and follow up on the subject matter after the meeting.”

Members had no objection to the proposed amendment and agreed that the minutes were confirmed subject to the incorporation of the proposed amendment.

Agenda Item 2

Matters Arising

[Open Meeting]

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

[Dr. W. K. Lo, Ms. Anita Lam, Dr. Wilton Fok and Ms. Christina Lee arrived at the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-TKL/3 Application for Amendment to the Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14 from “Agriculture” to “Comprehensive Development Area”, Lots 2034, 2052 S.A (Part), 2052 S.B (Part), 2053 (Part), 2054 (Part), 2055 (Part), 2056, 2057, 2059 RP, 2060 RP, 2062, 2063 S.A RP, 2063 S.B RP, 2063 S.C RP, 2064 (Part) and 2065 RP (Part) in D.D. 76 and Adjoining Government Land, Ping Che, Fanling
(RNTPC Paper No. Y/NE-TKL/3D)

3. The Secretary reported that Mr. Ivan Fu and Ms. Janice Lai had declared an interest in this item as they had current business dealings with Urbis Ltd, which was a member of the consultancy team for the application. As Mr. Fu had no direct involvement in the subject application, Members agreed that he could stay in the meeting. The Committee also noted that Ms. Lai had tendered her apologies for not attending the meeting.

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

Presentation and Question Sessions

4. The following representatives from Planning Department (PlanD) and applicant’s representatives were invited to the meeting at this point:

Ms. Jacinta K. C. Woo]	District Planning Officer/Shan Tin, Tai Po and North, PlanD
Ms Maggie M. Y. Chin]	Senior Town Planner/North, PlanD

5. The following applicant's representatives were also invited to the meeting at this point:

Mr. Raymond Lin]	
Mr. Damon Wong]	
Dr. Andrew Chan]	
Mr. Christopher Pang]	
Dr. Westwood Hong]	Applicant's representatives
Mr. Ng Siu Lung]	
Mr. Dick Mak]	
Mr. Timothy Sze]	
Ms. Iris Hoi]	

6. The Chairman then extended a welcome and explained the procedures of the hearing.

7. Dr. Andrew Chan said that during his previous attendance of the Town Planning Board meeting, he noticed that government officials entered the Town Planning Board audio and visual control room during the deliberation of an application by the Town Planning Board (the Board). He said this would violate the procedure of the Board as the deliberation of application by the Board should be conducted behind closed door. Both the applicant and concerned government officials should not have access to the deliberation part of application. The Chairman noted Dr. Chan's observation and asked the Secretariat of the Board to look into the matter.

8. The Chairman then invited Ms. Maggie M. Y. Chin, STP/N, to brief Members on the background of the application. Ms. Chin did so as detailed in the paper and made the following main points with the aid of a powerpoint:

Background

- (a) the applicant, who was the owner of the application site, proposed to amend the Approved Ping Che and Ta Kwu Ling Outline Zoning Plan No. S/NE-TKL/14 by rezoning the application site at Ping Che from "Agriculture" ("AGR") to "Comprehensive Development Area" ("CDA")

to facilitate his application for a comprehensive residential development;

- (b) the eastern part of the application site was fallow agricultural land mainly covered with grass while the western part of the application was currently occupied by open storage of cranes, construction machinery and equipment;

Proposal

- (c) the application site with an area of 11,744 m² was proposed for a comprehensive residential development of 16 three-storey houses with a total domestic GFA of not more than 4,697.6 m², a building height of 10.6m, 32 car-parking spaces for residents and 4 motorcycle parking spaces. The applicant also indicated that building gaps of about 2m would be provided between each house and two building gaps of 6m wide between House 5 and 6 as well as 10 and 11 respectively. A private garden would be provided for each house and a communal garden and open lawn would be provided for residents. A 6m wide emergency vehicular access would be provided at the north-eastern and eastern portions of the application site. A 3.5m tall fence wall with landscape treatment was proposed along the application site. Proposed houses would be constructed with self-protective design with 4m solid side walls and fixed window to mitigate the potential noise impact from the industrial uses to the north of the application site;

Departmental Comments

- (d) the departmental comments were detailed in paragraph 9 of the paper and highlighted below:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development standpoint. Although the application site had been partly used for open storage purpose for some time, agricultural life in the vicinity

was active and the site was graded “good” agricultural land with “high” potential for agricultural rehabilitation. The surrounding area was good for farming. The application site had good accessibility and the site could be used for open field cultivation and greenhouse cultivation. There was a growing trend of agricultural rehabilitation. Ping Che was a good area for farm rehabilitation;

- (ii) the Commissioner for Transport (C for T) had reservation on the proposed development as housing development should be confined within the appropriate residential zone as far as possible where the necessary traffic and transport facilities had been planned and provided. The permission of the application would set an undesirable precedent for similar applications in the future. In anticipation of the future traffic associated with the proposed development and other potential similar developments, the resulting cumulative adverse traffic impact on nearby networks could be substantial and unacceptable;
- (iii) the Chief Town Planner/ Studies and Research, PlanD (CTP/SR, PlanD) commented that the application site did not fall within the proposed boundary of the Ping Che/Tak Kwu Ling New Development Area (NDA);

Public Views

- (e) the District Officer (North) (DO(N)), Home Affairs Department advised that the Chairman of Fanling District Rural Committee (FDRC), Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of Hung Leng Village raised objection to the application on the following grounds:
 - (i) the proposed cluster of houses would adversely affect ‘fung shui’ of the village and lead to catastrophic changes to the safety and well-being of the villagers;

- (ii) the main rainwater pipes of the Village ran all the way on government land around lots 2062 and 2053 and adjacent areas. This piece of government land was of utmost importance to the rainwater discharge of that Village. Under no circumstances should it be granted to developer for the proposed development;
 - (iii) the application site was potentially cultivable land which needed to be conserved and cherished. Turning this quality agricultural land into “comprehensive development” was totally against the planning intention of “AGR” zone;
 - (iv) to reserve the agricultural land was in line with government policy;
 - (v) objected to the number of parking space and the traffic flow; sewerage facilities; and the appropriateness of the vehicular access;
- (f) during the first three weeks of the statutory public inspection period of the original submission, which ended on 14.5.2010, one public comment objecting to the application was received. Further information submitted by the applicant were published for public inspection on 20.8.2010, 15.10.2010, 17.12.2010, 13.5.2011, 4.10.2011, 16.12.2011, 24.2.2012, 11.5.2012 and 20.7.2012. A total of 18 public comments were received from a North District Council member, the Village Representative of Hung Leng Village, the Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and a general public expressed reservation or objection to the application had been received. The key comments were summarized as follows:
- (i) over 60% of the application site was zoned “AGR”. The proposed development was incompatible with the planning intention and the exiting uses of the adjoining area;
 - (ii) the proposed low-density residential development was an inefficient

use of land resources;

- (iii) the layout of existing and proposed infrastructure and development was haphazard;
- (iv) there was a lack of a sustainable village layout plan to ensure the health and well being of current and future residents and quality urban design; the proposed development would affect the ecological environment in the village;
- (v) failure to provide a sustainable layout before approval might deteriorate the living environment in the village, cause adverse impact on the well being of residents and create health and social problems as well as might incur future costs to the society;
- (vi) the Board should listen to comments of local residents and carefully make a decision on the application;
- (vii) the proposed development which fell within the village area might cause conflict with local villagers;
- (viii) the proposed development would block the overall permeability of the rural area and affect the living environment and livelihood of local villagers;
- (ix) the proposed development would have adverse traffic impact on Ping Che Road;
- (x) the proposed development would speed up the loss of rural and agricultural land and deteriorate the rural setting in general. The area of agricultural land in Hong Kong should not be further reduced in order to secure a stable food supply; and
- (xi) 3 similar planning applications had been rejected by the Board since

2005. The approval of the application would set a bad precedent encouraging similar applications in the rural area of Hong Kong;

Planning Department's (PlanD) views

(g) PlanD did not support the application based on the assessment as stated in 11 of the Paper and were summarised as follows:

- (i) whilst it was acknowledged that there had been a strong demand for housing land in Hong Kong, rezoning of land for residential use had to take into account all relevant planning considerations including land use compatibility and sustainability in environmental, traffic and infrastructural provision terms. The site was an elongated portion of a larger "AGR" zone sandwiched between the "Village Type Development" zone to the south and a large "Open Storage" ("OS") zone to the north. The "OS" sites were being actively used for different kind of open storages and workshop uses which were not compatible with the proposed residential development. Besides, the application site was abutting and access via the busy Ping Che Road which was heavily used by heavy goods vehicles and container vehicles. Although the proposed rezoning would help to phase out the open storage use at the western portion of the application site, the area was not conducive for residential development;
- (ii) DAFC did not support the application from an agricultural development standpoint as the agricultural life in the vicinity was active and the site was graded 'good' agricultural land with 'high' potential for agricultural rehabilitation. The application site which had good accessibility could be used for open field cultivation and greenhouse cultivation. The current zoning of "AGR", which was to retain and safeguard the integrity of good agricultural land/farm/fish ponds in the area for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for

cultivation and other agricultural purposes, was therefore appropriate from land use planning perspective;

- (iii) C for T had reservation on the application as the approval of the application would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impact on nearby networks could be substantial and unacceptable;
- (iv) previous rezoning requests (No. Z/NE-TKL/5 and 6) to facilitate similar residential developments were rejected by the Committee on 29.4.2005 and 11.11.2005 respectively mainly on the grounds that there were no strong justifications for a departure from the planning intention of the “AGR” zone and insufficient information to demonstrate no adverse traffic / environmental impacts on the surrounding areas. There had been no material change in land uses and zoning of the application site and its surrounding areas which warranted a deviation from the Committee’s previous decisions; and
- (v) there were local objections to the application as conveyed by DO(N) on the grounds that the application site had high potential for rehabilitation of agricultural activities; ‘fung shui’ would be seriously affected; and the proposed residential development would have adverse traffic impact. In addition, there were public comments objecting to the application mainly on the grounds of incompatibility with the planning intention of the “AGR” zone; incompatibility with the current and proposed land uses; and adverse traffic impacts on Ping Che Road, adverse impacts on the living environment of the villagers and approval of the application would speed up loss of agricultural and rural land which were addressed by comments of concerned government departments. It should be noted that ‘fung shui’ was outside the planning consideration of the Committee.

9. The Chairman then invited the applicant's representative to elaborate on the application. With the aid of a Powerpoint, Dr. Andrew Chan made the following main points:

Building Trust

- (a) the application site was within the study area of the North-East New Territories (NENT) Planning Study but not within the NDAs. There were strong public reaction and dissident views on the recommendations of the study. The recent demonstrations and protests at consultation forums of the NENT NDA were a show of public discontent and display of bitter sentiment of the general public;

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

- (b) the above all boiled down to the distrust between the general public and the Government. Building trust with the public, drop by drop, should be a continuous effort of the Government. The application was a drop in the bucket;
- (c) if government officials did not like unreasonable act by the public, then they should not be unreasonable in carrying out their duties. The reasons stated by PlanD in recommending the rejection of the application were unreasonable, and the reasons were over-exaggerated like the false claims made by some members of the public in the consultation of the NENT Planning Study;

[Dr. C. P. Lau returned to the meeting and Mr. K. C. Siu left the meeting temporarily at this point.]

Land Use Incompatibility

- (d) at first glance, there might be an impression that there were a number of open storage sites in Ping Che. However, upon a closer look, these open

storage sites were quite segregated from the application site. The application site was located in an area dominated by village development and agricultural land;

- (e) upon closer scrutiny of the Recommended Outline Development Plan (RODP) of the NENT Planning Study and the Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP), one would find residential zones proposed right next to open storage areas in Ping Che. Applying the same logic in the instant case, the proposed development at the subject site should be considered compatible with the surrounding land uses. There should not be a double standard;
- (f) the open storage use which occupied half of the application site was an existing use which existed before gazettal of the statutory plan. The open storage use was incompatible with and potentially hazardous to the adjacent village type development. If the existing open storage use was allowed to continue at the subject site the current problem of land use incompatibility would perpetuate;

[Mr. K. C. Siu returned to the meeting at this point.]

Rehabilitation for Cultivation

- (g) a lot of agricultural land in the New Territories were abandoned and being used for open storage and other non-agricultural uses, thus creating undesirable visual and environmental impacts. The abandoned agricultural land with little potential for agricultural rehabilitation should be used for other purposes to enable better utilisation of land resources. In the NENT Planning Study, agricultural land was proposed for residential development. It was therefore not practical and unreasonable to expect a piece of private land that had been used for open storage for over 20 years to revert back for agricultural purpose. The existing open storage use at the application site would continue if the current application for residential development was not approved. As a result, the village houses adjacent to

the application site would continue to be affected by a potentially hazardous use. This was an "all loss" scenario for all parties concerned;

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

Traffic Impact

- (h) C for T had no objection to the traffic impact assessment (TIA). As such, the objection to the application on traffic grounds was unfounded. C of T was in fact concerned about the undesirable precedent for similar applications and the cumulative effect, instead of the traffic associated with the subject application. C for T's comment that the proposed residential development should be confined within appropriate residential zone was not appropriate as the purpose of a s.12A planning application was to apply for an amendment to the land use zoning. C for T's comment which was based on the "agriculture" zoning of the application site was not in line with the legislative intent of s.12A of the Town Planning Ordinance. C for T's comment in connection with the cumulative traffic impacts was exaggerated since the approval of other similar application was merely his assumption without any proof. As such, C for T's reservation on the subject application on traffic grounds was unscientific and unreasonable, and the rejection of the application on traffic grounds was unjustified;

Setting an Undesirable Precedent

- (i) "The principle of Dangerous Precedent" in *Microsmographia Academia* published in 1908 highlighted that every public action which was not customary would be a dangerous precedent, regardless of whether the action was right or not. It followed that nothing should ever be done for the first time. It should be noted that past experience showed that Hong Kong had seldom set undesirable precedent in planning. The King Yin Lei case was an example where a historical building was preserved in exchange for an adjacent site which was rezoned from "Green Belt" ("GB") to residential use. The case has set a precedent but no similar case had

followed. This was because the Board would consider each case on its own merits. The rejection reason that the approval of the subject application would set an undesirable precedent was over-exaggerated and not justified; and

Merits of the proposal

- (j) there were a number of special circumstances of the application. The existing use at the subject site was lawful but non-conforming and could be hazardous to the adjacent village. There was no prospect of reverting the application site from the existing open storage use back to agricultural use. The proposal, if approved, would benefit the community by eliminating the non-conforming, incompatible and potentially hazardous existing use at the application site. The proposed development would ultimately enhance the visual quality of the area and would provide a variety of housing types in NENT. In conclusion, the proposed development could benefit all parties concerned by phasing out an incompatible existing use which had existed before 1990, to get rid of a potentially hazardous use for the villagers, and to allow better utilisation of the site for the landowner.

Comments of the Adjacent Village

10. A Member asked whether the villagers of the adjacent village had expressed any views on the proposed development at the application site. In response, Ms. Jacinta Woo said that the Village Representative (VR) of the adjacent Hung Leng Village raised objection to the application and had submitted a comment as summarised in paragraph 10 of the Paper. She said that the VR expressed that the application site should be retained for agricultural use, and also expressed concern over the adverse traffic and environmental impacts. Dr. Andrew Chan said that in considering the traffic impact generated by a proposed development, TD's expert advice, instead of the views of villagers should be relied upon as villagers did not possess the necessary professional knowledge. Dr. Chan also said that in considering the opposing comments received, the Board should consider whether the reasons of objection were relevant. On the VR's view to retain the site for agricultural use, Dr. Chan said that half of the application site was already not used for agricultural use and was being used for

open storage.

11. The Chairman asked whether the applicant had contacted or consulted the local villagers on the proposed development. Dr. Andrew Chan replied that the applicant did not contact nor consult the local villagers directly on the application.

Agricultural Rehabilitation

12. In response to a Member's query, Ms. Jacinta Woo said that as indicated on Plan Z-2 of the Paper, the part of Ng Tung River to the immediate north of the application site was decked-over and there was agricultural land to the east of the application site. Ms. Woo continued to say that according to the advice of DAFC, the eastern portion of the site had high potential for agricultural rehabilitation and vegetable fields as well as fruit trees were found nearby. Although the western portion of the site was currently paved and used for open storage purpose, the site could be used for greenhouse cultivation. As there was a growing trend for agricultural rehabilitation as well as a demand for finding suitable farmland for practicing crop farming, DAFC considered that Ping Che was a good area for agricultural rehabilitation.

13. In response to another Member's query, Ms. Jacinta Woo said that the distribution of active agricultural land to the east of the application site was shown on Plan Z-2 of the Paper with annotation of "A/C" on the Plan.

Land Use Compatibility

14. In response to a Member's query on the land-use compatibility issue, Ms. Jacinta Woo said that the subject site was surrounded by open storage sites to its north and west. The open storage sites were being actively used for different kinds of open storage and workshop uses. The proposed residential development at the application site was considered to be incompatible with the open storage uses on environmental and traffic considerations. The application site abutted Ping Che Road which was a busy road used by heavy goods vehicles and container vehicles. Dr. Andrew Chan pointed out that DEP had no objection to the application from an environmental point of view and agreed that there was no noise and air quality problems.

15. A Member asked if the proposed residential development at the application site would be more compatible with the adjacent village type developments including Regency Court to the south, as compared to the current use. Noting that the owner of the application site had indicated that the site would not be reverted back to agricultural use, the Member would like to know how the site could be utilised. In response, Ms. Jacinta Woo said that from land use planning perspective, agricultural use at the application site would be relatively more compatible with the village type developments to its south. She therefore considered that the application site should be retained for agricultural use and the "AGR" zone for the application site was appropriate. The Chairman also pointed out that part of the application site was government land. However, it was up to the landowners to decide on the best use of their agricultural land, such as to rent it out for agricultural purpose, bearing in mind that the land was zoned "AGR". Dr. Andrew Chan said that although the application site was zoned "AGR" on the OZP, the western portion of the subject site was actually being used for open storage purpose.

16. Another Member raised concern on whether the operational safety of open storage use at the subject site would be monitored by relevant government departments. This Member also asked PlanD's views if the applicant submitted an application for open storage use at the eastern portion of the subject site. Ms. Jacinta Woo replied that the operational safety of the open storage use currently at the subject site should be subjected to relevant safety requirements and regulations enforced by relevant government departments. Ms. Woo also said that as open storage use was not a Column 2 use under the Notes of the "AGR" zone on the OZP, only an application for temporary open storage use at the site could be submitted for the Board's consideration according to the Covering Notes of the OZP. Such an application, if submitted by the applicant, would be considered taking into account the type of open storage use and its environmental and traffic impacts on the surrounding area. The Chairman asked if there was any industrial accident occurred at the subject site during its over-20 years of operation. Dr. Andrew Chan said that no industrial accident was recorded at the subject site. However, Dr. Chan said that there was always a chance, no matter how remote, that an accident would happen and that would affect the safety of the adjacent villagers.

17. A Member asked whether the subject site would be affected by the

recommendations of the NENT Planning Study. In response, Ms. Jacinta Woo said that although the subject site fell within the study area of NENT Planning Study, the subject site was not included in the Ping Che NDA. The proposed Ping Che NDA was about 700m to 800m to the west of the subject site. There were indigenous villages and open storage use in areas to the east of Ping Che Road. The land had to be retained for open storage use in order to provide the necessary support to Hong Kong's economic activities. The area to the west of Ping Che Road was considered to be more suitable for NDA developments in view of the fact that the area was relatively flat and there were only a few recognised villages. With regard to Dr. Chan's concern on the interface between the proposed residential development in the NDA and the existing "OS" sites in Ping Che, Ms. Woo said that the land use compatibility and interface issue would be examined in detail at a later stage when OZPs for NDAs and the surrounding areas were prepared.

Larger Application Site

18. In response to the Chairman's enquiry on how the applicant could convince the Committee to agree to using the eastern part of the application site for residential development. Dr. Andrew Chan said that previous applications submitted by the applicant largely confined to the western portion of the application site. However, the applicant was advised by PlanD that the narrow site configuration and small site area of the western portion of the application site was a constraint for achieving a better and sustainable layout for a comprehensive residential development. As such, the applicant worked hard to purchase adjacent land so as to enlarge the application site with a view to facilitating a better layout for the proposed development.

19. In response to another Member's query, Mr. K. C. Siu said that TD had commented on the TIA submitted by the applicant on 3.5.2011. Mr. Siu said that no significant impact on the surrounding road networks was expected and he had no further comment on the application from traffic point of view.

20. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The

Chairman thanked the applicant's representatives and the PlanD's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

21. A Member said that rezoning of the entire application site for residential development should not be supported as the eastern portion of the subject site had high potential for agricultural rehabilitation.

22. Another Member said that the proposed development could provide an orderly development in the area and could phase out the existing open storage use which was non-conforming and not compatible with the adjacent village type development. The proposed development would not create undesirable traffic impacts and the proposed design and layout of the proposed development was visually and aesthetically acceptable. That Member did not understand why the local villagers were not supportive of the proposal. The proposed development would be a good showcase for encouraging private-initiative development in NENT area which could improve the general environment of NENT, which was currently in a chaotic manner with open storage and other uses scattered over the abandoned agricultural land. The development might be of public interest as the environment could be better utilised. That Member said that the planning intention of the subject site should be considered taking into account of the intention of the Government to develop NENT.

23. A Member said that even though the site had high potential for agricultural rehabilitation, due consideration should be given to the reality that the landowner would not rehabilitate the land for agricultural use as well as the actual demand for agricultural land in the New Territories. In response, the Chairman said that according to DAFC, there were about 200 applicants waiting for suitable land for farming. Though from the landowners' perspective, farming would not generate good return. A cautious approach should be adopted in rezoning agricultural land to other uses. The Chairman said that sympathetic consideration might be given if the rezoning for residential development was limited to the western portion of the application site so as to phase out the non-compatible open storage use, thus eliminating a nuisance and potential hazard to the adjacent village. However, there was insufficient justification to rezone the eastern portion of the subject site which had high

potential for agriculture rehabilitation.

24. The Secretary said that the land use of the wider areas in Ping Che should be taken into consideration in assessing the land use compatibility of the application, in addition to the immediate site context of the application site. She said that given the subject site was abutting Ping Che Road which was a busy road with heavy vehicles travelling in and out of an extensive area of open storage sites surrounding the application site, Members should consider whether the area, thus the subject site, was conducive for residential development. Another angle that Members should take into account was that whether the phasing out of the non-conforming open storage use would provide sufficient merits in changing the planning intention for the area. After some discussion, Members agreed to reject mainly for the reason that the eastern part of the application site had high potential for agricultural rehabilitation and was compatible with the active agricultural land to the east of the application site. The “AGR” zone of the application site was appropriate from land use planning perspective to retain and safeguard the integrity of good agricultural land in the area for agricultural purpose.

25. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and agreed that they should be suitably amended to reflect Members’ views as expressed at the meeting. After further deliberation, the Committee decided not to agree to the application for the following reason :

The planning intention of the “Agriculture” (“AGR”) zone in the Ping Che and Ta Kwu Ling area was primarily to retain and safeguard good 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 eastern portion of the application site which was graded as good agricultural land and currently occupied by fallow agricultural land had high potential for agricultural rehabilitation and was compatible with the active / fallow agricultural land in the immediate east. The applicant did not provide sufficient justification to support the proposed rezoning.

Sai Kung and Islands District

[Mr. Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs), and Mr. Tim T.Y. Fung, Senior Town Planner/Sai Kung and Islands (STP/SKIs), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-CC/16 Proposed Utility Installation for Private Project (Including drainage facilities, water supply facilities, electricity supply facilities and telecommunication networking facilities) in “Green Belt” zone, Government Land adjoining Cheung Chau Peak Road 1D, Cheung Chau
(i.e. Lot No. 930 in D.D. Cheung Chau)
(RNTPC Paper No. A/I-CC/16)

Presentation and Question Sessions

26. Mr. Tim T.Y. Fung, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed utility installation for private project (including drainage facilities, water supply facilities, electricity supply facilities and telecommunications networking facilities);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;

- (d) two public comments were received during the first three weeks of the statutory publication period. A comment submitted by a member of the public agreed that there was practical need for the proposed development and said that if the proposed utility installation works might affect adjacent residents, the applicant should liaise with the residents before commencement of works to avoid any accidents. The commenter also commented that the Site should be improved with amenity after completion of work. Another comment from Kadoorie Farm & Botanic Garden Corporation urged the Board to reject the application because the proposed utility installations were not in line with the planning intention of “Green Belt” (“GB”) zone which was for conservation; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons detailed in paragraph 11 of the Paper. Regarding the public comment that the proposed utility installations were not in line with the planning intention of the “GB” zone, it should be noted the subject “GB” area was currently occupied by road and pedestrian access and no natural vegetation or tree would be affected by the proposed development within the subject “GB” site.

27. In response to the Chairman’s query, Mr. Tim Fung said that the proposed drainage, water supply, electricity supply and telecommunications network facilities would be located underground.

Deliberation Session

28. 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 5.10.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

the submission, implementation and maintenance of the proposed drainage/sewerage works to the satisfaction of the Director of Drainage Services or of the TPB.

29. The Committee also agreed to advise the applicant of the following :
- (a) to apply for approval from the District Lands Officer/Islands (DLO/Is), Lands Department regarding the proposed utility installations at the Site;
 - (b) to note the comments of Chief Building Surveyor/New Territories East 1 & Licensing, Buildings Department that should the subject land become leased Government land, any proposed building works thereat should be submitted for approval under the Buildings Ordinance;
 - (c) to note the comments of Chief Engineer/Hong Kong & Islands, Drainage Services Department that the applicant was required to monitor the internal conditions of the existing public drains/sewers running inside and adjacent to the Site with closed-circuit television (CCTV) survey prior to commencement and upon completion of the proposed connection works to the Director of Drainage Services' (DDS) satisfaction; the applicant should exercise extreme care when working in the vicinity of the existing drains/sewers in order not to disturb, interfere with or cause damage to them. Any damage should be made good to DDS's satisfaction at the applicant's cost; and upon completion of the proposed drainage/sewerage connection works, the applicant was required to arrange with DDS a joint site inspection to the completed works and furnish DDS with the as-constructed drainage records, hydraulic calculations and CCTV reports;
 - (d) to note the comments of Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (CEDD) that the applicant should refer to the "Guide to Trench Excavation (Shoring Support and Drainage Measures)", jointly published by Highways Department (HyD) and CEDD, for technical guidelines on excavation works; and refer to the "Code of Practice on Monitoring and Maintenance of Water-Carrying

Services Affecting Slope (2nd Edition)” for technical guidelines on design and construction of buried water-carrying pipes affecting slopes/retaining walls;

- (e) to note the comments of Commissioner of Police to leave at least 1.5m wide path on Cheung Chau Peak Road to make way for access of emergency vehicles;
- (f) to note the comments of Director of Agriculture, Fisheries and Conservation that disturbance to trees should be avoided;
- (g) to note the comments of Director-General of Communications that the applicant/project owner should construct the proposed telecommunications network connection works for connecting the existing nearby PCCW telecommunications network in compliance with the current Government standard and to PCCW’s satisfaction at his own cost; and
- (h) to note the comments of Chief Highway Engineer/New Territories East, HyD that any existing street furniture being affected by the project should be sent to his Department for comment/agreement before commencement of works; and Excavation Permit should be obtained from his Regional Office prior to commencement of excavation works on the public road. For the works to be carried out on unallocated Government Land, Excavation Permit should be obtained from DLO/Is direct to avoid disturbance to trees.

Agenda Item 5

Section 16 Application

[Open Meeting]

A/SK-CWBN/22 Proposed House (New Territories Exempted House) in “Green Belt” zone, Lots 330 and 332 S.B (Part) and 333 S.B in D.D. 225, Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBN/22)

30. The Secretary reported that on 17.9.2012, 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 departmental comments.

31. 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.

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-SKT/5 Proposed 2-Storey Building for Eating Place and Shop and Services
Uses in "Village Type Development" zone, Lot 500RP in D.D. 215, Sai
Kung
(RNTPC Paper No. A/SK-SKT/5)

Presentation and Question Sessions

32. The Secretary reported that Mr. Ivan Fu had declared an interest in this item as he had current business dealings with TMA Planning and Design Ltd., which was a member of the consultancy team for the application. As Mr. Fu had no direct involvement in the subject application, Members agreed that he could stay in the meeting.

33. Mr. Ivan M.K. Chung, DPO/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 two-storey building for eating place and shop and services uses;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sai Kung), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 11 of the Paper.

34. Members had no question on the application.

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

Deliberation Session

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 5.10.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a sewerage impact assessment prior to the commencement of works to the satisfaction of the Director of Environmental Protection (DEP) or of the TPB;

- (c) in relation to (b) above, the provision of sewerage treatment facilities or sewer connections to the Site to the satisfaction of the DEP or of the TPB; and
- (d) the provision of fire service installations and water supplies for firefighting 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 DEP that the applicant was required to provide suitable treatment for its wastewater (e.g. grease trap) for commercial premises and apply for licenses under Environmental Protection Department's Water Pollution Control Ordinance where appropriate and liaise with the Drainage Services Department for agreement on the sewerage connection details for the development. The applicant should observe the Air Pollution Control Ordinance, and minimize the potential cooking fume nuisance generated by the proposed uses (such as eating place) affecting the nearby residences and air sensitive receivers. The applicant should also observe the Noise Control Ordinance, and minimize the potential noise nuisance generated by the proposed uses (such as eating place) affecting the nearby residences and noise sensitive receivers;
- (b) to note the comments of Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department (BD) that emergency vehicular access should be provided to the proposed building in compliance with Building (Planning) Regulation 41D. Attention was drawn to the policy on gross floor area (GFA) concessions under the PNAP APP-151 in particular the 10% overall cap on GFA concessions and the SBD requirements under PNAP APP-152. If the concerned building was intended to be used as a restaurant, the building was also required to comply with the building safety and other relevant requirements as might be imposed by the Licensing Authority for registration of such restaurant. Detailed comments would be given at formal plans submission stage;

- (c) to note the comments of District Lands Officer/Sai Kung, Lands Department that the applicant was required to apply for a lease modification upon obtaining planning permission from the TPB. It was however stressed that there was no guarantee that the proposed modification would be approved by the Government. The modification, if eventually approved, should be subject to such terms and conditions including payment of fees and premium, as the Government considers appropriate;
- (d) to note the comments of Director of Fire Services that emergency vehicular access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (e) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that for the provision of fresh water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

[The Chairman thanked Mr. Ivan M.K. Chung, DPO/SKIs, and Mr. Tim T.Y. Fung, STP/SKIs, for their attendance to answer Members' enquires. Messrs. Chung and Fung left the meeting at this point.]

Sha Tin, Tai Po and North District

[Ms. Jacinta K.C. Woo, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), Mr. Anthony K.O. Luk, Ms. Maggie M.Y. Chin and Mr. C.T. Lau, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 7

[Open Meeting]

Proposed Amendments to the Approved Shatin Outline Zoning Plan No. S/ST/26
(RNTPC Paper No. 7/12)

[Prof. Edwin Chan arrived at the meeting at this point.]

37. The Secretary reported that this item involved proposed amendments to the Shan Tin Outline Zoning Plan for the proposed Public Rental Housing (PRH) and Home Ownership Scheme (HOS) developments in Fo Tan areas by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item:

- | | | |
|--|---|--|
| Mr. Jimmy Leung
(the Chairman)
as the Director of Planning | - | Being a member of the Strategic Planning Committee and Building Committee of HKHA |
| Dr. W. K. Lo | - | Being a member of the Building Committee and Tender Committee, HKHA; and has an industrial unit in Tai Wai |
| Prof. Edwin Chan | - | Being a member of the Building Committee, HKHA |
| Mr. H. F. Leung | - | Had business dealings with the Housing Department |

Prof. K. C. Chau

- Had a flat in Fo Tan

38. Members noted that Prof. Edwin Chan had not arrived at the meeting. Prof. K. C. Chau confirmed that his property was not affected by the proposed amendments under consideration. The Committee agreed that he could stay in the meeting. As the Committee considered that the interests of the Chairman, Dr. W. K. Lo and Mr. H. F. Leung were direct and should leave the meeting temporarily for the item, the Vice-Chairman took up the chairmanship of the meeting at this point.

[The Chairman, Dr. W. K. Lo and Mr. H.F. Leung left the meeting temporarily at this point.]

39. Mr. Anthony K. O. Luk, STP/STN presented with the aid of a Powerpoint and covered the following aspects as detailed in the Paper:

Proposed Amendments to facilitate the Public Rental Housing (PRH) and Home Ownership Scheme (HOS) development at Fo Tan

Background

- (a) In view of the structural changes in the economy of Hong Kong and the movement of the manufacturing process to the Mainland, the Planning Department (PlanD) had been monitoring the demand and supply of industrial land with a view to rezoning surplus industrial land for other uses to better utilize the land resources. Since 2000, PlanD started to undertake ‘Area Assessments of Industrial Land in the Territory’ (Area Assessments) to identify suitable “Industrial” (“I”) sites for rezoning to other suitable uses. The latest Area Assessment was completed in September 2010, and the recommendations of which were subsequently endorsed in principle by the Board subject to detailed proposals to be worked out in the context of proposed amendments to the OZP;

Item A1 – rezoning of a site from “I”, “GB” and area shown as ‘River Channel’ to “R(A)2” (Site area about 4.09 ha)

- (b) in the Area Assessments, the subject site (The Site) in Fo Tan which was currently zoned “T”, “Green Belt” and “River Channel” on the OZP had been identified as suitable for residential use. The Site, which covered the ex-Fo Tan Cottage Area and the adjacent industrial land, was located in the northwestern fringe of the Fo Tan Industrial Area (FTIA). The ex-Fo Tan Cottage Area was vacant and the adjacent industrial land was largely under various temporary uses including bus depots, storage, workshop and car park. Being located at the fringe of the industrial area on higher ground with only a short frontage to the southeast fronting industrial buildings, the Site could be considered for rezoning for comprehensive PRH development so that the environmental constraints could be better dealt with as there would be more scope to incorporate the appropriate design and layout;
- (c) the proposed PRH site was to be developed for 6 housing blocks with a maximum total GFA of 194,500 m² (about 181,000 m² domestic GFA and 13,500 m² non-domestic GFA) providing about 4,200 flats. The building heights for the proposed PRH development ranged from 140mPD to 160mPD. The housing blocks would be located on different platforms rising from southeast at about 32 mPD towards the northwest at about 75 mPD. It would create a height profile stepping up from both ends to the centre with reference to the hilly terrain to the north. Building separations of 18m to 30m were proposed to enhance the wind environment. Non-domestic uses and retail facilities (in a welfare and commercial centre) were also proposed in the south-eastern part of the site along Kwei Tei Street such that the housing blocks would be separated from the nearest industrial building.
- (d) to facilitate the proposed PRH development, a new sub-zone, “R(A)2”, under the “R(A)” zone was proposed. A maximum total GFA of 194,500m² and a maximum building height of 160mPD were stipulated for the “R(A)2” zone taking account of the development scheme. Despite the stipulation of a maximum building height restriction, a stepping height profile would be adopted with reference to the hilly terrain to the north. The stepped height concept would be stated in the ES of the OZP.

Item A2 – Rezoning of a site from “I” to “R(A)3” (Site Area: about 0.87 ha.)

- (e) in the area assessment, a site at Wo Sheung Tun Street was also recommended to be rezoned for a HOS development. Similar to the PRH site, the HOS site was located at the western fringe of the FTIA and was a piece of government land. It was zoned “I” on the OZP and was currently occupied by a bus depot;
- (f) the proposed HOS development comprised 2 building blocks with a maximum total GFA of 43,600 m² providing about 560 flats. The maximum building height of about 150mPD. Although the site was primarily situated on a platform with site level of 52mPD, the building blocks would be straddling this building platform and the adjoining slope such that the lobby floor would be situated at grade along Man Hang Street. Open air carpark ancillary to the HOS development would be provided within the site. A landscape buffer would be provided at the north-eastern part of the site along Man Hang Street to enhance the visual quality of the area. A building setback of about 10m was proposed along Man Han Street to maximize the distance between the residential blocks and the adjacent industrial building;
- (g) based on the indicative development scheme, it was proposed to rezone the site to “R(A)3” with stipulation of a maximum total GFA of 43,600m² and a maximum building height of 150mPD. To provide flexibility, a minor relaxation clause would be incorporated in the Notes for the “R(A)3” zone to allow minor relaxation of the stipulated GFA and building height restrictions on individual merits through the planning application mechanism;

Technical Assessments

- (h) HD had undertaken technical assessments for the proposed PRH and HOS developments with respect to environmental, traffic, visual, air ventilation,

and tree preservation. Relevant government departments consulted had considered these technical assessments acceptable in principle;

Other technical proposed amendments related to the proposed PRH and HOS development

Item A3 – Rezoning of a site from “T” to “G/IC” (Site Area: about 0.28 ha)

- (i) the site to the east of the PRH site had been developed as an electricity substation, a public toilet and a garden. It was considered appropriate to rezone the site to reflect the as-built situation;

Item A4 – Rezoning of areas from “T” and area shown as ‘River Channel’ to “Green Belt” (“GB”) (Site Area: about 0.79 ha)

- (j) for those areas that were mainly existing slopes covered with vegetation not intended for development, it was considered appropriate to rezone them to “GB”;

Item A5 – Rezoning of areas from “T” and area shown as ‘River Channel’ to area shown as ‘Road’ (Site Area: about 1.21 ha)

- (k) this amendment was to reflect the as-built roads in the area and to cater for the road improvement works of Wong Chuk Yeung Street;

Item A6 – Rezoning of two strips of land from “GB” and area shown as ‘River Channel’ to “T” (Site Area: about 0.1 ha)

- (l) opportunity was also taken to adjust the zoning boundary of two strips of land in the north and north-western part of the FTIA to tally with the land allocation boundary of the garden to the east of the PRH site and to tie in with the rezoning boundaries for amendment items A3, A4 and A5;

Amendment for the government land adjoining Chi Ha Yuen

Item B – Rezoning of a site from “Village Type Development” (“V”) to “G/IC” (Site Area : about 0.05 ha)

- (m) on 12.2.2012, the Committee decided to partially agree to an application (No. Y/ST/13) by rezoning the Government Land adjoining Chi Ha Yuen in Area 6, Sha Tin from “Village Type Development” (“V”) to “Government, Institution or Community” (“G/IC”) with columbarium included as Column 2 use. In order to take forward the Committee decision, a site located in Area 6 to the northwest of Pai Tau Village was proposed to rezone from “V” to “G/IC”. On the site there were three existing columbaria (with a total of 3,338 urns) and one storage structure. Upon rezoning of the site to “G/IC”, columbarium would be included as a Column 2 use and require planning permission from the Board;

Amendments associated with the Sha Tin Water Treatment Works

Item C1 – Rezoning of six strips of land from “Open Space” (“O”) and “Other Specified Uses” (“OU”) annotated “Kowloon-Canton Railway” to “OU” annotated “Water Treatment Works” (Site Area : about 1.54 ha)

Item C2 – Rezoning of a strip of land from “OU” annotated “Water Treatment Works” to “OU” annotated “Kowloon-Canton Railway” (Site Area : about 0.13 ha)

- (n) the Sha Tin Water Treatment Works was located to the southwest of Tai Wai. The Water Supplies Department was about to carry out the “Reprovisioning of Sha Tin Water Treatment Works” project which included the upgrading in phases of the existing water treatment facilities at Areas 9 & 49. To facilitate the implementation of this project, opportunity was taken to adjust the zoning boundary of the relevant “OU” zone on the OZP to reflect the as-built situation and to tally with the land allocation boundary;

Proposed amendments to the Notes

- (o) the Notes of the “R(A)” zone had been amended to cater for the proposed

sub-areas of “R(A)2” and “R(A)3” zones with stipulation of GFA and building height restrictions. Provision had been made in the Notes of the “R(A)2” and “R(A)3” zones for minor relaxation of GFA and building height restrictions through the planning application mechanism. Opportunity was also taken to revise the exemption clause for gross floor area/plot ratio calculation in relation to caretaker’s quarters in the Remarks of the Notes for the “Comprehensive Development Area”, “Comprehensive Development Area(1)”, “R(A)”, “Residential (Group B)” and “Residential (Group C)” zones;

Revision to the Explanatory Statement (ES)

- (p) the ES of the OZP had been revised to take into account the proposed amendments;

Consultation

- (q) the proposed amendments to the approved Sha Tin OZP had been circulated to the relevant departments and they had no objection to or no comment on the proposed amendments. The Sha Tin District Council (STDC) generally supported the PRH and HOS developments when HD consulted STDC in September 2011 and June 2012 respectively; and
- (r) the STDC (or its sub-committee) and Sha Tin Rural Committee (STRC) would be consulted after the Committee’s agreement to the proposed amendments either before the gazetting of the proposed amendments to the OZP or during the exhibition period depending on the meeting schedules of STDC and STRC.

40. Members had no question to the proposed amendments.

41. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Sha Tin Outline Zoning

Plan (OZP) No. S/ST/26 and that the amendment Plan No. S/ST/26A at Annex B (to be renumbered to S/ST/27 upon gazetting) and its Notes at Annex C of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance;

- (b) adopt the revised Explanatory Statement (ES) at Annex D of the Paper for the draft Sha Tin OZP No. S/ST/26A as an expression of the planning intentions and objectives of the Board for various land use zones on the Plan; and
- (c) agree that the revised ES at Annex D of the Paper was suitable for exhibition for public inspection together with the draft OZP No. S/ST/26A (to be renumbered to S/ST/27 upon gazetting).

Agenda Items 8 to 11

Section 16 Applications

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

[Open Meeting]

A/DPA/NE-TKP/15 Proposed Rebuilding of House (New Territories Exempted House) in “Unspecified Use” zone, Lot 828RP in D.D. 293 and Adjoining Government Land, To Kwa Peng, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/15A)

A/DPA/NE-TKP/16 Proposed Rebuilding of House (New Territories Exempted House) in “Unspecified Use” zone, Lot 828A in D.D. 293 and Adjoining Government Land, To Kwa Peng, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/16A)

A/DPA/NE-TKP/17 Proposed Rebuilding of House (New Territories Exempted House) in “Unspecified Use” zone, Lot 986 in D.D. 293 and Adjoining Government Land, To Kwa Peng, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/17A)

A/DPA/NE-TKP/18 Proposed Rebuilding of House (New Territories Exempted House) in
“Unspecified Use” zone, Lot 827 in D.D. 293 and Adjoining
Government Land, To Kwa Peng, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/18A)

42. The Committee noted that these four requests for deferral were similar in nature and the application sites were located within the same area zoned “Unspecified Use” zone on the OZP. These four applications were submitted by the same applicant. The Committee agreed that these four applications could be considered together.

[Prof. Edwin Chan arrived at the meeting at this point.]

43. The Secretary reported that on 14.9.2012, the applicants’ agent requested the Board to defer making a decision on each of the application for another two months in order to allow more time for the applicants to address comments of various government departments.

[Ms. Christina Lee left the meeting temporarily at this point.]

44. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of further information from the applicants. 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 applicants. The Committee also agreed to advise the applicants that two months, resulting in a total period of four months, were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Ms. Christina Lee returned to the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/209 Proposed Shop and Services and Eating Place (in wholesale conversion of an existing building only) in “Industrial” zone, No. 6 Choi Fai Street, Sheung Shui, New Territories (Fanling Sheung Shui Town Lot No. 147)

(RNTPC Paper No. A/FSS/209B)

Presentation and Question Sessions

45. The Secretary reported that Mr. Ivan Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd., which was a member of the consultancy team for the application. As Mr. Fu had no direct involvement in the subject application, Members agreed that he could stay in the meeting.

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

46. Ms. Maggie M.Y. Chin, STP/STN, 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 shop and services and eating place (in wholesale conversation of an existing building only);

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

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. District Officer (North), Home Affairs Department advised that the Indigenous Inhabitants Representatives (IIRs) and Residents Representative (RR) of Tsung Pak Long supported the application with additional views that the proposed development would

improve the surrounding environment, but the relevant party should pay attention to the access to Sheung Shui MTR Station. The incumbent North District Councillor raised objection to the application mainly on traffic grounds that there would be an increase in vehicular and pedestrian flow; there would be insufficient parking spaces, the increased number of visitors would adversely affect the public order in the nearby village and car parking spaces in Sheung Shui Heung would be occupied by outsiders and this would lead to disorder at village roads. The tranquil rural environment would also be disturbed. Other government departments had no objection to or adverse comments on the application;

- (d) three public comments from three North District Council (NDC) members were received during the first three weeks of the statutory public publication period. One of the NDC members indicated that he had no comment on the application. The second NDC member supported the application as the proposed development would increase the provision of space for business and logistics activities and job opportunities. The remaining NDC member objected to the application on grounds that the proposed development would lead to an increase in pedestrian and vehicular flows, and cause adverse impact on the public order of the nearby villages. In addition, the proposed development would lead to disturbance at the village roads and tranquil village environment;

[Prof. K. C. Chau left the meeting temporarily at this point.]

- (e) on 4.5.2012, the further information on the application was published for public inspection. Two public comments from two NDC members were received during the first three weeks of the statutory public inspection period. One of the NDC members had no comment on the application whereas the remaining NDC member objected to the application as the proposed development would lead to an increase in pedestrian and vehicular flows and the public order of the nearby villages would be affected. Besides, Po Wan Road and Po Shek Wu Road would be overloaded; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 12 of the paper. Although there were local objections mainly on traffic grounds, it was noted that C for T had no adverse comment on the application from traffic viewpoint.

[Prof. K. C. Chau returned to the meeting at this point.]

47. In response to the Chairman's enquiry, Ms. Chin said that according to the "Area Assessment 2009 of Industrial Land in the Territory", the vacancy rate of Sheung Shui Industrial Area was about 5.4% and the surrounding areas of the subject site were mostly used as warehouses. Ms. Chin also said that the building was currently occupied by car repair workshops, logistics services and godown uses.

Deliberation Session

48. The Chairman said that the proposed wholesale conversion of the industrial building should not significantly affect the operation of logistic industry in the area. The proposed conversion of the industrial building to "Shop and Services" and "Eating Place" could meet the needs of the district population given its close proximity to Landmark North, which was the only major commercial office cum retail development in the area.

49. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 5.10.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the design and provision of vehicular access, parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the design and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;

- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (d) the submission and implementation of proposals for water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approval should be for the lifetime of the building. Upon redevelopment, the subject site would need to conform with zoning and development restrictions on the Outline Zoning Plan in force at the time of redevelopment which might not be the same as those of the existing building;
- (b) to note the comments of the District Lands Officer/North, Lands Department to apply for a special waiver to waive the Government's right to enforce the user restriction in the lease conditions for the conversion of the entire industrial building. For the avoidance of doubt, his department acting in the capacity as private landlord might, at its sole and absolute discretion, approve or reject such application. A separate lease modification application was required for amendment of the parking provisions or the applicant wishes to modify any other terms contained in the New Grant as a result of the special waiver application. The lease modification, if approved, might take such form and contain such conditions as his department might consider appropriate including, among others, payment of a premium;
- (c) to note the comments of the Commissioner for Transport that for the arrangement of shuttle bus service for the proposed conversion if necessary, there were established procedures for the application for the provision of shuttle bus services. The approval of the subject application should not be taken as an agreement / approval of the provision for shuttle bus service;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that an Authorized Person should be appointed to submit building plans for the proposed change in use / alteration works to demonstrate full compliance with the current provision of the Buildings Ordinance; and detailed comments would be given at formal building plan submission stage;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that as the site was situated in an area dominated by industrial buildings, in addition to the proposed roof garden, vertical greening should also be considered to enhance the landscape quality of the concerned building and local environment;
- (f) to note the comments of the Director of Fire Services as follows:
 - (i) detailed fire services requirements would be formulated upon receipt of formal submission of general building plans; and
 - (ii) the arrangement of emergency vehicular access should comply with the Code of Practice for Means of Access for Firefighting and Rescue which was administered by the Buildings Department; and
- (g) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the application site was located within the flood pumping gathering ground.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/158 Temporary Open Storage of Ironmongeries, Scrap Metal and Waste, Building Materials and Miscellaneous Items and an Ancillary Office for a Period of 3 Years in “Agriculture” zone, Lot No. 542 S.A RP (Part) in D.D. 92, Castle Peak Road, Kwu Tung, Sheung Shui (RNTPC Paper No. A/NE-KTN/158A)

[Dr. Wilton Fok returned to the meeting at this point.]

Presentation and Question Sessions

51. 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 of ironmongeries, scrap metal and waste, building materials and miscellaneous items and an ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the application site. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation. District Office/North, Home Affairs Department (DO/N, HAD) advised that the incumbent North District Councillor, the Chairman of Sheung Shui District Rural Committee, Indigenous Inhabitants Representative (IIR) and Residents Representative (RR) of Yin Kong, Kwu Tung (South) and Kwu Tung (North) objected to the application on the grounds that the proposed development would

generate heavy traffic and cause traffic congestion to the busy Castle Peak Road; it was not in line with the planning intention of the “AGR” zone and incompatible with the surrounding area and would have adverse visual, traffic, environmental and drainage impacts and no environmental assessment had been conducted. The existing industrial use on agricultural land had already created great nuisance to the residents nearby. Other government departments had no objection to or adverse comments on the application;

- (d) two public comments were received during the first three weeks of the statutory publication period. A public comment from North District Council member expressed no comment on the application but wished that the local residents would be consulted accordingly. Another comment from the Vice-chairman of North District Council objected to the application on grounds of causing pollution to agricultural land in the surrounding area, noise nuisance to the nearby residents and the entrance/exit at the busy Castle Peak Road would cause traffic congestion; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 12 of the Paper. Although DAFC did not support the application as there were active agricultural activities in the vicinity of the application site and the area had high potential for agricultural rehabilitation, it should be noted that the application site had already been formed and could be used for vehicle parking and loading/unloading under previously approved schemes. Approval of the temporary use would not jeopardise the long-term planning intention of the area. Regarding DEP’s concerns on the application, it should be noted that no environmental complaint in relation to the application site had been received in the past 3 years. Also, relevant approval conditions were recommended to address DEP’s concerns. While there were local objections on environmental and traffic grounds, it was noted that DEP had not received any complaints on the application site in the past 3 years. Relevant approval conditions and advisory comments were recommended to address the local/public

concerns.

52. Members had no question on the application.

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

Deliberation Session

53. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.10.2015, 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 5:30 p.m. and 8:30 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 medium/heavy goods vehicles exceeding 5.5 tonnes as proposed by the applicant were allowed to enter/exit the application site during the planning approval period;
- (d) the stacking height of the materials stored within five metres of the periphery of the application site should not exceed the height of the boundary fence during the planning approval period;
- (e) no workshop activities should be carried out within the application site during the planning approval period;
- (f) the existing drainage facilities on the application site should be properly maintained and rectified if found inadequate/ineffective during the planning approval period;

- (g) the approved Emergency Vehicular Access within the application site should not be obstructed during the planning approval period;
- (h) the submission of a condition survey with photographic records of the existing drainage facilities on site as previously implemented on the same site in the planning application No. A/NE-KTN/135 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.1.2013;
- (i) the provision of fire extinguishers within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.11.2012;
- (j) the submission of fire service installations proposals 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 5.1.2013;
- (k) in relation to (j) above, the implementation of fire service installations proposals 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 5.4.2013;
- (l) the submission of the tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.1.2013;
- (m) in relation to (l) above, the implementation of the tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.4.2013;
- (n) 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

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

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

- (a) prior planning permission should have been obtained before commencing the development on site;
- (b) to note that shorter compliance periods were granted in order to closely monitor the progress of compliance;
- (c) to note that should the applicant fail to comply with approval conditions again resulting in revocation of planning permission, sympathetic consideration might not be granted to future application unless there was exceptional circumstances;
- (d) to note the advice of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submissions of general building plans and his recommendations regarding fire service installations (FSIs) proposals:
 - (i) to submit certificate (s) under Regulation 9(1) of the Fire Services (Installations and Equipment) Regulations (Chapter 95B) to his Department for compliance of condition (i);
 - (ii) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed site, FSIs would need to be installed; and
 - (iii) if no building plan would be circulated to his Department via the Centralized Processing System of Buildings Department (BD), the

applicant was required to submit relevant layout plans incorporated with the proposed FSIs for his approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission, the applicant was advised on the following points:

- a. the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - b. the location of where the proposed FSI to be installed and the access for emergency vehicles should be clearly indicated on the layout plans;
- (e) to note the advice of Director of Buildings that:
- (i) before any new building works (including movable container as office) were to be carried out on the application site, the prior approval and consent from BD should be obtained. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance;
 - (ii) in connection with (i) above, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulation (B(P)R) 5 and 41D respectively; and
 - (iii) 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 B(P)R 19(3) at the building plan submission stage; and
- (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 the potential environmental impacts on the adjacent area.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/491 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lots 982 S.A ss.1 and 982 S.A ss.2 in D.D. 83,
Tung Kok Wai, Lung Yeuk Tau, Fanling
(RNTPC Paper No. A/NE-LYT/491)

[Ms. Anita Lam left the meeting temporarily and Dr. C. P. Lau returned to the meeting at this point.]

Presentation and Question Sessions

55. 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 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 V of the Paper;
- (d) one public comment from a North District Council member was received during the first three weeks of the statutory publication period. The commenter indicated no specific comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons detailed in paragraph 11 of the Paper.

56. In response to a Member’s query, Ms. Chin said that although the western portion

of the application site would encroach onto an existing village road as shown in Plan A-2 of the RNTPC Paper, the applicant had confirmed that the concerned village road would be maintained for public access during and after the proposed Small House development.

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

Deliberation Session

57. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 5.10.2016, 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 proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of diversion proposals of the water mains to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that his Consultants Management Division had carried out sewerage works in the vicinity of the application site under Contract No. DC/2006/17 “Northeast District Sewerage Stage 1 Phase 2B – Village Sewerage in 12 Villages in Lung Yeuk Tau and Ma Mei Ha, Fanling, New

Territories”;

- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) the proposed Small House development would affect the existing water mains and the developer should bear the cost of any necessary diversion works affected by the proposed Small House development;
 - (ii) the developer should submit relevant proposal to his department for consideration; and
 - (iii) the application site was located within the flood pumping gathering ground;
- (c) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department / formal submission of general building plans; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

Agenda Items 15 to 24

Section 16 Applications

[Open Meeting]

A/NE-TKL/392 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lots 1085 S.B and 1086 S.B in D.D. 82, Tong
Fong Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/392)

A/NE-TKL/393 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lots 1085 S.C and 1086 S.C in D.D. 82, Tong
Fong Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/393)

A/NE-TKL/394 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lots 1088 S.A ss.1 S.C and 1089 S.C in D.D. 82,
Tong Fong Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/394)

A/NE-TKL/395 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lots 1088 S.A ss.1 S.D and 1089 S.D in D.D. 82,
Tong Fong Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/395)

A/NE-TKL/396 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lots 1088 S.A ss.2, 1088 S.A. ss.1 S.A and 1089
S.A in D.D. 82, Tong Fong Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/396)

A/NE-TKL/397 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lots 1088 S.A ss.3, 1088 S.A. ss.1 S.B and 1089
S.B in D.D. 82, Tong Fong Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/397)

A/NE-TKL/398 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 1088 S.A ss.7, 1088 S.A. ss.1 S.E and 1089 S.E in D.D. 82, Tong Fong Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/398)

A/NE-TKL/399 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 1088 S.A ss.8, 1088 S.A. ss.1 S.F and 1089 S.F in D.D. 82, Tong Fong Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/399)

A/NE-TKL/400 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 1088 S.A ss.11, 1088 S.A. ss.1 S.G and 1089 S.G in D.D. 82, Tong Fong Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/400)

A/NE-TKL/401 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 1088 S.A ss.12, 1088 S.A. ss.1 S.H and 1089 S.H in D.D. 82, Tong Fong Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/ 401)

59. The Committee noted that the ten planning applications were similar in nature and the application sites were located next to each other. The Committee agreed that these requests for deferrals could be considered together.

[Mr. Lincoln Huang left the meeting temporarily at this point.]

60. The Secretary reported that on 28.9.2012, the applicants’ representative requested the Board to defer making a decision on each of the application for two weeks in order to allow additional time for the applicants to address departmental comments.

61. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of further information from the applicants. 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 applicants. The Committee also agreed to advise the applicants that two weeks were

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

[Mr. Lincoln Huang returned to the meeting at this point.]

Agenda Items 25 and 26

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/440 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 433 s.B
ss.5 in D.D. 9, Yuen Leng, Tai Po
(RNTPC Paper No. A/NE-KLH/440)

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/441 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 433 s.B ss.4 in D.D. 9, Yuen Leng, Tai Po
(RNTPC Paper No. A/NE-KLH/441)

Presentation and Question Sessions

62. 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.

63. Mr. C.T. Lau, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House – Small House) at each of the application site;
- (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 applications as the sites had high potential for agricultural rehabilitation. Since the sewerage scheme was degazetted on 29.10.2010, there was no fixed programme at this juncture for the public sewerage works. In this connection, the Director of Environmental Protection (DEP) and the Director of Water Supplies (DWS) did not support the applications;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications for reasons as detailed in paragraph 11 of the Paper. The proposed developments were not in line with the planning intention of “Agriculture” (“AGR”) zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. DAFC did not support the applications as the sites had high potential for agricultural rehabilitation. The sites were located within the upper indirect WGG. The DSD advised that public sewerage connection point would be provided in the vicinity of the site. However, since the sewerage scheme was degazetted on 29.10.2010, there was no fixed programme for the public sewerage works at this juncture. Besides, there was no information in the submissions to demonstrate that the proposed developments would not cause adverse drainage and sewerage disposal impacts on the surrounding areas. In this connection, DEP and DWS did not support the applications and raised concern that the sewage discharge from the proposed houses would cause water pollution to the WGG. Although the proposed Small House footprints fell entirely within the ‘VE’ and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Yuen Leng, Kau Lung Hang Lo Wai and San Wai, the proposed developments did not comply with the Interim Criteria in that the proposed Small Houses located within the WGG would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system at

this juncture. While there was a similar Application No. A/NE-KLH/375 on the immediate west of the sites, it should be noted that this application was approved mainly on consideration that the proposed development complied with the Interim Criteria. Since there had been change in circumstances, the current applications did not warrant the same consideration as the similar application.

64. In response to the Chairman's query, Mr. C. T. Lau said that there was no existing public sewerage in the vicinity of Yuen Leng Village.

Deliberation Session

65. The Chairman asked why the sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Long was degazetted. In response, Mr. Lau said that there might be due to land resumption problem.

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

- (a) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed Small House located within the water gathering ground would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture; and
- (b) there was no information in the submission to demonstrate that the proposed development would have no adverse drainage and sewerage disposal impacts on the surrounding areas.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/84 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Government land in D.D.209, Kei Ling Ha San
Wai, Shap Sz Heung, Sai Kung North
(RNTPC Paper No. A/NE-SSH/84)

Presentation and Question Sessions

67. 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 House (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix VI of the Paper. Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that the site was overlooked by steep natural hillside and met the alert criteria requiring a Natural Terrain Hazard Study (NTHS). He would tender in-principle objection to the application unless the applicant was prepared to undertake a NTHS and to provide suitable mitigation measures as necessary. Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the Site was located within “GB” zone and was mainly covered by self-seeded vegetation adjacent to a woodland in the south. Vegetation clearance and site formation works would likely extend beyond the application site boundary and might cause adverse landscape impact to the adjacent woodland vegetation. No information was provided to demonstrate that the proposed development would have no adverse landscape impact. Other government departments had no objection to or

adverse comments on the application;

- (d) two public comments from Kadoorie Farm & Botanic Garden (KFBG) and WWF Hong Kong (WWF) were received during the first three weeks of the statutory publication period. Both KFBG and WWF objected to the application mainly on the grounds that the proposed Small House development fell within “GB” zone which was for conservation and that the application was not in compliance with TPB-PG No. 10 as existing vegetation would be affected.; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12 of the Paper. Although H(GEO), CEDD advised that the site was overlooked by steep natural hillside and met the Alert Criteria requiring a NTHS, relevant approval condition was recommended to address H(GEO), CEDD’s concern. Regarding CTP/UD&L, PlanD’s reservation on the application as the Site was located within “GB” zone and the proposed Small House would set an undesirable precedent and the cumulative impact of such developments would lead to degradation of the adjacent woodland, it should be noted that the Site was adjacent to a track and only covered with grass and a few small common trees. The proposed development would not result in extensive clearance of vegetation and DAFC had no comment on the application from nature conservation point of view. Besides, similar applications within the same “GB” zone had been approved by the Committee. Regarding the public comments objecting to the application on the ground that the Site was within “GB” zone, there was a shortage of land within “V” zone to meet the Small House demand and sympathetic consideration could be given to the application. As regards the public comment that the existing vegetation on the Site would be affected, it was noted that the Site was mainly covered by common vegetation and DAFC had no objection to the application from nature conservation perspective.

68. Members had no question on the application.

Deliberation Session

69. 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 5.10.2016, 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) submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) submission of a Geotechnical Planning Review Report to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB.

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

- (a) no trees in the vicinity of the application site should be affected by the proposed development;
- (b) to note the comments of District Lands Officer/Tai Po, Lands Department (LandsD) that after planning approval had been given by the Board, LandsD would process the Small House application. If the Small House application was approved by LandsD acting in the capacity as landlord at its sole discretion, such approval would be subject to the terms and conditions as imposed by LandsD. There would be no guarantee to the grant of a right-of-way to the Small House concerned and the applicant had to make his own arrangement for access to the lot;
- (c) to note the comments of Chief Engineer/Mainland North, Drainage

Services Department (DSD) that there was no existing public drains maintained by DSD available for connection in the area. Any existing flow path affected should be re-provided. The applicant/owner was required to maintain his drainage system 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. For works to be undertaken outside the site boundary, the applicant should consult LandsD and seek consent from relevant lot owners before commencement of the drainage works;

- (d) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comments of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (f) to note the comments of Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to the LandsD to verify the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP No. APP-56. If such exemption was not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (g) to note the comments of Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road from Sai Sha Road

adjoining the Site was not maintained by HyD; and

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/403 Temporary Shop and Services (Real Estate Agency) for a Period of 3
Years in “Recreation” zone, Lots 1646 RP (Part), 1651 S.B (Part) and
1652 RP (Part) in D.D. 17, Lo Tsz Tin, Tai Po
(RNTPC Paper No. A/NE-TK/403)

Presentation and Question Sessions

71. The Chairman said that he had to leave for another meeting. The Vice-Chairman took up the chairmanship of the meeting at this point.

[The Chairman left the meeting at this point.]

72. 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 temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as

detailed in paragraph 11 of the Paper.

73. Members had no question on the application.

Deliberation Session

74. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.10.2015, 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 10:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) 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 5.4.2013;
- (c) in relation to (b) 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 5.7.2013;
- (d) the submission of fire service installations (FSIs) and water supplies for fire fighting proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.4.2013;
- (e) in relation to (d) above, the provision of FSIs and water supplies for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.7.2013;
- (f) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (g) if any of the above planning conditions (b), (c), (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issue relating to the development with the concerned owner of the application site;
- (b) to note the comments of the District Lands Office/Tai Po that the applicant should apply for Short Term Waiver to regularize the unauthorized structure on private lots;
- (c) to note the comments of the Commissioner for Transport that the existing village access connecting the site was not under the Transport Department's management. The applicant was advised to clarify the land status, management and maintenance responsibilities of the village access with the relevant lands and maintenance authorities in order to avoid potential land disputes;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain in the vicinity of the site. The applicant/owner was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems. There was no existing public sewerage in the vicinity of the site. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development; and

- (e) to note the comments of the Director of Fire Services (D of FS) that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed site, fire services installations (FSIs) would be needed. In such circumstances, except where building plan was circulated to the Buildings Department, the applicant was required to send the relevant layout plans incorporated with the proposed FSIs to the D of FS for approval. In doing so, the applicant should note that:
- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans.

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/404 Proposed Public Utility Installation (Telecommunications Radio Base Station and Antenna) in an area shown as “Road”, Government Land Adjoining Lot 326 RP in D.D. 17, Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/404)

Presentation and Question Sessions

76. The Secretary reported that Mr. Ivan Fu had declared an interest in this item as he had current business dealings with Cheung Kong (Holdings) Ltd, which was the sister company of Hutchinson Whampoa Ltd that owned the applicant’s company. As Mr. Fu’s interests were direct, Members agreed that he should leave the meeting temporarily for the item.

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

77. The Secretary also reported that a group of about 30 people of Ting Kok Road Community Concern Group staged a petition against the application in the afternoon of the meeting date at the lobby of the North Point Government Offices. The Secretary also reported that the letters submitted by the petitioners were tabled at the meeting for Members' reference.

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

(a) background to the application;

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

(b) the proposed public utility installation (telecommunications radio base station and antenna);

(c) departmental comments – departmental comments were set out in paragraph 7 of the Paper. Commissioner for Transport (C for T) advised that he disagreed with permanent installation in the area. Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that there was no information in the application to demonstrate that the proposed installation would not be visually intrusive in this area of rural context;

(d) 1,521 public comments against the application were received during the first three weeks of the statutory publication period. The public comments were submitted by the Ting Kok Road Community Concern Group, the concerned District Councillor, the Tai Po Rural Committee, the Indigenous Inhabitant Representatives and the Resident Representative of nearby villages as well as the local villagers. All of them raised objection to the application on the following grounds:

- (i) the application site should be reserved for future road widening;
 - (ii) the proposed installation was located close to residential settlements and would generate radiation affecting the health of the residents;
 - (iii) the proposed installation, which was abutting Ting Kok Road, would impose adverse visual impact on the area. The reflecting sunlight from the stainless steel surface would also affect the vision of drivers and cyclers and cause accidents;
 - (iv) the proposed installation was incompatible with the natural and tranquil setting. It would cause adverse ecological and environmental impacts on the surrounding areas;
 - (v) there was no emergency vehicular access arrangement. In case of fire, fire engines and ambulances would block Ting Kok Road and cause traffic congestion; and
 - (vi) the proposed installation would have adverse impact on the fung shui of the villages; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 9 of the Paper. The proposed telecommunication radio base station would jeopardize the long term implementation of the road widening project along Ting Kong Road. In this regard, the C for T disagreed to the permanent installation on the site. The applicant claimed that the proposed installation would enhance the mobile phone coverage for the area. However, there was no information in the submission to demonstrate the extent of enhancement and that there was no alternative site outside the subject area shown as 'Road' for the proposed installation in the area. The site and its immediate surrounding areas were predominantly rural in character with a few trees, shrubs and village houses of not exceeding 3 storeys in height. The proposed

installation with an antenna post of 20.3m was considered excessively tall and not compatible with the surroundings. There was no information in the submission to demonstrate that the proposed installation would not be visually intrusive in the rural area. There were strong public comments against the application raising concerns on the possible traffic, visual, environmental, ecological, health and fung shui impacts on the nearby residents. However, it should be noted that Fung shui and its associated psychological aspects were not concerns of the Board.

79. Members had no question on the application.

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

Deliberation Session

80. A Member did not support the application and considered that the proposed installation with an antenna post of 20.3m was excessively tall and visually out of context with the surrounding areas and there was insufficient information to demonstrate that the proposed installation with such a tall antenna would be required to enhance the mobile phone coverage for the area.

81. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 10.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the site formed a section of Ting Kok Road and was reserved for road widening in the future. The applicant failed to demonstrate that there were no alternative sites for the proposed installation in the area; and
- (b) there was insufficient information in the submission to demonstrate that the proposed installation would not cause adverse visual impacts on the surrounding areas.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/405 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” and “Village Type Development” zones, Government
 Land in D.D. 26, Wong Yue Tan, Tai Po
 (RNTPC Paper No. A/NE-TK/405)

[The Secretary left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;

[The Secretary and Mr. Ivan Fu returned to the meeting at this point.]

- (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 10 and Appendix IV of the Paper;
- (d) during the first three weeks of the statutory publication period, 32 public comments were received from Kadoorie Farm & Botanic Garden Corporation and local residents in the area. The comments objected to the application for the reasons that the proposed development should be confined within “V” zone; some site formation work might have been conducted at the subject site. Any “destroy first, build later” activities should not be tolerated; the proposed development would block the ingress/egress point and EVA to those village houses located to the

northwest of the application site. It would also affect the water mains serving the area; the site and its surrounding government land was once a recreation ground and an open-air resting place for residents in the area. If the application was approved, the developed area would be further extended and caused further degradation to the area; the site should be developed for car park instead of village house; and the approval of the application would set an undesirable precedent for other similar applications resulting in cumulative impacts on the area; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 12 of the Paper. In response to the public comments on the vehicular access and public utilities being affected by the proposed development, the applicant submitted further information on 15.9.2012 clarifying that there would be a 6.5m vehicular access reserved for village houses at Lots 279A2 to 276F to the northwest of the application site and all the public utilities laying underneath the application site would be diverted to the underground area of this 6.5m vehicular access. Given that the proposed Small House was considered not incompatible with the village setting and concerned government departments had no objection to the application, sympathetic consideration could be given to the application. Relevant approval conditions and advisory clauses were recommended to address the concerns of the commenters.

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

83. In response to a Member's query, Mr. Lau said that the vehicular access would not be affected by the proposed development as the applicant had clarified that there would be a 6.5 m vehicular access reserved for village houses to the northwest of the application site and all concerned public utilities for the proposed development would be diverted to the underground of that 6.5 m vehicular access.

84. Another Member asked whether the zoning boundary of the subject "V" zone would be amended if the application was approved. The Secretary said that the zoning

boundary of the “V” zone would not be amended as the application was a s.16 application for planning permission and not a s.12A planning application for the proposed amendment to the OZP. In response to another query from the same Member, the Secretary said that the demand for Small Houses was a 10-year forecast obtained from DLO/TP, LandsD. The figure was an estimate provided by the Indigenous Inhabitant Representative of the village in response to DLO/TP, LandsD’s enquiry.

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 5.10.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no existing public drain in the vicinity of the site. The applicant/owner was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was no public sewerage connection available to the site;
- (b) to note the comments of the Chief Engineer/Development(2), Water

Supplies Department (WSD) that the existing water mains would be affected. The applicant should bear the cost of any necessary diversion works affected by the proposed development and submit all the relevant proposal to WSD for consideration and agreement before commencement of works; and

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

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

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/406 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” zone, Government land in D.D. 15, Shan Liu Village, Tai
 Po
 (RNTPC Paper No. A/NE-TK/406)

Presentation and Question Sessions

87. 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 House (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in

paragraph 10 and Appendix V of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site was outside the ‘village environ’ (‘VE’) of Shan Liu. The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the site was located within the lower indirect Water Gathering Ground (WGG) and fell outside the “V” zone and ‘VE’ of Shan Liu. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) also objected to the application from the landscape planning perspective as the site was covered with some scattered trees and there was no information provided in the submission to demonstrate that the site formation works would not have significant adverse landscape impacts on the surrounding area. Also, there was a general presumption against development within the “Green Belt” (“GB”) zone. Therefore, approval of the Small House would set an undesirable precedent to other similar applications in the area, leading to urban sprawl and degradation of the existing upland countryside landscape quality;

- (d) three public comments against the application were received during the first three weeks of the statutory publication period. The public comments submitted by Designing Hong Kong Limited, WWF Hong Kong and Kadoorie Farm & Botanic Garden Corporation, objected to the application for reasons that the proposed development was not in line with the planning intention of “GB” zone; the polluted surface runoff from the proposed development would cause adverse impact on the water quality in the WGG; some suspected site formation work might have been conducted at the village and any “destroy first, build later” activities should not be tolerated; and the approval of the application would set an undesirable precedent for other similar applications resulting in cumulative impacts which would degrade the function and value of the “GB” zone;
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper. The proposed development did not comply with the Interim Criteria as the site

was entirely outside the “V” zone and the ‘VE’ of any recognized villages. In this regard, the DLO/TP of LandsD did not support the application. Approval of the application would set an undesirable precedent for other similar applications in the area. There was no exceptional circumstance or strong justification provided by the applicant that merited sympathetic consideration of the application. Also, CE/Dev(2) of WSD objected to the application as the site was within the lower indirect WGG and fell outside the “V” zone and ‘VE’ of Shan Liu. The applicant failed to demonstrate that the proposed house would be able to be connected to the public sewerage system. The CTP/UD&L of PlanD also objected to the application from landscape planning point of view. Approval of the application would set an undesirable precedent to other similar applications within “GB” zone resulting in urban sprawl and degradation of the existing landscape quality. There were public comments against the application raising concerns on the adverse impacts on the subject “GB” zone.

88. In response to a Member’s query, Mr. C. T. Lau said that there were currently a Tsz Tong and a house in Shan Liu village. Mr. Lau also said that the boundary of the ‘village environ’ was agreed between LandsD and the villagers of Shan Liu village years ago. Mr. Lau said that as Shan Liu Village was within the Water Gathering Ground, all proposed Small House developments would need to be connected to the public sewerage system. A trunk sewer was being constructed to serve the Small House developments in Shan Liu Village.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was

a general presumption against development within this zone;

- (b) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories as the site was entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognized villages;
- (c) the proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape on the surrounding environment; and
- (d) the applicant failed to demonstrate that the proposed development located within the lower indirect water gathering ground would be able to be connected to the public sewerage system and would not cause adverse impact on the water quality in the area.

Agenda Item 32

Section 16 Application

[Open Meeting]

A/TP/523

Proposed House (Redevelopment) in “Green Belt” zone, Lot 2087 in
D.D. 6, Pun Chun Yuen Road, Tai Po
(RNTPC Paper No. A/TP/523)

90. The Secretary reported that on 14.9.2012, the applicant’s representative requested the Board to defer making a decision on the application for two weeks in order to allow time for relevant government departments to provide comments on the Further Information submitted.

91. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further comments from government departments on the

FI. The Committee agreed that the application should be submitted for its consideration at the next meeting pending departmental comments. The Committee also agreed to advise the applicant that the request of deferment had been allowed by the Committee, and no further deferment would be granted unless under very special circumstances.

Agenda Item 33

Section 16 Application

[Open Meeting]

A/TP/524 Proposed 49 Houses in “Green Belt” zone, Lots 403, 405, 451 S.B
(Part), 452, 490 and 508 in D.D. 21 and adjoining Government land,
Pun Shan Chau, Tai Po
(RNTPC Paper No. A/TP/524)

92. The Secretary reported that on 19.9.2012, the applicant’s representative requested the Board to defer making a decision the application for two months in order to allow additional time to address the comments raised by relevant government departments.

93. 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 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/525 Proposed 2 Houses (New Territories Exempted Houses - Small Houses) in “Green Belt” zone, Lot 8 R.P (Part) in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/525)

Presentation and Question Sessions

94. 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 – concerned departments had no or adverse comments on the application as detailed in paragraph 10 and Appendix V of the Paper;
- (d) two public comments were received during the first three weeks of the statutory publication period. A local resident objected to the application on the grounds that it would affect his parking space currently available at the Site, which had been designated by the property developer as parking spaces for all owners of No. 45 San Uk Ka Village. The developer should resolve the parking problem. Kadoorie Farm and Botanic Garden Corporation (KFBG) objected to the application on the grounds that the general intention of “GB” for conservation should be adhered to and the Board should consider the potential cumulative impact which would be caused by the approving the application. KFBG also suspected that some site formation work might have been conducted at the site and considered

that any “Destroy First, Build Later” activities should not be tolerated; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons detailed in paragraph 12 of the paper. Regarding the local resident’s concern on the loss of car parking spaces, C for T advised that the subject was not managed by Transport Department and the concerned village parking situation was outside his jurisdiction. Regarding the comments from KFBG, filling of land was not restricted on area zoned “GB” zone on the OZP. In view that there was a shortage of land within “V” zone to meet the Small House demand, the application was in compliance with the Interim Criteria and the Site had no significant vegetation, sympathetic consideration could be given to the application. Relevant Government departments consulted had no adverse comment on the application.

95. Members had no question on the application.

Deliberation Session

96. 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 5.10.2016, 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) submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (DSD) that the proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site and overland flow from areas surrounding 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. Any existing flow path affected should be re-provided; the applicants were required to maintain their own stormwater systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicants should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems; for works to be undertaken outside the lot boundary, the applicants should consult Lands Department (LandsD) and seek consent from relevant lot owners before commencement of the drainage works. There were public sewerage available nearby. Upon completion of the sewerage connection, an on-site technical audit would be carried out by DSD. The applicant should submit the application for technical audit (Form HBP1), the approved sewerage plan and the technical audit fee to DSD at least 2 weeks before the technical audit. Form HBP1 could be downloaded from DSD's web site at <http://www.dsd.gov.hk>. Otherwise, the applicants might consider providing septic tank. Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and provision of septic tank;
- (b) to note the comment of Director of Agriculture, Fisheries and Conservation that the applicants should avoid the impact on the mature *Celtis sinensis* tree to the west of the site;
- (c) to note the comment of Director of Fire Services that detailed fire safety

requirements would be formulated upon receipt of formal application referred by LandsD;

- (d) to note the comment of Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicants should be reminded to make necessary submission to the District Lands Officer to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP 56. If such exemption was not granted, the applicants should submit statutory plans to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (e) to note the comments of Director of Electrical and Mechanical Services that the applicants should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the 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 applicants should carry out the following measures:
 - (i) 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;
 - (ii) prior to establishing any structure within the Site, the applicants and/or their contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (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

contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Items 35 and 36

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/526 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Government Land in D.D.26, Wong Yue Tan, Tai Po
(RNTPC Paper No. A/TP/526)

A/TP/527 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Government Land in D.D.26, Wong Yue Tan, Tai Po
(RNTPC Paper No. A/TP/ 527)

Presentation and Question Sessions

98. 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.

99. Mr. C.T. Lau, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted Houses – Small House) at each application site;
- (c) departmental comments – department comments were set out in paragraph 10 and Appendix VII of the Papers. Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) had

reservation on the applications from the landscape planning point of view as he considered that the applications would set undesirable precedents for similar small house applications. Approval of the applications would very likely attract more similar small houses along the subject slope, resulting in further site formation and high retaining structures, leading to significant adverse impacts on woodland trees along the edge on top of the slope. Other government departments had no objection to or adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, each application received two comments from a resident of Wong Yue Tan Village and WWF Hong Kong. The resident objected to both applications as the sites were located on a slope in the “GB” zone and advised that trees at the sites were cleared before the submission of the application. WWF Hong Kong objected to the application mainly because the sites were within “GB” zone; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications for reasons detailed in paragraph 12 of the Paper. Regarding CTP/UD&L, PlanD’s reservation on the applications, the applicants were advised to minimise impact on the nearby landscape resources. Regarding the objection from a resident of Wong Yue Tan Village, the sites were covered by grass and no vegetation clearing activity was observed during a site visit conducted by PlanD on 31.8.2012. Regarding the objection from WWF Hong Kong on the grounds that the planning intention of the site was intended for conservation, there was a shortage of land within “V” zone to meet the Small House demand and sympathetic consideration could be given to the applications.

100. Members had no question on the applications.

Deliberation Session

101. After deliberation, the Committee decided to approve the applications, on the

terms of the applications as submitted to the Town Planning Board (TPB). The permission should be valid until 5.10.2016, 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) provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) submission of a Geotechnical Planning Review Report to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development or of the TPB.

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

- (a) no trees in the vicinity of the application site should be affected by the proposed development;
- (b) to note the comments of District Lands Officer/Tai Po, Lands Department (LandsD) that after planning approval had been given by the Board, LandsD would process the Small House application. If the Small House application was approved by LandsD acting in the capacity as landlord at its sole discretion, such approval would be subject to the terms and conditions as imposed by LandsD. There was no guarantee to the grant of a right-of-way to the Small House concerned or the emergency vehicular access thereto;
- (c) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (DSD) that there was no existing public drains maintained by DSD available for connection in this area. The applicant was required to maintain the drainage systems properly and rectify the systems

if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems. There was no existing public sewerage available for connection in the vicinity of the sites and Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development;

- (d) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comments of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (f) to note the comments of Chief Highway Engineer/New Territories West, Highways Department (HyD) that the access road from Ting Kok Road to the site was not maintained by HyD;
- (g) to note the comments of Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to the LandsD to verify the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP No. APP-56. If such exemption was not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and
- (h) to note the comments of Director of Electrical and Mechanical Services that

the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:

- (i) for application sites within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standard and Guidelines, 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.

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/793 Temporary Shop and Services (Money Exchange) For a Period of 3 Years in “Industrial” zone, Workshop B1 (Part), LG/F, Valiant Industrial Centre, Nos. 2-12 Au Pui Wan Street, Fo Tan, Sha Tin (RNTPC Paper No. A/ST/793)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (money exchange) for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) one public comment from the Incorporated Owners of Unison Industrial Centre was received during the first three weeks of the statutory publication period. The commenter did not object the application as the application premises was too small for other purposes and the current proposal could provide convenience service for inbound/outbound drivers and travellers; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 11 of the Paper.

104. Members had no question on the application.

Deliberation Session

105. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.10.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within three months from the

date of approval to the satisfaction of the Director of Fire Services or of the TPB by 5.1.2013;

- (b) the implementation of the fire safety measures within six months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 5.4.2013; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to note that shorter compliance periods were granted in order to closely monitor the progress of compliance;
- (c) should the applicant failed to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining workshop should not be adversely affected. Building safety requirements would be formulated upon receipt of food premises licence application;
- (e) to note the comments of the Director of Fire Services that detailed fire

service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application; and

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

[The Vice-Chairman thanked Ms. Jacinta K.C. Woo, DPO/STN, Mr. Anthony K.O. Luk, Ms. Maggie M.Y. Chin and Mr. C.T. Lau, STPs/STN, for their attendance to answer Members’ enquires. Ms. Woo, Mr. Luk, Ms. Chin and Mr. Lau left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 38

Section 12A Application

[Open Meeting]

Y/TM/5

Application for Amendment to the Draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/30 from “Open Space” to “Government, Institution or Community” to facilitate ‘Religious Institution’ (church) development, Lots 491, 492, 495 RP (Part), 498 RP, 500, 501, 502 RP, 503, 717 RP in D.D. 374 and Adjoining Government Land, So Kwun Wat, Tuen Mun
(RNTPC Paper No. Y/TM/5B)

107. The Secretary reported that Ms. Janice Lai and Dr. C. P. Lau declared an interest in this item as Ms. Lai had current business dealings with Kenneth Ng & Associates Ltd, which was a member of the consultancy team for the application; and Dr. Lau had a property

in So Kwun Wat which would be affected by the proposed development. As the case was for deferral, Members agreed that Dr. Lau could stay in the meeting. Members also noted that Ms. Lai had tendered her apologies for not attending the meeting.

108. The Secretary also reported that on 13.9.2012, the applicant's representative requested the Board to further defer making a decision on the application for two months in order to address various issues from government departments.

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

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

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/436 Proposed Minor Relaxation of Building Height Restriction (from 6 storeys to 7 storeys) for a Proposed Religious Building (Tsing Chung Koon) in "Government, Institution or Community" zone, Tsing Chung Koon Road and Tsing Tin Road, Tuen Mun Town Lot 294 Ext. in D.D. 131, Tuen Mun
(RNTPC Paper No. A/TM/436A)

Presentation and Question Sessions

110. Mr. C.C. Lau, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

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

- (b) the proposed minor relaxation of building height restriction (from 6 storeys to 7 storeys) for a proposed religious building (Tsing Chung Koon);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in 9 of the Paper;
- (d) during the first three weeks of the statutory publication period of the application, 43 comments were received. Out of these 43 comments, 2 were blank and the remaining comments objected to the application. On 24.8.2012, the further information submitted by the applicant was published for public inspection. A public comment from a member of the Tuen Mun District Council expressed objection to the application was received during the first three weeks of the statutory public inspection period. Those objecting to the application included a Member of the TMDC, Tuen Mun Community Officer of the Democratic Party, the Incorporated Owners of Affluence Garden, 9 individuals of Wo Liu Hang Concern Group of same letter and residents nearby. They objected to the application for the reasons that the proposed development might involve columbarium use, and burning of incense that would generate adverse impacts to health of nearby residents, religious activities and ceremonies would generate noise nuisance, and there were potential adverse traffic, environmental and visual impacts; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 11 of the Paper. Regarding the public comments objecting to the application on the grounds of

columbarium use and environmental nuisances, the proposed religious building at the application site was for the headquarter of the Ching Chung Taoist Association for administration, research and religious activity uses. No columbarium and ancestral tablets would be provided within the proposed religious building. Concerned departments had no adverse comment on the application from environmental, drainage and traffic impacts.

111. In response to a Member's query, Mr. Lau said that the proposed temple altar at the rooftop was only for the internal use of the Ching Chung Taoist Association of Hong Kong and would not be opened to the public. However, there might be burning of joss sticks and ritual papers at the proposed temple altar.

112. Another Member asked if an approval condition restricting the site coverage of the proposed altar would be recommended as government departments consulted were mainly concerned about the visual impact of the proposed development. In response, Mr. Lau said that the proposed development, if approved, would be based on the terms of the application as submitted by the applicant, of which the site coverage of the temple altar was specified at 21% of the roof area. However, if Members considered it necessary, an approval condition restricting the site coverage of the temple altar over the roof area could be incorporated. The Secretary said that a proposed development under application should be implemented in accordance to the submitted scheme approved by the Board. However, she considered that an approval condition which specified the site coverage of the temple altar on rooftop could be added if Members considered it necessary.

Deliberation Session

113. In response to a Member's concern on the potential air pollution caused by burning of joss sticks and offerings, Mr. H.M. Wong said that air pollution nuisance from the burning of joss sticks and paper offerings were controllable under the Air Pollution Control Ordinance (APCO). However, he said that based on the information submitted by the applicant, the burning of joss sticks and offerings at the proposed temple altar would not cause adverse environmental impact as the proposed temple altar was far away from residential areas and the subject building was controlled by central air-conditioning.

114. Members agreed to impose an approval condition restricting the site coverage of the temple altar at the rooftop to ensure that there would not be adverse visual impact.

115. 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 5.10.2016, 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 tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of water supplies for firefighting, fire service installations and emergency vehicular access to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the site coverage of the proposed temple altar at the rooftop not to exceed 21% of the roof area of the building.

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

- (a) to note the comments of District Lands Officer/Tuen Mun (DLO/TM) that the temple altar/accommodation together with the lift and lift lobby on the roof level was building height countable under lease. If planning approval was given and the above proposal subsequently shown on the building plans exceeds the lease limit, the applicant would need to apply to the Lands Department (LandsD) for a lease modification for the proposal. He would advise that there was no guarantee that the application, if received by LandsD, would be approved and he reserves his comment on such. The application would be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that if the application was approved, it would be subject to such terms and conditions as the Government should deem fit to do so, including, among others, changing

the payment of premium and administrative fee as might be imposed by LandsD;

- (b) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that as the existing trees were the landscape resources of the site, the relevant tree survey, recommended tree felling and transplanting, and tree compensatory proposal in the tree felling and compensatory plans approved by DLO/TM should be submitted for his reference.
- (c) to note the comments of Chief Architect/Advisory & Statutory Compliance, Architectural Services Department that the applicant should further explore the opportunity to step up measures to improve the visual relationship with the environment; and
- (d) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that the applicant was required to justify the high headroom (8m) of the proposed altar at roof of the subject building.

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

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

117. The Secretary reported that Mr. Ivan Fu had declared an interest in this item as he

had current business dealings with Ove Arup & Partners Hong Kong, which was a member of the consultancy team for the application. As Mr. Fu had no direct involvement in the application, the Committee agreed that Mr. Fu could stay in the meeting.

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

118. The Secretary also reported that on 3.10.2012, the applicant's representative submitted a letter to the Board which enclosed a revised layout plan with four new car parking spaces which was tabled at the meeting for Members' reference.

[Mr. H.M. Wong returned to the meeting and Mr. H. F. Leung left the meeting temporarily at this point.]

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

- (a) background to the application;
- (b) the proposed four houses (New Territories Exempted Houses);
- (c) departmental comments – department comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) noted various industrial uses including open storage uses, car repairing workshops, etc. in vicinity of the site might pose constraints and might cause nuisances to the residential use. He advised that such land use incompatibility was not too desirable from an environmental planning point of view;

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

- (d) during the first three weeks of the statutory publication period of the application, 34 public comments were received, including three objecting and 30 supporting comments. One commenter raised concern on the application. During the first three weeks of the statutory publication period

of the further information submitted by the application, two objecting comments were received. A total of 36 public comments were received and their major views were as follows:

Objecting Comments

- (i) one member of the Yuen Long District Council objected twice to the application as there was originally one village house but the application was for development of 4 NTEHs;
- (ii) the Tung Shing Lane Village Residents Welfare Association stated twice that most of the villagers of Tung Shing Lane objected to the application and they were also concerned about the adverse traffic impact during construction period as well as the sewage and environmental hygiene of the area;
- (iii) one private individual objected to the application on the grounds that the proposed development was environmentally undesirable to the nearby residents and the proposed development would create adverse impacts in terms of environmental, pedestrian safety, drainage, landscape and fung shui aspects. He also indicated that it should be a condition precedent that the proposed development should maintain and construct a proper sewage system;

Supporting Comments

- (iv) 30 supporting comments from private individuals mainly on the grounds that the proposed houses would discourage the UD in the area and thus improve the environment and traffic on the surrounding area;

Concern on the application

- (v) The MTR Corporation Limited (MTRCL) stated that the proposed

development was close to MTR West Rail (WR) and future tenants might have noise concerns from rail operations. It was the responsibility of the applicant to ensure adequate noise mitigation measures were implemented, at its own cost, in the proposed development as per the requirements stipulated in the Noise Control Ordinance; and

(e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper which was summarised as follows:

(i) The general area had been designated as “U” on the draft Nam Sang Wai OZP since 3.6.1994. It was so designated as several major transport and drainage projects, including Yuen Long Highway, MTR WR and YLBF, which were under planning at that moment and would traverse the area. With the completion of these infrastructure projects, PlanD had commenced an in-house land use review of the “U” zone since late 2008. In the course of the review, DEP, C for T and DAFC had expressed concerns on the noise impacts from the Yuen Long Highway and MTR WR viaduct, the industrial/residential interface with the open storage and workshop activities in the area, the traffic impacts of the proposed developments and the ecological impacts on the ponds located at the northern part of Tung Shing Lei and the egretty in the wooded area at the south-eastern part of Tung Shing Lei respectively. Taking into account departmental comments received and the site constraints, different land use options were being explored. As it would take time to test the feasibility of these options, the land use review had not yet been finalized. Prior to the completion of the land use review, approval of the proposed piece-meal redevelopment of the site for four NTEHs at the middle of the “U” zone would impose further constraints to the land use review and jeopardize the long-term land use planning for the area. The granting of planning approval for permanent developments within the zone would pre-empt the

findings of the review.

- (ii) The current proposal of replacing a domestic structure with four NTEHs was about three-fold increase in development intensity. However, no strong justification had been provided to support the proposed Plot Ratio of about 1.3 (GFA of about 730 m²) for the proposed four NTEHs at the site;

- (iii) DEP expressed concerns that various industrial uses including open storage uses, car repairing workshops in vicinity of the site, might pose constraints and cause nuisances to the residential use. From an environmental planning point of view, he considered that such land use incompatibility was not desirable. C for T commented that due to the remote distance of the subject site from public transport services on Castle Peak Road and long walking distance to/from Yuen Long WR station, there was a high possibility that the future residents would drive. The lack of parking provision as part of the development might result in illegal parking problem in the surrounding area. CE/MN, DSD advised that no proper public stormwater and sewerage system was provided in the area. Although there was no objection in principle to the proposed development from public drainage point of view, he commented that the drainage proposal appeared to be preliminary and many essential details were missing;

- (iv) There was no similar application for NTEH redevelopment within the “U” zone and the Board also rejected the previous application No. A/YL-NSW/188 for the same use and development parameters at the same site upon review on 18.6.2010 mainly on the grounds that consideration of the application at that stage was premature as it might jeopardise the overall land use planning of the area. As the land use review was still on-going, rejection of the subject application was in line with the Board’s previous decision. Amongst the 36 public comments received, there were 5 objecting

and 30 supporting comments, and one commenter raised concern on the application. The objecting comments were mainly on the grounds of excessive development intensity, traffic and road safety, environmental, drainage, landscape and fung shui aspects. The supporting comments were mainly on the grounds of the improvement on environment and traffic on the surrounding area. MTRCL also raised concern on the noise impact from rail operations to the future residents and it was the responsibility of the applicant to ensure adequate noise mitigation measures were implemented.

120. In response to the FI submitted by the applicant on 3.10.2012 regarding the revised layout with four new carparking spaces, Mr. K.C. Siu said that the main point of consideration from traffic point of view was not on the provision of carparking space but whether the external road servicing the proposed development was under the jurisdiction of Transport Department (TD). This issue was still being investigated.

121. Members had no question on the application.

Deliberation Session

122. In response to a Member's query, Mr. Ernest Fung said that according to the covering Notes of the OZP, replacement of an existing domestic building by an NTEH was always permitted. Ms. Anita Lam supplemented that under the Small House Policy, an Indigenous Villager could apply for the building of a Small House once in his lifetime. However, she pointed out that the applicant of the current application was not an indigenous villager and as the owner of the subject House lot, the applicant could submit an application for house redevelopment at the subject lot. The Secretary further clarified that the subject site included an area under Block Government Lease (demised for agricultural use) and a "House" lot. However, the subject application involved a three-fold increase in development intensity of the house development and there was no justification for such intensification. She also said that given the subject "U" zone had been designated since 1994, the in-house land use review of the "U" zone should be completed as soon as possible so that the planned land use for the area could be drawn up to guide future development.

The Vice-Chairman agreed to ask PlanD to expedite the land use review of the “U” zone.

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

- (a) the proposed houses were located at the middle of an “Undetermined” (“U”) zone which was being comprehensively reviewed. Approval of the application would pose an undue constraint to the future land use in the area;
- (b) there was no strong planning justification for the proposed development intensity at the site; and
- (c) the approval of the application would set an undesirable precedent for similar applications for piecemeal redevelopment within the “U” zone. The cumulative impacts of approving such application would have adverse impacts on traffic, drainage and sewerage systems in the area.

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/240 Proposed Private Utility Installation (Electricity Transformer and Switch Room) with Excavation (1.8m Deep) for Foundation and Cable Trench in “Village Type Development” zone, Lots 666 S.A (Part), 666 S.B (Part) and 666 RP (Part) in D.D. 129, Mong Tseng Tsuen, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/240)

Presentation and Question Sessions

124. Mr. Ernest C.M. Fung, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed private utility installation (electricity transformer and switch room) with excavation (1.8m deep) for foundation and cable trench;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. District Officer (Yuen Long), Home Affairs Department advised that he received a letter from the Village Representatives of Mong Tseng Wai relaying owners’ objection against the application on the grounds that access to the site would require passing through their land. Other government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons detailed in paragraph 11 of the Paper. Regarding the local objection against the application on the grounds that access to the site would pass through other private land, DLO/YL of LandsD advised that he did not guarantee right-of-way for the proposed development. It was the applicant’s responsibility to liaise with the concerned owners for right-of-way.

125. Members had no question on the application.

Deliberation Session

126. 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 5.10.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the

permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structure was allowed to be erected without the prior approval of the Government. The lot owners would still need to apply to him to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. Access to the site requires traversing through other private from lots and/or Government land (GL). DLO/YL provides no maintenance work for the GL involved and did not guarantee right-of-way;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department to provide his own drainage facilities to collect the runoff generated from the site, and discharge the runoff collected to a proper discharge point. The proposed development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out

outside the site boundary before the commencement of the drainage works;

- (c) to note the comments of the Director of Environmental Protection to take appropriate measures to avoid noise nuisance arising from the proposed development, such as locating openings of the proposed transformer and switch rooms away from sensitive receivers;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The provision of emergency vehicular access should comply with the standard stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Buildings (Planning) Regulation 41D;
- (f) to note the comments of the Director of Health that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities, would not pose any significant adverse effects to workers and the public. As such, the applicant should ensure that the installation complied with the relevant ICNIRP guidelines or other established international standards. WHO also encourages effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities; and
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant might need to extend his inside services to the nearest suitable Government water mains for

connection, to resolve any land matters (such as private lots) associated with the laying of water mains in private lots for the provision of water supply and that he should be responsible for the construction, operation and maintenance of any inside services within the private lots to WSD's standards; and that water mains in the vicinity of the site could not provide the standard pedestal hydrant.

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/240 Temporary Office with Ancillary Car Park for Private Cars and Light Goods Vehicles and Access Road for a Period of 3 Years in “Government, Institution or Community”, “Residential (Group C)” and “Residential (Group D)” zones, Lots 1132 (Part), 1133 (Part), 1134, 1135 S.A RP (Part), 1135 S.B RP (Part) and 1141 RP (Part) in D.D. 130, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/240)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary office with ancillary car park for private cars and light goods vehicles and access road for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;

- (d) four public comments were received during the first three weeks of the statutory publication period as follows:
- (i) a Village Representative of Fuk Hang Tsuen (Lower), Tuen Mun strongly objected to the application on the grounds that the car park was not used for parking of private cars and light goods vehicles but mainly for parking of coaches; the access was not an individual access road which would eventually become the access of the adjoining coach park; the car park was fenced off completely which restricted air ventilation of the local residences; the car park operated late in nights until the early morning with the coach buses causing noise nuisances and light pollution from the lighting at night. He requested the Board to conduct site visit and to retain the original planning of the site for the benefits of the villagers;
 - (ii) a group of villagers and citizens strongly objected to the application on the grounds that the applied use would seriously impact on the local traffic; the increase of vehicular traffic would lead to queuing of vehicles for the residences and road users competing for road space; the access road was an important entrance to To Yuen Wai, Nai Wai, Lam Tei and Fuk Hang Tsuen which was already heavily used by many dump trucks and coach buses; the access road was very narrow and a new ingress and egress on along the road would seriously affect the pedestrians and as there would be a nursery operating opposite to the site, it would be very dangerous with the increase of vehicular movements;
 - (iii) two individuals strongly objected to the application on the grounds that Fuk Hang Tsuen Road was already operating at its capacity with dump trucks from the quarry and coach buses running along it and the applied use would increase vehicular usage of the road; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as

detailed in paragraph 11 of the Paper. Regarding the public comments on environmental nuisance and air ventilation problem to the nearby residential dwellings, aggregation of the existing traffic problem in the area caused by heavy traffic flow generated from the existing vehicle parks, residential developments and the nearby quarry as well as inadequate transportation infrastructure, government departments concerned had no adverse comment or objection to the application. It should be noted that the temporary development would involve private cars and light goods vehicles only. Relevant approval conditions and advisory clause were recommended to address the public's concern.

129. Members had no question on the application.

Deliberation Session

130. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.10.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7:00 p.m. and 8:00 a.m. from Mondays to Saturdays, 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 medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes), including container tractor/trailer as defined in the Road Traffic Ordinance, or coach, as proposed by the applicant, was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;

- (e) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity was allowed on the site at any time during the planning approval period;
- (f) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (g) the submission of parking layout plan within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 5.1.2013;
- (h) in relation to (g) above, the implementation of parking layout plan within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 5.4.2013;
- (i) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.1.2013;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.4.2013;
- (k) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.1.2013;
- (l) in relation to (k) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.4.2013;
- (m) the submission of tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of

Planning or of the TPB by 5.1.2013;

- (n) in relation to (m) above, the implementation 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 5.4.2013;
- (o) 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;
- (p) if any of the above planning conditions (g), (h), (i), (j), (k), (l), (m) or (n) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (q) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the owner(s) of the application site;
- (b) prior planning permission should have been obtained before commencing the applied uses at the application site;
- (c) shorter compliance periods were given in order to closely monitor the compliance of approval conditions;
- (d) should the applicant fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further

application;

- (e) to notify the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) at least two weeks prior to the commencement of construction if any excavation works was involved and to inform AMO in case of discovery of antiquities or supposed antiquities in the course of works;
- (f) to note the comments of District Lands Officer/Tuen Mun, Lands Department (LandsD) that the owners of the lots would need to apply to his Office for Short Term Waivers (STWs) for erection of the structures on the lots. The STW proposals would only be considered upon his receipt of formal applications from the lots owners. There was no guarantee that the applications, if received by his Office, would be approved and he reserves his comment on such. The applications would be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the applications were approved, they would be subject to such terms and conditions as the Government should deem fit to do so, including charging of waiver fees, deposits and administrative fees and cancellation of the relevant Modifications of Tenancy and Letters of Approval;
- (g) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD (not being a New Territories Exempted House), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works (including containers/open sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BD 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 4.5m 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 Environmental Protection (EPD) that appropriate mitigation measures should be carried out 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 to minimize potential environmental impacts on the surrounding areas. Public sewer was not available for the site. The applicant was reminded that all wastewaters arising from the site should be treated and disposed of in accordance with the requirements of the Water Pollution Control Ordinance and the sewage arising from the site should be connected to public sewer, when it becomes available, in the manner and within the time frame as required by the EPD. In view of the public comment, the applicant was advised to liaise with the relevant commenter to address his/her concerns and to implement appropriate pollution control measures recommended on the EPD's website to minimize environmental nuisances;
- (i) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for the applicant's own access arrangement;
- (j) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (DSD) that regarding the drainage proposal as submitted, he considers that the applicant had not fully demonstrated how stormwater runoff falling on and flowing to the site would be intercepted, conveyed and discharged to a proper discharge point. The submitted

drainage proposal only presents proposed drainage works designed to cater for run-off from part of the site. For general guidance in preparation of a drainage submission, the applicant was suggested to refer to the DSD's technical notes;

- (k) to note the comments of Director of Fire Services at Appendix III of the RNTPC Paper; and
- (l) to note the comments of Director of Electrical and Mechanical Services at Appendix III of the RNTPC Paper.

Agenda Item 43

Section 16 Application

[Open Meeting]

A/TM-LTY Y/242 Proposed Temporary Recyclable Collection Centre for Metal for a Period of 2 Years in "Green Belt" and "Residential (Group E)" zones, Lots 212 RP, 231 RP, 232, 233, 234, 235, 236 RP, 237, 238, 239, 243, 244, 245, 246 S.A, 246 S.B, 246 RP, 247, 248 and 249 in D.D. 130 and Adjoining Government Land, San Hing Tsuen, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/242)

132. The Secretary reported that on 19.9.2012, the applicant requested the Board to defer making a decision on the application for one month in order to allow time to prepare detailed drainage and transport reports.

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

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/422 Renewal of Planning Approval for Temporary Public Vehicle Park
(Excluding Container Vehicle) under Application No. A/YL-ST/377
for a Period of 3 Years. in “Village Type Development” zone, Lot 3405
in D.D. 102 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/422)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary public vehicle park (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application s detailed in paragraph 10 of the Paper;
- (d) one public comment objecting to the application was received during the first three weeks of the statutory publication period. The commenter stated that the applicant of the current application would use part of the land he owned (Lot 161 in D.D. 102) as the main vehicular access. As he was not notified and he had not approved the applicant to use the portion of the land owned by the commenter, the application must be further discussed to avoid any land dispute resulted from approval of the application; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years for reasons as detailed in paragraph 12 of the Paper. Regarding the public comment on use of private land as main vehicular access and consent, Government departments concerned had no adverse comment or objection to the application. It was noted that Lot 161 in D.D. 102 was outside the application site and the matter was related to private land. In this regard, the applicant was advised to resolve any land issue relating to the development with the concerned owner(s) of the application site and the access.

135. Members had no question on the application.

Deliberation Session

136. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 24.10.2012 to 23.10.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning

approval period;

- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity was allowed on the site at any time during the planning approval period;
- (e) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (f) the existing tree planting within the site should be maintained at all times 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 as-built drainage plans and photographic records of the existing drainage facilities 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 23.4.2013;
- (i) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.4.2013;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.7.2013;
- (k) the submission of parking layout plan with dimensions within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 23.4.2013;
- (l) in relation to (k) above, the implementation of parking layout plan within

9 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 23.7.2013;

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

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

- (a) to resolve any land issues relating to the temporary development with the concerned owner(s) of the application site and the access;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that Lot No. 3405 within the application site was New Grant Lot held under New Grant No. 2474 for private residential purpose. Meanwhile, no permission had been given for occupation of the Government land (GL) within the application site. The site was accessible to Castle Peak Road – San Tin Section via GL. His Office did not provide maintenance works on this GL 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 regularize any irregularities on 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;

- (c) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (d) to note the comments of the Commissioner for Transport that the size of private car parking stall should be 5m x 2.5m and the minimum width of aisle should be 6m. The application site was connected to an unknown local access road which was not managed by Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD was not responsible for the maintenance of any existing vehicular access connecting the application site and Castle Peak Road – San Tin;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department’s detailed comments at Appendix VI of this RNTPC Paper;
- (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 and BD was not in a position to offer comments on their suitability for the use related to the application. Before any new building works (including 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 with the Buildings Ordinance. 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 respectively. His detailed comments at Appendix VII of this RNTPC Paper;

- (h) to note the comments of the Director of Fire Services that fire service installations (FSIs) were required in consideration of the design/nature of the proposed structures, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. His detailed advice was at Appendix VIII of this RNTPC Paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed at Appendix VIII of this RNTPC Paper, the applicant was required to provide justifications to his Department for consideration; and
- (i) to note the Director of Electrical and Mechanical Services' detailed comments at Appendix IX of this RNTPC Paper.

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/423 Renewal of Planning Approval for Temporary Public Vehicle Park
(Excluding Container Vehicle) under Application No. A/YL-ST/376
for a Period of 3 Years. in "Village Type Development" zone, Lot 145
(Part) in D.D. 102, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/423)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary public vehicle park (excluding container vehicle) for a period of three years;
- (c) departmental comments – concerned departments had no objection or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) one public comment objecting to the application was received during the first three weeks of the statutory publication period. The commenter stated that the applicant of the current application would use part of the land he owned (Lot 161 in D.D. 102) as the main vehicular access. As he was not notified and he had not approved the applicant to use the portion of the land owned by the commenter, the application must be further discussed to avoid any land dispute resulted from approval of the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years for reasons as detailed in paragraph 12 of the Paper. Regarding the public comment on use of private land as main vehicular access and consent, Government departments concerned had no adverse comment or objection to the application. It was noted that Lot 161 in D.D. 102 was outside the application site and the matter was related to private land. In this regard, the applicant was advised to resolve any land issue relating to the development with the concerned owner(s) of the application site and the access.

139. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years from 24.10.2012 to 23.10.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity was allowed on the site at any time during the planning approval period;
- (e) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of as-built drainage plans and photographic records of the existing drainage facilities 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 23.4.2013;

- (h) the submission of landscape and 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 23.4.2013;
- (i) in relation to (h) above, the implementation of the landscape and 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 23.7.2013;
- (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 23.4.2013;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.7.2013;
- (l) the submission of parking layout plan with dimensions within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 23.4.2013;
- (m) in relation to (l) above, the implementation of parking layout plan within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 23.7.2013;
- (n) 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;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should

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

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

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

- (a) to resolve any land issues relating to the temporary development with the concerned owner(s) of the application site and the access;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot within the application site was Old Scheduled Agricultural Lot held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. Modification of Tenancy (MOT) No. M10115 was issued for erection of structures over Lots No. 145 and 146 in D.D. 102 for agricultural purposes. If structures of other purposes were found on the above lot, his Office would consider to terminate the MOT as appropriate. The site was accessible to Castle Peak Road – San Tin Section via Government land (GL) and private land. His Office did not provide maintenance works on this GL 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 regularize any irregularities on 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;
- (c) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental

impacts on the surrounding area;

- (d) to note the comments of the Commissioner for Transport that the size of private car parking stall should be 5m x 2.5m and the minimum width of aisle should be 6m. The application site was connected to an unknown local access road which was not managed by Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's detailed comments at Appendix VI of the RNTPC Paper;
- (f) 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 and BD was not in a position to offer comments on their suitability for the use related to the application. Before any new building works (including 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. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance. 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 respectively. His detailed comments at Appendix VII of the RNTPC Paper;
- (g) to note the comments of the Director of Fire Services that fire service installations (FSIs) were required in consideration of the design/nature of the proposed structures, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. His detailed advice was at Appendix VIII of the RNTPC Paper. Should the applicant wish to apply for exemption from the provision of certain FSI as

prescribed at Appendix VIII of the RNTPC Paper, the applicant was required to provide justifications to his Department for consideration; and

- (h) to note the Director of Electrical and Mechanical Services' detailed comments at Appendix IX of the RNTPC Paper.

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/424 Temporary Cross-border Traffic Service Station (Including Public Car Park, Container Freight Station, Container Storage, Container Tractor/Trailer Park, Office and Services Trades) for a Period of 3 Years in "Other Specified Uses" annotated "Service Stations" zone, Lots 372 S.D RP (Part) , 661 S.C RP (Part) , 669 RP (Part), 674 RP (Part), 733 RP (Part) and 774 RP in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/424)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary cross-border traffic service station (including public car park, container freight station, container storage, container tractor/trailer park, office and service trades) for a period of three years;
- (c) departmental comments –the Director of Environmental Protection (DEP) did not support the application as the temporary development involved movement of medium goods vehicles and container vehicles and there were

sensitive receivers of residential dwellings within 100m from the boundary of the site and environmental nuisance was expected. Other government departments had no objection to or adverse comments on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 12 of the Paper. Although DEP did not support the application, relevant approval conditions including restricting the operation hours, activity on-site, stacking height of containers stored on-site and requiring maintenance of paving and boundary fencing were recommended to address DEP's concerns;

143. Members had no question on the application.

Deliberation Session

144. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.10.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the eastern boundary of the site to avoid encroachment on the route protection boundary for the Northern Link as and when required by the Government to the satisfaction of the Director of Highways or of the TPB;
- (b) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning

approval period;

- (d) the containers stacked within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (e) the stacking height of containers stored at any other location within the site should not exceed 8 units during the planning approval period;
- (f) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity was allowed on the site at any time during the planning approval period;
- (g) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (h) the existing trees on the site should be maintained at all times during the planning approval period;
- (i) no reversing in or out from the site was allowed at all times during the planning approval period;
- (j) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (k) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.4.2013;
- (l) the submission of proposal on buffer area fronting San Tin Tsuen Road within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 5.4.2013;

- (m) in relation to (l) above, the provision of buffer area fronting San Tin Tsuen Road within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 5.7.2013;
- (n) 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 5.4.2013;
- (o) in relation to (n) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.7.2013;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) 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;
- (q) if any of the above planning conditions (k), (l), (m), (n) or (o) 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
- (r) 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.

145. 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 temporary development with the concerned owner(s) of the application site;

- (c) the permission was given to the development/uses under application. It did not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such development/uses and remove the structures not covered by the permission;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land under application site comprised 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. Meanwhile, no permission had been given for the occupation of the Government land (GL) within the application site. The site was accessible to Castle Peak Road – Chau Tau Section via GL and private land. His Office did not provide maintenance works on this GL nor guarantee right-of-way. The lot owner concerned would need to apply to his Office to permit additional/excessive structures to be erected or regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion 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;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department at Appendix V of the RNTPC Paper;
- (g) to note the comments of the Director of Fire Services that fire service installations (FSIs) were required in consideration of the design/nature of the proposed structures, the applicant was advised to submit relevant layout

plans incorporated with the proposed FSIs to his Department for approval. His detailed advice was at Appendix VI of the RNTPC Paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed at Appendix VI of the RNTPC Paper, the applicant was required to provide justifications to his Department for consideration; and

- (h) to note the Director of Electrical and Mechanical Services' detailed comments at Appendix VII of the RNTPC Paper.

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

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

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

- (a) background to the application;
- (b) the temporary private car park for a period of three years;
- (c) departmental comments – concerned departments had no objection to or

adverse comments on the application as detailed in paragraph 9 of the Paper;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 11 of the Paper.

147. Members had no question on the application.

Deliberation Session

148. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.10.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;

- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out at the site at any time during the planning approval period;
- (e) the setting back of the southern boundary of the site to avoid encroachment upon the Waterworks Reserve area (as shown in Plan A-2 of this RNTPC Paper) at all times during the planning approval period;
- (f) all existing trees and landscape plantings on the site should be maintained at all times during planning approval period;
- (g) the maintenance of the existing mitigation measures to minimize any possible nuisance of noise and artificial lighting on-site to the residents nearby at all times during the planning approval period;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.4.2013;
- (i) in relation to (h) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.7.2013;
- (j) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.4.2013;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.7.2013;
- (l) the submission of parking layout plan with dimensions within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 5.4.2013;

- (m) in relation to (l) above, the implementation of the parking layout plan with dimensions within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 5.7.2013;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if planning conditions (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of District Lands Officer/Yuen Long that the site comprised Old Scheduled Agricultural Lots held under Block Government Lease under which contains the restriction that no structures were allowed to be erected without prior approval from the Government. Short Term Waiver No. 1184 was granted to Lot No. 3342 in D.D. 104 permitting structures with built-over area not exceeding 41.88m² for workshop usage. Whilst, no approval was given for the power supply hut, office and lavatory structures with a total floor area of 139.66m² situated on Lot Nos. 3342,

3343 and 3347 as proposed on the development schedule in the application. No permission was given for occupation of the Government land (GL) (about 240m² subject to verification) included into the application site. Encroachment of GL along southern boundary was also observed. Access of the site abuts directly onto Sha Po Tsuen Road which leads to San Tam Road. Lands Department (LandsD) did not provide maintenance works for the GL involved nor guarantees right-of-way. The lot owner would need to apply to LandsD to permit the structures 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 and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (d) to adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (e) to note the comments of Commissioner for Transport that the size of private car parking area should be 5m x 2.5m and the minimum width of aisle should be 6m. The site was connected to an unknown local access road which was not managed by Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibility of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and San Tam Road;

- (g) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for 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 security booth as temporary buildings) were to be carried out on the site, the prior approval and consent of the BA should be obtained. Otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access under Building (Planning) Regulations (B(P)R) 5 and 41D respectively. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage;
- (h) to note the comments of Chief Engineer/Development (2), Water Supplies Department that the southern boundary of the site encroaches upon the existing Waterworks Reserve (WWR) for 2nos. trunk water mains of 1,400mm diameter (Plan A-2 of the RNTPC Paper). No structure, material or vehicle should be provided/parked within the WWR. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the WWR with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. Government should not be liable to any damage arising from burst or leakage of the public water mains within and in close vicinity of the site;

- (i) to note the comments of Director of Fire Services that the applicant was advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. In formulating FSIs proposal for the proposed structures, for other storages, open shed or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his department for consideration; and

- (j) to note the comments of Director of Electrical and Mechanical Services that due consideration should be given to the requirements of the preferred working corridor of the 400kV overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department (i.e. a 50m working corridor should be maintained along the 400kV overhead lines (25m on either side from the centre line of the transmission towers)). Besides, 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 any underground cable and/or overhead lines away from the vicinity of the proposed structure. In addition, the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. As regards the electric and magnetic fields arising from the 400kV overhead lines, the applicant should be warned of possible undue interference to some electronic equipment in the vicinity.

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/389 Temporary Open Storage of Vehicles (Lorries, Vans and Private Cars)
for Sale for a Period of 3 Years in “Residential (Group D)” zone, Lot
667 (Part) in D.D. 110, Kam Tin Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/389)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of vehicles (lorries, vans and private cars for sale 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 located to the immediate north (about 5m away) and in the vicinity, and environmental nuisance was expected. Other government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 10 of the Paper. Although DEP did not support the application, relevant approval conditions restricting the operation hours and

prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended to address DEP's concerns.

151. Members had no question on the application.

Deliberation Session

152. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.10.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (e) the existing drainage facilities should be maintained at all times during the planning approval period;
- (f) the submission of a 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 5.4.2013;
- (g) the submission of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or

of the TPB by 5.4.2013;

- (h) in relation to (g) above, the implementation of a tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 5.7.2013;
- (i) the provision of fire extinguisher(s) with 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 16.11.2012;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.4.2013;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.7.2013;
- (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 expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before continuing the applied use at the application site;
- (b) to note the comments of District Lands Officer/Yuen Long that the private land involved comprised Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structure was allowed to be erected without prior approval of the government. No approval had been given to the specified structure as shed for rain/sun shelter purpose. The site was accessible to Kam Tin Road via a short stretch of Government land (GL). Lands Department (LandsD) did not provide maintenance works on this GL nor guarantee right of way. An application for Short Term Waiver (STW) to regularize the irregularities on the site had been received by LandsD. Should the application be approved, LandsD would continue the processing of the STW application. 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;
- (c) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (d) to note the comments of Commissioner for Transport that the application site was connected to the public road network via a section of a local access road which was not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of Chief Town Planner/Urban Design and Landscape,

Planning Department (PlanD) that the applicant should provide updated photo record for all existing trees within the site planted during previous applications;

- (f) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including open sheds as temporary buildings) were to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. In this connection, 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 respectively. 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;

- (g) to note the comments of Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The good practice guidelines for open storage site Appendix V of this RNTPC Paper should be adhered to. For open storage, open sheds or enclosed structure with total floor area less than 230m² with access for

emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should clearly indicated on plans. If the applicant wishes to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications to his department for consideration. To address the condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS251) to his department for approval; and

- (h) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, prior consultation and arrangement with the electricity supplier was necessary or 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. 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 49

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/391 Proposed Temporary Agricultural Use for a Period of 3 Years in
“Undetermined” zone, Government Land in D.D.107, Cheung Chun
San Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/391)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary agricultural use for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;

[Ms. Christina Lee left the meeting at this point.]

- (d) eleven public comments were received during the first three weeks of the statutory publication period from a Yuen Kong District Councillor, Kam Tin Rural Committee and local villagers. All of the commenters objected or strongly objected to the application as the applicant had been occupying the subject government land illegally for residential or parking uses. The commenters suspected that the site would not be used for agricultural purpose; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as

detailed in paragraph 11 of the paper. Regarding the eleven local objections to the application on grounds that the site was illegally occupied for residential or parking uses and it was suspected that the site would not be used for agricultural purpose, based on a recent site visit inspection, the site was vacant and overgrown with vegetation. Besides, the permission would be given to the use under application. Also, enforcement action would be taken if unauthorised development was found on the site.

155. Members had no question on the application.

Deliberation Session

156. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.10.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.4.2013;
- (b) in relation to (a) above, the implementation of landscaping proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.7.2013;
- (c) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.4.2013;
- (d) in relation to (c) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.7.2013;
- (e) if any of the above planning conditions (a), (b), (c) or (d) 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

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

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

- (a) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Government land (GL) only. No permission had been given for occupation of the GL within the site. Under normal circumstances, GL site of the size of the site would be disposed through tendering system. Access to the site requires traversing through other private lots and/or GL. His office did not provide maintenance works for the GL did not guarantee right-of-way. Should planning approval be given to the application, the applicant would still need to apply to LandsD to permit the use of the site and any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion 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;
- (b) the approval of the application did not imply that the site would be directly granted to the applicant by LandsD for the proposed development and that the planning approval had no relationship on how the site would be disposed by LandsD. The applicant should liaise with LandsD regarding the land disposal aspect of the site for the proposed development;
- (c) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any possible environmental nuisances;

- (d) to note the comments of Commissioner for Transport that the site was connected to public road network via a section of local access road which was not managed by Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of Chief Engineer/Railway Development 1-1, Railway Development Office, Highways Department that the site was located within the route protection boundary of Northern Link. The applicant should vacate the site at the time of railway development;
- (f) to note the comments of Director of Agriculture, Fisheries and Conservation that the site was adjacent to a brackish meander retained for ecological mitigation purposes. The applicant should adopt necessary measures to avoid polluting the adjacent meander and its associated watercourses;
- (g) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (h) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line)

within or in the vicinity of the site, the applicant should carry out the measures including prior consultation and arrangement with the electricity supplier for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Besides, 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. In addition, the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

Agenda Item 50

Section 16 Application

[Open Meeting]

A/YL-KTS/575 Temporary Open Storage of Vehicles for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 579 S.B and 579 RP in D.D.106, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/575)

158. The Secretary reported that on 19.9.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow sufficient time to address comments of the Fire Services Department and the Landscape Unit of Planning Department.

159. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the

applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 51

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/579 Renewal of Planning Approval for Temporary “Open Storage of Vehicles and Vehicle Parts” for a Period of 3 Years in “Agriculture” zone, Lot 466 RP in D.D. 106 and Adjoining Government Land, Kam Sheung Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/579)

Presentation and Question Sessions

160. 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 vehicles and vehicle parts” 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 located to the immediate north (about 1m away) and in its vicinity, and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as the site had high potential for reverting to agricultural purposes such as green house farming. Other government departments had no objection to or adverse comments on the

application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years for reasons as detailed in 12 of the Paper. Although DAFC did not support the application, the applied use had been operated on the subject site since 2000. A similar application (No. A/YL-KTS/530) located to the immediate northwest of the site had been approved by the Committee on 19.4.2011. There was also no major residential settlement in the vicinity of the site. The village of Tin Sam San Tsuen was located about 160m to the south-east of the site. It was considered that the granting of temporary planning permission would not frustrate the long-term planning intention of “AGR” zone. Regarding DEP's objection to the application, relevant approval conditions restricting the operation hours and types of vehicles and prohibiting vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities were recommended to address DEP's concerns.

161. Members had no question on the application.

Deliberation Session

162. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 24.10.2012 to 23.10.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed at the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no machinery was allowed to be stored at the application site at any time during the planning approval period;
- (f) the stacking height of vehicles and vehicle parts should not exceed the height of the peripheral fence of the application site at any time during the planning approval period;
- (g) the loading/unloading space and the ingress/egress of the site should be maintained at all times during the planning approval period;
- (h) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (i) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (j) the submission of records of the existing drainage facilities on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.4.2013;
- (k) 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 23.4.2013;

- (l) in relation to (k) 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 23.7.2013;
- (m) 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 4.12.2012;
- (n) 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 23.4.2013;
- (o) in relation to (n) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.7.2013;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (q) if the above planning conditions (j), (k), (l), (m), (n) or (o) 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
- (r) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of

the TPB.

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

- (a) to resolve any land issue relating to the development with other concerned owner(s) of the application site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural Lot held under the Block Government Lease which contains the restriction that no structure was allowed to be erected without prior approval of the Government. No approval had been given for the specified structures as site office and canopy for storage of vehicle parts and no permission had been given for the occupation of the Government land (GL) within the site. The site was accessible through a short stretch of GL and other private land from Kam Sheung Road. His office provided no maintenance works on the GL involved and did not guarantee right-of-way. The occupier would need to apply to his office for occupation of the GL involved or regularize the 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 payment of premium or fee, as might be imposed by LandsD;
- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (e) to note the comments of Commissioner for Transport that the site was connected to Kam Sheung Road via a local road. The applicant should seek

consents from relevant lands and maintenance authorities on using the local for accessing the site;

- (f) to note the comments of Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road;
- (g) to note the comments of Director of Agriculture, Fisheries and Conservation that the site was adjacent to a meander of Kam Tin Tsuen Channel (KT15), and was in vicinity to KT 15. The applicant should adopt necessary measures to prevent polluting these watercourses during operation as far as practicable;
- (h) to note the comments of Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements in Appendix VI of the RNTPC Paper. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his department for consideration;
- (i) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works were to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. Besides, 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. 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-site under the BO. 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; and

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

Agenda Item 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/580 Temporary Open Storage of Vehicles and Container Trailers/Tractors
Park for a Period of 3 Years in “Agriculture” zone, Lots 617 RP and
618 RP in D.D. 103, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/580)

Presentation and Question Sessions

164. 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 vehicles and container trailers/tractors park for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential structures/dwellings located to the north and west with the nearest one about 12m away and in the vicinity of the site, and environmental nuisance was expected. Other government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 12 of the Paper. Although DEP did not support the

application, relevant approval conditions restricting the operation hours and prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended to address DEP's concerns.

165. Members had no question on the application.

Deliberation Session

166. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.10.2015, 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 8:00 a.m. daily, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time 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) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (e) the traffic monitoring measures, as proposed by the applicant, should be implemented at all times during the planning approval period;
- (f) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.4.2013;

- (g) in relation to (f) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.7.2013;
- (h) the submission of a 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 5.4.2013;
- (i) the provision of fire extinguisher(s) with 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 16.11.2012;
- (j) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.4.2013;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.7.2013;
- (l) the submission of parking layout plan with dimensions within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 5.4.2013;
- (m) in relation to (l) above, the implementation of the parking layout plan with dimensions within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 5.7.2013;
- (n) if the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m)

was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (p) upon 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.

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

- (a) prior planning permission should have been obtained before continuing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural Lot held under Block Government Lease under which no structure was allowed to be erected without prior approval from LandsD. Modification of Tenancy (MOT) No. M6381 was issued for erection of structures over Lot 618 RP in D.D. 103 for agricultural purposes. If structures of other purposes were found on the lot, LandsD would consider terminating the MOT as appropriate. Besides, Short Term Waiver No. 2567 was approved to Lot 617 RP in D.D. 103 permitting structures for an office and watchman shed ancillary to open storage of vehicles for sale/disposal and container trailer/tractor park with Built Over Area not exceeding 51.19m² and height not exceeding 6m. The site was accessible through an informal track on Government land (GL) extended from Kam Tin Road. His office provides no maintenance works for this track nor guarantees right-of-way. Part of the GL was temporarily allocated to the Water Supplies Department (WSD) for the project, namely “Agreement No. CE17/2009 (WS), Improvement Works to Water Supply Facilities of New Territories West Region and Hong Kong & Islands Region of Water Supplies Department –

Design and Construction, Mainlaying Works along Access Road at Au Tau Raw Water and Fresh Water Pumping Station”. Should the application be approved, the lot owner concerned would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such approval was approved, it would be subject to such terms and conditions including among others the payment of premium or fee, as might be imposed by LandsD;

- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (e) to note the comments of Commissioner for Transport that drivers of Heavy Goods Vehicles should drive slowly with great care, particularly when there was an opposing stream of traffic on the local road. The site was connected to the public road network via a section of a local access road which was not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note comments of the Chief Highway Engineer/New Territories West, Highways Department that Highways Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (g) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the previously approved drainage facilities on the site should not be changed and the drainage facilities should be properly

maintained by the applicant without causing any adverse drainage impact to the adjacent area;

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

- (i) to note the comments of Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. Any open storage use involved in the site should be clarified. The location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The good practice guidelines for open storage site Appendix V of this RNTPC Paper should be adhered to. For open storage, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should clearly indicated on plans. If the applicant wishes to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications to his department for consideration. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS251) to his department for approval;

- (j) to note the comments of Chief Engineer/Development (2), WSD that WSD had planned to lay a 1400mm and a 1200mm diameter water mains along

the existing waterworks reserve of the access road leading to Au Tau Water Treatment Works and in the vicinity of the subject Lots No. 617 RP and 618 RP (Plan A-2 of this RNTPC Paper). The applicant should take their own measures to cater for any disturbances and nuisance caused by the operation and maintenance of the water treatment works and the mainlaying works; and

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

Agenda Item 53

Section 16 Application

[Open Meeting]

A/YL-TYST/600 Proposed Minor Relaxation of Building Height Restriction from 15m to 17m for Permitted Industrial Use (not elsewhere specified) in “Industrial” zone, Lot 1996 in D.D. 121, 11 San Hi Tsuen Street, Yuen Long
(RNTPC Paper No. A/YL-TYST/600A)

[Mr. K. C. Siu returned to the meeting at this point.]

168. The Secretary reported that on 27.9.2012, the applicant requested the Board to defer making a decision on the application for eight weeks (i.e. two months) in order to allow more time to carry out traffic survey for preparation of responses to comments from Transport Department.

169. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that 8 weeks, resulting in a total of 14 weeks (i.e. 3.5 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 54

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/609 Renewal of Planning Approval for Temporary “Storage of Advertisement Material with Ancillary Workshop” under Application No. A/YL-TYST/460 for a Period of 3 Years in “Undetermined” zone, Lots 1198 S.A and S.C to S.G (Part), 1223 RP (Part) and 1224 RP (Part) in D.D. 119 and Adjoining Government Land, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/609)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary “storage of advertisement material with ancillary workshop” for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental protection (DEP) did not support the application as there were sensitive receivers of residential uses to the northeast and southwest and in the vicinity of the site, and environmental nuisance was expected. Other government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary use could be tolerated for a further period of three years for reasons as detailed in paragraph 12 of the Paper. Although DEP did not support the application, relevant approval conditions restricting the operation hours and prohibiting open storage use were recommended to address DEP's concerns.

171. Members had no question on the application.

Deliberation Session

172. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 10.10.2012 to 9.10.2015, 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 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, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no storage at the open area of the application site, as proposed by the applicant, was allowed during the planning approval period;
- (d) no vehicle queuing and no reverse movement of vehicles on Kung Um Road were allowed at all times 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 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 9.4.2013.

- (g) the submission of run-in/out proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 9.4.2013;
- (h) in relation to (g) above, the provision of run-in/out within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 9.7.2013;
- (i) the submission of tree preservation and landscape proposals 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 9.4.2013;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposals 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 9.7.2013;
- (k) 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 9.4.2013;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.7.2013;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issue relating to the development with the other concerned owners of the site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that no approval had been given to the specified structures as converted container for storage purposes, ancillary office/workshop and toilet. No permission had been given for occupation of the Government land included into the site. The lot owners concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal track on Government land extended from Kung Um Road. His office did not provide maintenance works for this track nor guarantee right-of-way. Also, part of the Government land was temporarily allocated to Drainage Services Department for the project, namely “PWP Item 4368DS – Yuen Long South Branch Sewers”;
- (c) to note the comments of Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles;

- (d) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that the applicant should construct a run-in/out at the access point at Kung Um Road in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5115 and H5116, whichever set was appropriate, to match with the existing adjacent pavement. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to the nearby public roads/drains. His Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that replacement planting on-site was required. Debris or stored materials were stacked around tree trunks that would jeopardize the healthy tree growth. All the debris or stored materials should be kept minimum 1m away from tree trunks;
- (g) to note the comments of Director of Fire Services that in consideration of the design/nature of the proposed structure, 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. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements that for storages, open sheds or enclosed structures with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. The applicant was also advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy.

The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration;

- (h) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for 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 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

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

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

Agenda Item 55

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/610 Temporary Open Storage of Recycled Goods (Used Electronic Appliances) with Ancillary Workshop and Site Office for a Period of 3 Years in “Undetermined” zone, Lots 326 (Part), 327 S.A (Part), 327 S.A ss.1 (Part), 327 S.B (Part), 327 S.C (Part), 327 S.D (Part), 328 (Part), 334 (Part) and 335 (Part) in D.D.119, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/610)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of recycled goods (used electronic appliances) with ancillary workshop and site 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 the heavy vehicle traffic from the applied use might cause environmental nuisances to the sensitive receivers of residential uses to the northwest of and within 100m of the site and within 50m of the access road to and from the site. Other government departments had no objection to or adverse comments on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 12 of the Paper. Although DEP had reservation on the application, relevant approval conditions restricting the operation hours, prohibiting the storage or handling of used electronic appliances and parts outside the concrete-paved covered structures, prohibiting the carrying out of non-ancillary workshop activities, other than packaging and sorting were recommended to address DEP's concerns.

175. In response to a Member's query, Mr. W. W. Chan said that any proposed developments within the "Undetermined" zone on the OZP would require approval by the Board. The applicants had to demonstrate that the proposed development would not have adverse traffic, drainage and environmental impacts on the surrounding area.

Deliberation Session

176. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.10.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste was allowed outside the concrete-paved covered structures on the application site at any time during the planning approval period;
- (d) no dismantling, repairing, cutting, grinding, cleansing and other workshop activities, except for ancillary sorting and packaging activities as proposed by the applicant, should be carried out at the application site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, were allowed to enter/exit the application site at any time during the planning approval period;
- (f) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.4.2013;
- (h) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.4.2013;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.7.2013;

- (j) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.11.2012;
- (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 5.4.2013;
- (l) in relation to (k) 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 5.7.2013;
- (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 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; 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.

177. 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 issue relating to the development with the concerned owner(s) of the application site;

- (c) the site should be kept in a clean and tidy condition at all time;

- (d) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that Lot 326 in D.D. 119 was covered by Short Term Waiver No. 3135 and no approval had been given to the specified structures as sheds for storage and workshops, converted container for site office and toilet. The lot owners concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion 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. Besides, access to the site requires traversing other private lots and/or Government land. His office did not guarantee right-of-way.

- (e) to note the comments of Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the site and Shan Ha Road;

- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;

- (h) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that 5 trees were found missing on site. Re-planting of the missing trees was required and their species and size should be specified. Locations, numbers and species of the existing trees as shown on the landscape proposal (Drawing A-2) do not tally with the actual situation on-site as observed during the site visit;
- (i) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the existing drainage facilities should be maintained in good condition and not cause any adverse drainage impact to the adjacent areas;
- (j) to note the comments of Chief Engineer/Development (2), Water Supplies Department that the water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (k) to note the comments of Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal, the applicant was advised to make reference to the requirements in Appendix V of this RNTPC Paper;
- (l) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works (including containers and open sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they were

unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street under Building (Planning) Regulation (B(P)R) 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not abut on a specified street 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

- (m) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. 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.

Agenda Item 56

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/613 Temporary Open Storage of Construction Materials, Machinery and Scrap Metal with Ancillary Site Office for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lots 322 S.A (Part), 323 (Part), 324 (Part) and 1421 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/613)

Presentation and Question Sessions

178. 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 construction materials, machinery and scrap metal with ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the northeast and southwest of the site and environmental nuisance was expected. Other government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as

detailed in paragraph 12 of the Paper. Although DEP did not support the application, relevant conditions restricting the operation hours, prohibiting the carrying out of workshop activities, prohibiting the storage of electronic waste and restricting the use of heavy goods vehicles were recommended to address DEP's concerns.

179. Members had no question on the application.

Deliberation Session

180. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.10.2015, 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 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, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, were allowed to enter/exit the application site at any time during the planning approval period;

- (f) all existing trees on site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities implemented under Application No. A/YL-TYST/352 should be maintained at all times during the planning approval period;
- (h) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.4.2013;
- (i) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.11.2012;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.4.2013;
- (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 5.7.2013;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (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.

181. 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 time;
- (d) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that no approval had been given to the specified structures as store room, open shed and site office. The private land of Lot 323 in D.D. 119 was covered by Short Term Waiver (STW) No. 3225 which allows the use of the land for ancillary use to storage of scrap metal and construction materials with permitted built-over area not exceeding 89.31m² and height not exceeding 5.2m above the level of ground. The private land of Lot 324 in D.D 119 was covered by STW No. 3457 which allows the use of the land for open storage of scrap metal, construction materials and furniture (with ancillary site office) with permitted built-over area not exceeding 48m². Besides, access to the application site requires traversing through other private lot and/or Government land (GL). His office did not provide maintenance works for the GL nor guarantee right-of-way. Should the application be approved, the lot owners concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (e) to note the comments of 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 Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads/drains. His Department should not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (h) to note the comments of Chief Engineer/Development (2), Water Supplies Department that the water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (i) to note the comments of Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal, the applicant was advised to make reference to the requirements in Appendix V of this RNTPC Paper;
- (j) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures were erected on leased land without approval of BD,

they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works (including containers and open sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street under Building (Planning) Regulation (B(P)R) 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not abut on a specified street 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

- (k) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the 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 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 57

Section 16 Application

[Open Meeting]

A/YL-PH/649 Proposed House (Not Elsewhere Specified) in “Village Type Development” zone, Lots 544 and 545 S.B RP in D.D. 111, San Lung Wai, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/649)

182. The Secretary reported that on 21.9.2012, the applicant requested the Board to defer making decision on the application for two months in order to allow sufficient time to address the comments of the concerned government departments.

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

Agenda Item 58

Section 16 Application

[Open Meeting]

A/YL-PH/651 Temporary Horse Riding School with Ancillary Barbecue Area and Field Study Centre for a Period of 3 Years in “Residential (Group D)” zone, Lots 3037 S.A, 3037 RP (Part), 3039 and 3040 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/651)

184. The Secretary reported that on 20.9.2012, the applicant requested the Board to

defer making a decision on the application for two months in order to allow sufficient time to address the comments of the Drainage Services Department and the Fire Services Department.

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

[The Vice-Chairman thanked Mr. W.W. Chan, DPO/TMYL, Mr. C.C. Lau, Mr. Ernest C.M. Fung and Mr. K.C. Kan, STPs/TMYL, for their attendance to answer Members' enquires. Messrs. Chan, Lau, Fung and Kan left the meeting at this point.]

Agenda Item 59

Any Other Business

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