

TOWN PLANNING BOARD

**Minutes of 483rd Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 1.3.2013**

Present

Director of Planning
Mr. K.K. Ling

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Dr. C.P. Lau

Ms. Anita W.T. Ma

Dr. W.K. Yau

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. Janice W.M. Lai

Ms. Christina M. Lee

Mr. H.F. Leung

Mr. F.C. Chan

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

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

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

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

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

Secretary

Absent with Apologies

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Professor K.C. Chau

Dr. Wilton W.T. Fok

In Attendance

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

Chief Town Planner/Town Planning Board
Miss Chu Hing Yin

Town Planner/Town Planning Board
Ms. Cindy K.F. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 482nd RNTPC Meeting held on 8.2.2013

[Open Meeting]

1. The draft minutes of the 482nd RNTPC meeting held on 8.2.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

[Mr. Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Mr. T.C. Cheng and Mr. Alex C.Y. Kiu, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 3

[Open Meeting]

Proposed Amendments to the

Approved Peng Chau Outline Zoning Plan No. S/I-PC/10

(RNTPC Paper No. 3/13)

3. With the aid of a Powerpoint presentation, Mr. T.C. Cheng, STP/SKIs, briefed Members on the proposed amendments to the approved Peng Chau Outline Zoning Plan (OZP) as detailed in the Paper :

Amendment Item A1 : Rezoning of a site at Chi Yan Street (i.e. northern portion of

former Chi Yan Public School site) from “G/IC” to “R(C)4” (about 1,614m²)

- (i) the former Chi Yan Public School in Peng Chau, which was zoned “Government, Institution or Community”, (“G/IC”) on the Peng Chau OZP, had ceased operation in 2007. The school comprised two parts, covering the northern and southern portions of the “G/IC” zone. The northern portion of the school (the Site), was located on government land and had been identified by the Government as having potential for housing development. The Secretary for Education had confirmed that the school was no longer required for educational use. Departmental consultation had also revealed that the site was not required for any GIC use. The southern portion of the school, which was mainly on private lots with a Grade 2 historic building previously used as a school building, was proposed to be retained for possible GIC use;
- (ii) assessments had been conducted and confirmed that there were no insurmountable technical problems to rezone the Site for residential development with development intensity similar to the adjacent developments. As such, it was proposed to rezone the site from “G/IC” to “Residential (Group C)4)” (“R(C)4”), with a maximum plot ratio of 0.75, a maximum site coverage of 40% and a maximum building height of 3 storeys. It was expected to provide about 16 flats on the proposed “R(C)4” site;

Amendment Item A2 : Rezoning of two pieces of land from “V” to “R(C)4” (about 95m²)

- (iii) two small pieces of flat and vacant government land adjoining the northern boundary of the proposed “R(C)4” site were currently zoned “Village Type Development” (“V”) on the OZP. It was proposed to rezone the two pieces of land from “V” to “R(C)4” for better development potential of the proposed “R(C)4” zone. As there was no recognized village in Peng Chau, the proposed rezoning would not affect any Small House development;

Amendment Item B : Rezoning of two pieces of land and an existing footpath from

“G/IC” to “V” (about 99m²)

- (iv) a slope and an area currently occupied by a one-storey structure under a licence for accommodation and kitchen uses at the eastern and western boundaries of the Site respectively were proposed to be rezoned from “G/IC” to “V”. An existing footpath serving the former Chi Yan Public School and the nearby village houses was proposed to be rezoned from “G/IC” to “V”. The proposed amendments were to rectify the zoning boundary to reflect the as-built features and existing slope being maintained by the Lands Department.

4. Ms. Anita Lam said that there was a piece of vacant government land (GL) between Tung Wan Villa and the proposed “R(C)4” site. She suggested including the piece of GL into the proposed “R(C)4” zone in order to achieve a better usage of land resource. In response to the Chairman’s enquiry, Mr. T. C. Cheng, referred to a drawing on the visualizer and informed Members that the concerned GL was adjoining the northern boundary of the proposed “R(C)4” site. Noting that the concerned GL had a rather irregular shape, the Chairman queried whether it should be incorporated into the proposed “R(C)4” site. The Secretary said that should the Committee agree to incorporate the concerned GL into the proposed “R(C)4” zone for a better utilization of land resource, the Planning Department should be requested to follow up by rationalising and adjusting the boundary of the proposed “R(C)4” zone. Members agreed. The Chairman concluded that subject to the above suggestion, the proposed amendments to the approved Peng Chau Outline Zoning Plan No. S/I-PC/10 were agreed and were suitable for exhibition under section 5 of the Town Planning Ordinance.

5. After further deliberation, the Committee decided to agree that:

- (a) subject to the suggestion in paragraph 4 above, the proposed amendments to the approved Peng Chau Outline Zoning Plan (OZP) No. S/I-PC/10 as shown on the draft Peng Chau OZP No. S/I-PC/10A (to be renumbered as S/I-PC/11) at Appendix II of the Paper and the draft Notes at Appendix III of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance; and

- (b) adopt the revised Explanatory Statement (ES) at Appendix IV of the Paper for the draft Peng Chau OZP No. S/I-PC/10A (to be renumbered as S/I-PC/11) as an expression of the planning intention and objectives of the Board for various land use zonings on the OZP and the revised ES would be published together with the draft OZP.

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/56 Proposed Columbarium in “Government, Institution or Community” zone, Lots 26 S.B, 28 RP, 29 RP, 40, 41 RP, 785 and 787 in D.D. 214, Heung Chung, Sai Kung
(RNTPC Paper No. A/SK-HH/56)

6. The Secretary reported that Mr. Ivan Fu had declared an interest in this item as he had current business dealings with MVA Hong Kong Limited, the consultant of the applicant. As Mr. Fu did not have direct involvement in the subject application, Members agreed that Mr. Fu could stay in the meeting.

Presentation and Question Sessions

7. Mr. Alex C.Y. Kiu, STP/SKIs, presented the application with the aid of a Powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed columbarium for providing 3500 niches;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper and were highlighted below:

- (i) the Commissioner for Transport (C for T) did not support the application. The applicant had submitted a traffic impact assessment (TIA) on which C for T had adverse comments regarding its data collection and methodology and also doubted on the monitoring and enforceability of the traffic management plan. The capacities of the junction of Hiram's Highway/Ho Chung Road and the Nam Pin Wai Roundabout and the link capacities of Hiram's Highway were already working at or beyond capacities during the weekend peak. Although the Stage 1 of Hiram's Highway widening (from Clear Water Bay Road to Marina Cove) was gazetted in 2011 and approved by the Chief Executive in Council in 2011, there was as yet a firm programme for the project. The expected completion date in 2015 quoted by the applicant did not appear realistic. There was no justification or explanation on the modal split of visitors in the TIA in that the majority of visitors would use shuttle bus instead of private cars. As the visitors would likely drive their own cars instead of using shuttle bus, there would be adverse traffic impact on the road network in the area. It was doubtful how the measures proposed in the traffic management plan could be monitored and enforced, in particular the provision of shuttle bus services and how to ensure the booking system for the columbarium visitors. Furthermore, the proposed development should have sufficient parking spaces to meet the operational need of the columbarium, instead of relying on the nearby public car parks;
- (ii) the Commissioner of Police (C of P) had serious reservation on the application. He commented that the applicant's calculations on the peak hour attendance rates at the proposed columbarium were seriously flawed as they referred to head counts at the recent Chung Yeung Festival. However, there would be more visitors during the Ching Ming Festival. According to Police's experience during Chung Yeung and Ching Ming festivals, it was anticipated that there would be over 25,000 worshippers for the development of such scale. Even if the estimate of 900 people per hour by the applicant was correct, the surrounding road network would not be able to cope with the traffic

without obstructing the Nam Pin Wai Roundabout. The majority of worshippers were expected to travel to the site by private car. Although there were two nearby public car parks, they were mainly used by local village residents and were inadequate given the limited number of car parking spaces available. This would result in serious traffic congestion and given the close proximity to Nam Pin Wai Roundabout, the traffic would easily tail back to the roundabout. This would cause serious obstruction to the traffic flow of Hiram's Highway ;

- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application. Some pocket spaces were created because the site was irregular and the proposed building was located along the northeast boundary. However, these pocket spaces would not be available for landscape enhancement. Moreover, landscape screening was insufficient along the north-eastern boundary and the part facing Hiram's Highway at the west; and

- (d) during the first three weeks of the statutory public inspection period, which ended on 6.11.2012, 188 public comments objecting to the application were received. The major grounds of objection included adverse traffic impacts, proximity to residential developments, inappropriateness of such development in Sai Kung, nuisance to the nearby residents, psychological implications on nearby residents, impacts on property prices and quality of life, and setting of undesirable precedent. On 15.1.2013, the further information on responses to departmental comments was published for public inspection. Three public comments were received. Two Sai Kung District Council members reiterated the objections of the local villages. A member of the general public objected to the application because of the proximity of the site to Sai Kung Central Primary School, environmental impacts and availability of free services for scattering cremated human ashes at sea;

- (e) the District Officer/Sai Kung, Home Affairs Department (DO/SK, HAD) advised that no objection was received by his office. However, as this was a sensitive application, strong local response was anticipated. Hence, local views should be fully considered before decision; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as set out in paragraph 12 of the Paper and highlighted below:
 - (i) the planning intention of the “Government, Institution or Community” (“G/IC”) zone was primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district or the territory. The site, forming part of a sizeable “G/IC” zone, should be reserved for the provision of GIC facilities. Development of columbarium at the site was not in keeping with the residential character of the area;
 - (ii) the proposed columbarium development would have adverse vehicular and pedestrian traffic impacts on the nearby road network, particularly during Ching Ming and Chung Yeung Festivals. There would be inadequate provision of parking and loading/unloading facilities within the site to serve the proposed columbarium. There were doubts on the monitoring and enforceability of the traffic management plan proposed by the applicant. In this regard, C for T did not support the application and C of P also had serious reservation on the proposed development. The applicant failed to demonstrate that the proposed development would be acceptable in terms of crowd management, especially during festival days ;
 - (iii) the applicant had not submitted landscape proposal to support his application. The CTP/UD&L had some reservation on the application; and
 - (iv) there was no similar application approved within the “G/IC” zone of the Hebe Haven OZP. Approval of the proposed development would set an

undesirable precedent for similar applications. The cumulative impact of approving such similar applications would aggravate the traffic condition in the area.

8. In response to a Member's query, Mr. Alex Kiu replied that the subject "G/IC" zone was reserved for a school use and there was an existing school building located to its north which was currently used as a warehouse by the government department. The subject site was a piece of private land currently used as a paint factory which was an existing use under the Town Planning Ordinance.

Deliberation Session

9. After further 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 site formed part of a sizeable "Government, Institution or Community" ("G/IC") zone abutting Hiram's Highway and fell within an area mainly comprising residential developments in Ho Chung, Nam Pin Wai, Wo Mei, Heung Chung and Marina Cove. It should be reserved for the provision of GIC facilities serving the needs of the local residents and/or a wider area in Sai Kung district. The proposed development of columbarium at the site was not in keeping with the residential character of the area;
- (b) the proposed columbarium development would have adverse vehicular and pedestrian traffic impacts on the nearby road network, particularly during Ching Ming and Chung Yeung Festivals. There would be inadequate provision of parking and loading/unloading facilities within the site to serve the proposed columbarium. There were doubts on the monitoring and enforceability of the traffic management plan proposed by the applicant. The applicant failed to demonstrate that the traffic impact and crowd management issues associated with the development could be satisfactorily addressed; and

- (c) the approval of the proposed development would set an undesirable precedent for similar applications within the “G/IC” zone of the Hebe Haven Outline Zoning Plan. The cumulative impact of approving such similar applications would aggravate the traffic condition in the area.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/58 Temporary School (Education Centre) For a Period of 3 Years in
“Other Specified Uses” annotated “Residential Cum Marina
Development” zone, Shop B12, G/F, Marina Cove Shopping Centre,
Sai Kung

(RNTPC Paper No. A/SK-HH/58)

Presentation and Question Sessions

10. Mr. Alex C.Y. Kiu, STP/SKIs, presented the application with the aid of a Powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary school (education centre) for a period of three years;
- (c) departmental comments – concerned government 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); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 11 of the Paper.

11. Members had no question on the application.

Deliberation Session

12. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.3.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.9.2013;
- (b) in relation to (a) above, the implementation of fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.12.2013; 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.

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

- (a) to note the requirement of obtaining prior planning permission before operating the tutorial school at the application premises;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated

with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard;

- (c) to note the following comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department:
 - (i) the applicant should be reminded that the temporary school (Education Centre) was required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority. Other comments would be given at building plans submission stage; and
 - (ii) the granting of the planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and
- (d) to resolve any land issue relating to the development with the concerned owners of the application premises.

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

Sha Tin, Tai Po and North District

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/807 Renewal of Planning Approval for Temporary “Public Vehicle Park (excluding container vehicle)” for a Period of 3 Years in “Residential (Group A)” zone, Section A of Sha Tin Town Lot No.229, Car Park Block of May Shing Court, Sha Tin
(RNTPC Paper No. A/ST/807)

14. The Secretary reported that the application was submitted by Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item:

- | | |
|--|---|
| Mr. K.K. Ling (the Chairman)
as the Director of Planning | – being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA |
| Ms. Anita Lam
as the Assistant Director of
the Lands Department | - being an alternate member for the Director of Lands who was a member of HKHA; |
| Mr. Frankie Chou
as the Chief Engineer
(Works), Home Affairs
Department | - being an alternate member for the Director of Home Affairs who was a member of the SPC of HKHA; |
| Professor Edwin H.W. Chan | – being a member of the Building Committee of HKHA |

- Mr. H.F. Leung – had business dealings with Housing Department
- Ms. Janice W.M. Lai – had business dealings with HKHA
- Dr. Wilton W.T. Fok – was a consultant in a feasibility study (completed in 2009) commissioned by HKHA

15. Mr. Edwin Chan and Dr. Wilton Fok had tendered an apology for being not able to attend the meeting. As the Committee considered that the interests of the Chairman, Ms. Anita Lam, Mr. Frankie Chou, Mr. H.F. Leung and Ms. Janice Lai were direct and they should leave the meeting temporarily for the item. The Vice-chairman took up the Chairmanship of the meeting at this point.

[The Chairman, Ms. Anita Lam, Mr. Frankie Chou, Mr. H.F. Leung and Ms. Janice W.M. Lai left the meeting temporarily at this point.]

Presentation and Question Sessions

16. 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;

[Ms. Christina M. Lee arrived to join the meeting at this point.]

- (b) renewal of planning approval for temporary public vehicle park (excluding container vehicle) under Application No. A/ST/694 for a period of three years until 26.3.2016;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;

- (d) one public comment from a Sha Tin District Council member indicating no comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 11 of the Paper.

17. Members had no question on the application.

Deliberation Session

18. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.3.2016, on the terms of the application as submitted to the TPB and subject to the following condition :

- priority should be accorded to the residents of May Shing Court in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

[The Chairman, Ms. Anita Lam, Mr. Frankie Chou, Mr. H.F. Leung and Ms. Janice W.M. Lai returned to join the meeting.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/808 Proposed Shop and Services in “Industrial” zone, Workshop A, LG/F,
Valiant Industrial Centre, Nos. 2-12 Au Pui Wan Street ,
Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/808)

Presentation and Question Sessions

19. Mr. Anthony K.O. Luk, STP/STN, informed the Committee that a replacement page of P. 10 of the Paper to rectify the number of public comments received, had already been distributed to Member. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) did not support the application. As the proposed development would involve 39 shops, the applicant was required to demonstrate that the parking and loading/unloading facilities were adequate. The Director of Fire Services (D of FS) objected to the application as the aggregate commercial floor area on the G/F of the building would exceed 460m²;
- (d) 20 public comments objecting to the application were received during the first three weeks of the statutory publication period. Their major grounds of objection were follows:
 - (i) the proposal contravened the lease but no enforcement action had been taken by Lands Department;
 - (ii) the concerned area was not properly managed and there was no security guard. The property of other tenants was at risk. There was sanitary problem in the washroom but the owner had not tackled it;
 - (iii) the neon signage facing Min Fong Street would cause light pollution. The sightline of drivers would be affected; and

- (iv) the proposal did not comply with the fire safety regulation in that the fire resistance door was not closed. The means of escape had been blocked by the illegal occupation of the corridor. Similar application had been rejected by the Board on fire safety reason and there was no improvement in the current proposal; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as set out in paragraph 11 of the Paper and highlighted below:
 - (i) according to the TPB-PG No. 25D, D of FS should be satisfied on the risks likely to arise or increase from the proposed commercial use under application. The subject industrial building was subject to a maximum permissible limit of 460 m² for aggregated commercial floor area on the lower ground and ground floors. Currently the approved aggregate commercial floor area of shop and services use on the ground and lower ground floor of the subject building is 423.64 m². The D of FS did not support the application as the aggregate commercial floor area would exceed the maximum permissible limit of 460m² if the floor area of the application premises (427.77 m²) was included. The application was therefore not in line with the Town Planning Board Guidelines No. 25D;

 - (ii) there was no information in the submission to demonstrate that the proposal would not adversely affect the traffic conditions of the local road network. The C for T did not support the application as the applicant had not demonstrated that the car parking spaces, loading/unloading facilities were adequate, or such facilities would be provided within the site to cater for the operational needs; and

 - (iii) the application premises was the subject of a previous application No. A/ST/779 for proposed shop and services (retail shop and fast food shop) use, which had a floor area of 680.034m² and was

rejected by the Committee on 1.6.2012. There was no change in the planning circumstances that merited a departure from the previous decision of the Committee.

20. Members had no question on the application.

Deliberation Session

21. 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 development did not comply with the TPB Guidelines No. 25D in that the aggregate commercial floor area of the existing industrial building would exceed the maximum permissible limit of 460m². The proposal was unacceptable from the fire safety point of view; and
- (b) there was no information in the submission to demonstrate that inclusion and operation of the proposed commercial use would not adversely affect the traffic conditions of the local road network.

Agenda Item 8

Section 12A Application

[Open Meeting]

Y/NE-PK/2 Application for Amendment to the Approved Ping Kong Outline Zoning Plan No. S/NE-PK/11 from “Agriculture” to “Comprehensive Development Area”, Various Lots in D.D. 91 and Adjoining Government Land, Ping Kong, Sheung Shui
(RNTPC Paper No. Y/NE-PK/2B)

22. The Secretary reported that Mr. Ivan Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Limited, the consultant of the

applicant. Ms. Janice Lai had also declared an interest in this item as she had current business dealings with ACLA Limited, the consultant of the applicant. As the item was for deferral of the consideration of the application, the Committee agreed that Mr. Fu and Ms. Lai could stay in the meeting.

23. The Secretary reported that on 8.2.2013, the applicant's representative requested for a deferment of the consideration of the application for two months as additional time was required to address comments from the Agriculture, Fisheries and Conservation Department and to resolve technical issues with Transport Department, and more comments might be received from other government department.

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

Agenda Item 9

Section 16 Application

[Open Meeting]

A/DPA/NE-MKT/2 Proposed Temporary Public Vehicle Park (for Private Cars Only) for a Period of 3 Years in "Recreation" zone, Lots 1 RP, 2 RP and Adjoining Government Land in D.D. 82, Ta Kwu Ling
(RNTPC Paper No. A/DPA/NE-MKT/2)

25. The Secretary reported that on 8.2.2013, 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 the comments from relevant government departments.

26. After deliberation, the Committee decided to defer a decision on the application

as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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.

[Mr. Anthony K.O. Luk, Mr. Otto K.C. Chan and Mr. C.T. Lau, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Items 10-13

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/119 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 293 S.A ss.2 in D.D.52, Sheung Shui Wa
Shan, Sheung Shui

(RNTPC Paper No. A/NE-FTA/119 to 122)

A/NE-FTA/120 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones,
Lot 293 S.A ss.3 in D.D.52, Sheung Shui Wa Shan, Sheung Shui

(RNTPC Paper No. A/NE-FTA/119 to 122)

A/NE-FTA/121 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 293 S.A ss.4 in D.D.52, Sheung Shui Wa
Shan, Sheung Shui

(RNTPC Paper No. A/NE-FTA/119 to 122)

A/NE-FTA/122 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lots 293 S.A ss.5 and 293 S.C ss.1 S.A in D.D.52,
Sheung Shui Wa Shan, Sheung Shui

(RNTPC Paper No. A/NE-FTA/119 to 122)

27. The Committee noted that these four applications were similar in nature and the application sites were located in close proximity to each other. The Committee agreed that these applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed House (NTEH – Small House) at each of the application sites;
- (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 from an agricultural development standpoint as active agricultural activities were noted in the application sites and the application sites were of high potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory public inspection period, three public comments were received of which one from a North District Council member supported the Small House applications as they would bring convenience to villager(s). The other two comments were from Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited. Their major comments were summarised below:
 - (i) the proposed Small House development was not in line with the planning intention of “AGR” zone. The application sites and surrounding area were very suitable for farming. The area of agricultural land in Hong Kong should not be further reduced to safeguard the important public interest in respect of food supply;

- (ii) there was a lack of plan for a sustainable village layout to ensure the health and well being of current and future residents. Approval might deteriorate the living environment in the village, impact the well being of residents and create health and social problems and future cost to the society
- (iii) due to failure to provide sewerage system, cumulative impact of seepage from septic tanks would impose adverse impact to the ground water and nearby water bodies; and
- (iv) inadequate access and parking space provision would cause conflicts amongst villagers/resident; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the applications based on the assessments as detailed in paragraph 11 of the Paper. Regarding adverse comments from DAFC and public commenters, the application sites fell wholly/largely within the village 'environs' ('VE') of Sheung Shui Wa Shan Village. The sites were vacant land covered by vegetation, village dwellings to the immediate north and approved Small House developments to the immediate northwest. The proposed Small Houses were not incompatible with the adjacent village setting and surrounding environment of a rural character. Moreover, the proposed Small Houses development would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area. Relevant government departments had no adverse comment on or no objection to the applications. In addition, similar applications for Small House development within/partly within the same "AGR" zone had been approved with conditions by the Committee. Furthermore, approval conditions were suggested to impose to address drainage and landscape impacts.

29. Members had no question on the applications.

30. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 1.3.2017, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permission was subject to the following conditions :

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

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment / disposal facilities of the proposed development;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant might need to extend his 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 lot to his department's standards;
 - (ii) the application site was located within the flood pumping gathering ground; and

- (iii) water mains in the vicinity of the application site could not provide the standard pedestal hydrant;
- (c) to note the comments of the Director of Fire Services that the applicant should observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department (LandsD). Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD; and
- (d) to note that the permission was only given to the developments under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Items 14 and 15

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/77 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 1523 S.B in
D.D. 39, Ma Tseuk Leng, Sha Tau Kok
(RNTPC Paper No. A/NE-LK/77)

A/NE-LK/78 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1523 S.C in D.D. 39, Ma Tseuk Leng,
Sha Tau Kok
(RNTPC Paper No. A/NE-LK/78)

32. The Committee noted that these two applications were similar in nature and the application sites were located in close proximity to each other. The Committee agreed that these applications should be considered together.

Presentation and Question Sessions

33. Mr. Otto K.C. Chan, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the application;
- (b) the proposed House (NTEH – Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the agricultural life in the vicinity of the application sites were active and the sites were of high potential for rehabilitation of agricultural activities. In addition, his recent site inspection revealed that the subject sites were located in the immediate vicinity of a natural stream with trees growing within its riparian areas. The proposed developments including site formation works might cause potential adverse impacts on the stream;
- (d) three public comments were received on both applications during the first three weeks of the statutory publication period. The comment from a North District Council member supported the applications. The other two comments were received from Designing Hong Kong Limited which objected to the applications and Kadoorie Farm & Botanic Garden Corporation expressed concern on the applications. Their major comments were summarised below:
 - (i) the proposed Small House developments were not in line with the planning intention of “Agriculture” (“AGR”) zone;
 - (ii) there was a lack of plan for a sustainable village layout to ensure the health and well being of current and future residents;

- (iii) due to the failure to provide a sewerage system, cumulative impact of seepage from septic tanks would have adverse impact on the ground water and nearby water bodies; and
 - (iv) inadequate access and parking space provision would cause conflicts amongst villagers / residents; and
- (e) the Planning Department (PlanD)'s views –

Application No. A/NE-LK/77

PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Regarding the adverse comments of the DAFC and the public commenters, the Environmental Protection Department (EPD) opined that the proposed Small Houses would not cause major pollution in view of its small scale. Regarding the concern of the public commenters on septic tank and soakaway system, the applicant was required to follow the requirements as set out in Appendix D of EPD ProPECC PN 5/93, if connection to public sewer was not feasible. Furthermore, according to the District Lands Officer/North (DLO/N)'s guidelines, no sewage disposal system would be permitted within 15 metres from streams, springs, wells or beaches. If the sewage disposal system was located between 15 metres and 30 metres from stream courses or wells not for drinking or domestic purposes, the system should be in line with EPD's ProPECC PN 5/93. Based on information provided by the applicant, the proposed septic tank was about 28.7 metres from the stream.

Application No. A/NE-LK/78

PlanD did not support the application based on the assessments as set out in paragraph 11 of the Paper. The proposed development on the application site, which fell entirely within "AGR" zone, was not in line with the planning intention of the "AGR" zone. DAFC did not support the application as the subject site was located in the immediate vicinity of a natural stream with trees growing within its riparian areas. There was no information to demonstrate that the proposed development would not have significant

adverse impact on the stream. According to DLO/N's guidelines, no sewage disposal system would be permitted within 15 metres from streams, springs, wells or beaches. If the sewage disposal system was located between 15 metres and 30 metres from stream courses or wells not for drinking or domestic purposes, the system should be in line with EPD's ProPECC PN 5/93. The DLO/N commented that the applicant should ensure that the proposed location of the septic tank was more than 15 m away from a stream to the northeast. According to the information provided by the applicant, the proposed septic tank was about 16m away from the stream at the closest point.

34. Noting that the proposed house under application No. A/NE-LK/77 and the proposed house under application No. A/NE-LK/78 were adjacent to each other, a Member enquired why the Planning Department had made different recommendations for the two applications. Mr. Otto Chan replied that the proposed Small House under application No. A/NE-LK/77 fell partly within "Village Type Development" zone and partly within "AGR" zone, and was about 16 m away from the nearby stream. The proposed septic tank was about 28m from the stream. Regarding the proposed Small House under application No. A/NE-LK/78, it was entirely within the "AGR" zone and was about 3m away from the nearby stream. The proposed septic tank was only about 16m from the stream. As the applicant for Application No. A/NE-LK/78 had not provided sufficient information in the submission to demonstrate that the proposed Small House would not cause adverse impact on the stream, the application was not support.

35. In response to a Member's query, Mr. Otto Chan replied that the comments of Chief Engineer/Mainland North, Drainage Services Department referred to the footprints of the proposed Small Houses under applications No. A/NE-LK/77 and No. A/NE-LK/78 and the nearby stream which were about 3m and 16m respectively.

Deliberation Session

Application No. A/NE-LK/77

36. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.3.2017, 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection and to resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. Environmental Protection Department (EPD) should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (c) to note the comments of the Director of Fire Services that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (d) to note the comments of the Director of Environmental Protection that the applicant was required to follow the requirements as set out in Appendix D of EPD ProPECC PN 5/93, if connection to public sewer was not feasible;

and

- (e) to note the comments of the Director of Lands that no sewage disposal system would be permitted within 15 metres from streams, springs, wells or beaches. If the sewage disposal system was located between 15 metres and 30 metres from stream courses or wells not for drinking or domestic purposes, the system should be in line with EPD's ProPECC PN 5/93.

Application No. A/NE-LK/78

38. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.2 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 "Agriculture" zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification to merit a departure from the planning intention; and
- (b) the proposed development was located in the immediate vicinity of a natural stream. There was insufficient information in the subject application to demonstrate that the proposed development would not cause adverse impact on the stream.

[Mr. F. C. Chan left the meeting whereas Mr. H. F. Leung and Dr. W. K. Yau left the meeting temporarily at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting]

A/NE-LYT/498 Temporary Warehouse and Open Storage of Steel for a Period of 3
Years in “Agriculture” zone, Lots 2808 S.B, 2808 S.C, 2808 S.D, 2808
S.E and 2808 RP (Part) in D.D. 51, Tong Hang, Fanling
(RNTPC Paper No. A/NE-LYT/498)

39. The Secretary reported that on 7.2.2013, 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 prepare supplementary information to address comments from relevant government departments.

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/499 Proposed 3 Houses (New Territories Exempted Houses - Small
Houses) in “Agriculture” zone, Lots 691 S.G, 691 S.H and 691 S.I in
D.D. 83, Kwan Tei, Fanling
(RNTPC Paper No. A/NE-LYT/499)

Presentation and Question Sessions

41. Mr. Otto K.C. Chan, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed three houses (New Territories Exempted Houses - Small Houses);

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

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site fell wholly within an area zoned “Agriculture” zone and active agricultural activities were found within and in the vicinity of the application site;
- (d) three public comments from an individual member of the public and two organizations, namely Designing Hong Kong Limited, and Kadoorie Farm and Botanic Garden Corporation (KFBG) were received during the first three weeks of the statutory publication period. The individual member of the public had no comment on the application but suggested that more nearby villagers should be consulted. The two organizations raised objections to the application mainly on the grounds that:
 - (i) the proposed Small House development was not in line with the planning intention of “Agriculture” (“AGR”) zone and the approval of the application would set a precedent for similar applications;
 - (ii) the subject site and the surrounding areas were active farmlands. The area of agricultural land in Hong Kong should not be further reduced in order to secure a stable food supply;
 - (iii) the cumulative impact of seepage from septic tanks would impact the ground water and nearby water bodies to the detriment of existing and future residents; and

- (iv) there was a lack of sustainable layout of infrastructure, access, parking spaces and amenities for the area. The failure to confirm the provision of access, right-of-way, parking and amenity facilities would lead to disputes and arguments among residents;

- (e) the District Officer (North) had consulted the locals. The Chairman of the Fanling District Rural Committee and the Residents' Representative of Kwan Tei raised objection to the application on the grounds that the Small House developments under application were proposed by private developers and they were not intended for use of local villagers. While one Indigenous Inhabitants Representative (IIR) of Kwan Tei supported the proposed Small House, another IIR had no comment on the application; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Regarding the adverse comments of DAFC and public commenters, it was considered that the proposed Small House developments at the location were not incompatible with the surrounding area as there were existing village houses in the vicinity of the application site and the village proper of Kwan Tei was located only approximately 20m to the north of the application site. In addition, similar applications for Small House developments within the same “AGR” zone had been approved with conditions by the Committee. The proposed developments would not cause significant adverse environmental, traffic, drainage and landscape impacts on the surrounding area. Other concerned government departments consulted had no adverse comment / no objection to the application. Regarding the local objections against the application on grounds that the Small House developments were proposed by private developers and they were not intended for use of local villagers, it should be noted that the objectors' concern on intention for construction of the proposed Small Houses was not a planning consideration.

42. Noting that one of the proposed Small Houses was related to a cross-village application and the land available in Kwan Tei could not fully meet the Small House demand, a Member enquired whether the land available for Small House development of the origin village of the cross-village application should also be assessed. Mr. Otto Chan replied that one of the applicants claimed to be the indigenous villager of Wo Hop Shek of Fanling Heung. Based on the estimate of PlanD, there was insufficient land available within “Village Type Development” (“V”) zone of Wo Hop Shek to meet the Small House demand (a deficit of about 88 Small House sites). According to the prevailing Small House Policy, a cross-village application was allowed within the same Heung.

Deliberation Session

43. The Chairman noted that the subject site was under active cultivation and was located between the “V” zones boundaries of Kwan Tei and Fu Tei Pai. He enquired whether the Small House developments could be located within the “V” zone. In response, Mr. Otto Chan referred to Plan A-2 of the Paper and said that only a strip of land to the north and south of the site was under active cultivation. There were village houses in the vicinity of the site. Furthermore, the Committee, on 13.3.2009, approved the proposed five Small Houses in close proximity to the site under application No. A/NE-LYT/390 and since then, there had not been any material change in the planning circumstances.

[Dr. C. P. Lau left the meeting at this point and Dr. W. K. Yau returned to the meeting at this point.]

44. Noting that the site was zoned “AGR” and was under active cultivation, a Member raised a concern as to how to strike a balance between reserving land for agriculture use and Small House development. Mr. Otto Chan said that the subject application generally met the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories (Interim Criteria) in that there was insufficient land within the “V” zone of the Kwan Tei to meet the Small House demand. Moreover, among the three proposed Small Houses on the site, two of them had their footprints falling entirely within the ‘VE’ of Kwan Tei. The remaining proposed Small House also had more than 50% of its footprint falling within the ‘VE’. Hence, sympathetic consideration could be given to the application. Furthermore, the proposed Small House at

the location were not incompatible with the surrounding area as there were existing village houses in the vicinity of the application site and the village proper of Kwan Tei was located only about 20 m to the north of the application site.

45. The Secretary explained that sympathetic consideration could be given to Small House development outside the “V” zone but within the ‘VE’ if there was insufficient land within the “V” zone to meet the Small House demand. However, as shown on Plan A-2, the “V” zone and ‘VE’ of Kwan Tei largely overlapped. There was only a small strip of land outside the “V” zone and within the ‘VE’ of Kwan Tei for Small House development. The application site fell within this small strip of land which was the only land available for village extension in the area. Although part of the site was under cultivation, similar applications for Small House development had been approved within that strip of land before. As there was a shortage of land in meeting future Small House demand in Kwai Tei, Members might wish to consider whether the Small House application should be approved.

46. Two Members raised a concern that the subject “AGR” zone might be taken up by Small House developments. The Secretary advised that Small House development would be restricted to land within ‘VE’ of an indigenous village and Small House development would only be allowed in “AGR” zone when there was insufficient land within the “V” zone to meet the Small House demand according to the Interim Criteria. In the past, there were cases that PlanD did not recommend approval of Small House application as the application site was under active cultivation and there were other areas suitable for Small House development within ‘VE’. However, Members might wish to decide whether sympathetic consideration could be given to the subject application as it was located within a small strip of land outside “V” zone and within ‘VE’; similar applications had been approved within that strip of land and there was insufficient land within the “V” zone of Kwan Tei to meet the future Small House demand. The Chairman remarked that given the development trend, the two villages would eventually merge together.

47. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.3.2017, 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 submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

48. 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 Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development and the provision of septic tank;
- (b) to note the comments of the Director of Fire Services that the applicants should observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by the Lands Department;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicants might need to extend their inside services to the nearest suitable government water mains for connection;
 - (ii) the applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standards; and
 - (iii) the application site was within the flood pumping gathering ground; 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 applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

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

Agenda Item 18

Section 16 Application

[Open Meeting]

A/NE-TKL/380 Proposed Temporary Concrete Batching Plant with Minor Relaxation of Building Height Restriction for a Period of 3 Years in “Industrial (Group D)” zone, Lots 22(Part), 24(Part) and 26 RP (Part) in D.D. 84, Ping Che Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/380C)

49. The Secretary reported that this was the fourth deferment request submitted by the applicant. Since the last deferment request approved by the Committee on 9.11.2012, the applicant had submitted further information including responses to departmental comments, a revised Environmental Assessment (EA), a revised transport arrangement and further clarification on the EA together with amended pages to address departmental comments. In this connection, the Director of Environmental Protection considered the technical assessments were in order and he did not have any further comment on the application. However, in view of the further comments raised by Transport Department (TD) on 1.2.2013, the applicant’s representative, on 8.2.2013, requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to further respond to comments raised by TD.

50. Noting that the applicant requested to defer the consideration of the application to

prepare responses to further comments raised by TD on 1.2.2013, a Member enquired about the comments made by TD on 1.2.2013 and information submitted by the applicant on the same day. Mr. Otto Chan replied that, since the last deferment request, the applicant had submitted further information to address environmental and traffic concerns. The applicant had submitted information on 1.2.2013 to clarify the information in the environmental assessment and the DEP considered that technical assessments were in order. The C for T also provided his comments on the traffic impact assessment report submitted by the applicant on 1.2.2013. Members also noted that traffic issues in respect of the road layout, access arrangement and estimated vehicular trips at major junctions were not acceptable to C for T.

51. In response to a Member's query, the Secretary explained that if the Committee did not agree to the request for defer consideration of the application, the application would be submitted to the Committee for consideration at next meeting. Nevertheless, for the subject application, the applicant had conducted a number of technical analysis including environment assessment, visual impact assessment, swept paths analysis, etc. Since only the traffic issue had yet to be resolved, Members might wish to consider if applicant should be given the last chance to resolve the traffic issue.

52. In response to the Chairman's enquiry, Mr. Otto Chan said that the proposed concrete batching plant had not been operated and was not subject to any enforcement action.

53. After further 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 since a total period of eight months had been allowed, this was the last deferment to be granted. No further deferment would be granted unless under very special circumstances.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/417 Temporary Warehouse (for Storage of Tools Related to the Engineering Works of Overhead Cables) and Dog Kennel for a Period of 3 Years in “Open Storage” zone and an area shown as ‘Road’, Lots 2197 S.A (Part) and 2195 RP (Part) in D.D. 76 and Adjoining Government Land, Kwan Tei North Village, Fanling
(RNTPC Paper No. A/NE-TKL/417)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse (for storage of tools related to the engineering works of overhead cables) and dog kennel 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 in the vicinity of the site and environmental nuisance was expected. However, there was no record of pollution complaint for the application site in the past three years;
- (d) one public comment from a North District Council member was received during the first three weeks of the statutory publication period. He supported the application as it could fulfil the need of the concerned villagers. The District Officer/North, Home Affairs Department (DO/N, HAD) had consulted the locals regarding the application. The Indigenous Inhabitant Representatives (IIR) of Kwan Tei raised objection to the

application mainly on the grounds that there were some squatter domestic structures nearby, approving the site for the dog kennel and parking of light vans would cause adverse impact on noise, hygiene and effluent discharge aspect; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. As regards the concerns of DEP and the local villagers, no environmental complaint concerning the site had been received in the past three years. It was recommended to stipulate approval conditions restricting the operation hours and prohibiting dismantling and workshop use on the application site. Moreover, the applicant would be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental nuisances.

55. Members had no question on the application.

Deliberation Session

56. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.3.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 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 dismantling and workshop activities should be carried out on the application site at any time during the planning approval period;

- (d) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container vehicle, as defined in the Road Traffic Ordinance was allowed for the operation of the application site at any time during the planning approval period;
- (e) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.6.2013;
- (f) in relation to (e) above, the implementation of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.9.2013;
- (g) the submission of proposals for water supplies for fire fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.6.2013;
- (h) in relation to (g) above, the provision of water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.9.2013;
- (i) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.6.2013;
- (j) in relation to (i) 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 1.9.2013;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and

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

57. 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) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (d) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (e) to note the comments of the District Lands Officer/North, Lands Department that the owner(s) of the lots should be advised to apply to his office for Short Term Waivers (STWs) and Short Term Tenancy (STT) for the regularization of the structures erected and the illegal occupation of government land. There was no guarantee that the STWs and STT would be granted to the applicant(s). If the STWs and STT were granted, the grants would be made subject to such terms and conditions to be imposed as the government should deem fit to do so including the payment of STWs and STT fees/rent;
- (f) to note the comments of the Chief Building Surveyor/ New Territories West, Buildings Department (BD) that:

- (i) if the existing structures were erected on leased land without approval of the BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including containers and sheds as temporary buildings) were to be carried out on the application site, prior approval and consent from BD should be obtained, otherwise they were unauthorized building works (UBW). An authorized person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action might be taken by the 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 application site under the BO;
 - (iv) in connection with (ii) above, the site should be provided means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations (B(P)R)5 and 41D respectively; and
 - (v) if the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under the B(P)R 19(3) at the building plan submission stage.
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewerage treatment/disposal facilities for the proposed development;

- (h) to note the comments of the Director of Fire Services that if covered structures were erected within the site and building plan submission was not required, relevant layout plans incorporated with the proposed fire services installations (FSIs) should be submitted for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the locations of the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of the aforesaid plans;
- (i) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that:
 - (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
 - (ii) the site was located within the flood pumping gathering ground;
- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should observe statutory requirements as stipulated under Public Health (Animals and Birds) Ordinance (Cap. 139), Dogs and Cats Ordinance (Cap. 167), Prevention of Cruelty to Animals Ordinance (Cap. 169) and Rabies Ordinance (Cap. 421);
- (k) to note the comments of the Commissioner of Transport that the land status of the access road leading to the site should be checked with the lands authority and the management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance

authorities;

- (l) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department that it was observed that the majority of the trees were in good condition except some topped trees. The applicant was required to replace these topped trees if found dead. In addition, with reference to the submitted landscape plan, it was noted that tree planting opportunity was available at the southern and western boundaries; and
- (m) 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 Items 20 and 21

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/424 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 1088 S.A. ss.1 S.B, 1088 S.A ss.3, 1088 S.A RP(Part) and 1089 S.B in D.D. 82, Tong Fong Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/424)

A/NE-TKL/425 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 1085 S.B, 1086 S.B, 1088 S.A ss.18 (Part) and 1088 S.A RP(Part) in D.D. 82, Tong Fong Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/425)

58. The Committee noted that these two applications were similar in nature and the application sites were located in close proximity to each other and within the same “Agriculture” zone. The Committee agreed that these applications should be considered together.

Presentation and Question Sessions

59. Mr. Otto K.C. Chan, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed House (NTEH – Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the two applications as the application sites had high potential for agricultural rehabilitation and active agricultural activities were noted in the vicinity of the subject sites;
- (d) during the first three weeks of the statutory publication period, three public comments on Applications No A/NE-TKL/424 as well as No. A/NE-TKL/425 were received from an individual of the public and two organizations, namely Designing Hong Kong Limited and Kadoorie Farm and Botanic Garden Corporation (KFBG) raising objection to the application. Application No. A/NE-TKL/425 also received a public comment from World Wide Fund raising objection to the application. Their major comments were summarized as follows:
 - (i) the proposed Small House development on the application site was not in line with the planning intention of (“Agriculture) “AGR” zone. If the applications were approved, it would set a precedent for similar applications. The area of agricultural land in Hong Kong should not be further reduced in order to secure a stable food supply;
 - (ii) the applicants had failed to confirm that there was appropriate road and parking in the area which would lead to disharmony among residents, illegal criminal behaviour and would have impacts on fire hazards;

- (iii) there was a lack of sustainable layout of infrastructure, access, parking spaces and amenities for the area. The proposed Small House developments, if approved, would result in deterioration of the living environment. The failure to confirm the provision of access, right-of-way, parking and amenity facilities would lead to disputes among residents;
 - (iv) according to the site inspection conducted in August 2012, the application might involve ‘destroy first, build later’ activities which should not be encouraged;
 - (v) there were previously applications for Small House developments in the area. A sudden increase in the number of Small House might exert pressure on the underground soakaway system in the area, thus causing overflow of wastewater or contamination of ground water by partly treated sewage which would eventually affect a ditch and an orchard to the east, and would have negative impact on the terrestrial and freshwater ecology; and
 - (vi) the application site for application No. A/NE-TKL/425 was adjacent to some active farmlands which were graded as ‘good’ agricultural land with ‘high’ potential for agricultural rehabilitation. However, the applicant had failed to justify the compatibility of the proposed development for the general setting of the area;
- (e) the District Officer (North) had consulted the locals. The incumbent District Council member, the Indigenous Inhabitants Representative of Tong Fong, and the Residents’ Representative of Tong Fong supported both applications, while the Vice-chairman of the Ta Kwu Ling District Rural Committee raised objection to both applications as the sites were close to the proposed sewage treatment works and on *fung-shui* grounds.; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the

applications based on the assessments as detailed in paragraph 12 of the Papers. Regarding the concerns of DAFC and the public commenters on land use incompatibility, it was considered that the proposed Small Houses were not incompatible with the surrounding area as the village proper of Tong Fong Village was located only approximately 50 m to the north of the site. In addition, similar applications for Small House development within the same “AGR” zone had been approved with conditions by the Committee. It was not anticipated that the proposed Small Houses would cause significant adverse environmental, drainage, traffic and landscape impacts on the surrounding area. Other concerned government departments consulted had no adverse comment / no objection to the applications. Regarding the local comments on sewage and *fung-shui* grounds, it should be noted that DEP had no comment on the application and the *fung-shui* aspect was not a planning consideration of the application. There were also the public comments that the application site of application No. A/NE-TKL/424 might involve ‘destroy first, build later’ activity. In this regard, the site was subject to a previous enforcement action against unauthorized storage use (including deposit of containers) with the Compliance Notice issued. The enforcement case had been dealt according to the established enforcement procedures and was closed in February 2012.

60. Members had no question on the applications.

Deliberation Session

61. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 1.3.2017, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permission was subject to the following conditions :

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

- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewage treatment / disposal facilities for the proposed development;
- (b) to note the comments of the Director of Fire Services as follows:
 - (i) the applicant should observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by the Lands Department (LandsD); and
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standards; and
 - (ii) the application site was within the flood pumping gathering ground;

- (d) to note the comments of the Project Manager/New Territories North and West, Civil Engineering and Development Department that the proposed New Territories Exempted House was in the vicinity of the proposed Sewage Treatment Works under the North East New Territories New Development Areas Planning and Engineering Study (the NENT NDAs Study); and
- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-WKS/2 Proposed 8 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” and “Green Belt” zones, Government Land in D.D. 79 near Wo Keng Shan Road
(RNTPC Paper No. A/NE-WKS/2A)

63. The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with the Civil Engineering and Development Department (CEDD), the applicant of the application, and AECOM, the consultant of CEDD. The Committee agreed that Ms. Lai’s interest was direct and she should leave the meeting temporarily during the discussion of and determination on this application.

64. Mr. Ivan Fu had also declared an interest in this item as he had current business dealings with AECOM, the consultant of the applicant. As Mr. Fu did not have direct involvement in the subject application, Members agreed that Mr. Fu could stay in the meeting.

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed eight houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix IV of the Paper. The implementation of the Liantang/Heung Yuen Wai Boundary Control Point (BCP) project required the resumption of three building lots in Ping Yeung and Loi Tung owned by those villagers who were entitled to alternative house sites to be provided by the Government under the prevailing village removal terms. In this regard, the Secretary for Development (SDev) offered support for the application, which was justified on the need for the timely resumption of affected building lots for the completion of the strategically important BCP project by 2018. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development point of view as the subject site and its vicinity had high potential for rehabilitation for agricultural activities;
- (d) two public comments were received during the first three weeks of the statutory publication period which ended on 30.11.2012. A member of the North District Council indicated no specific comment on the application. The other comment from Kadoorie Farm & Botanic Garden Corporation (KFBGC) expressed concern on the application in that it was not in with the planning intention of “Agriculture” (“AGR”) and “Green Belt” (“GB”) zones. If the application was approved, villagers and developers might be

given the impression that development within “AGR” or “GB” zones would always/eventually be approved. The Board should consider the potential cumulative impact. On 25.1.2013, further information on the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 15.2.2013, three public comments were received. The same DC member and the Fanling District Rural Committee had no specific comment/no comment on the application. The Kadoorie Farm & Botanic Garden Corporation provided the same comments;

- (e) The District Officer (North), Home Affairs Department had consulted the locals regarding the proposal and advised that the Indigenous Inhabitants Representative (IIR) of Wo Keng Shan supported the application, while the Vice-Chairman of Ta Kwu Ling District Rural Committee, the incumbent District Council member and the Resident Representative of Wo Keng Shan had no comment on the application; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 13 of the Paper. Regarding the concerns of DAFC and the public commenter that the proposed Small House were not in line with the planning intention of the “AGR” zone, it was considered that the application site was located at the fringe of a large “AGR” zone with an existing access. Approval of the proposed application would not affect the integrity of the remaining “AGR” zone in Wo Keng Shan. The proposed NTEHs were also not incompatible to the existing rural landscape character. Regarding the public comment on precedent effect, the subject application should be treated as an exceptional case to facilitate the timely clearance of the affected building lots for the completion of the Liantang/Heung Yuen Wai BCP project and its connecting road by 2018. Its approval should not set an undesirable precedent for other similar applications within “AGR” and “GB” zones, resulting in cumulative adverse impact on the area.

66. A Member enquired whether the proposed eight houses could be developed

entirely within the “AGR” zone, without any encroachment onto the “Green Belt” zone. Mr. Otto Chan replied that the applicant had undertaken a site selection exercise based on a number of criteria such as flat land and government land. Based on the findings of the site selection exercise, the application site was selected for the proposed Small Houses. Mr. Otto Chan, also pointed out that the small portion of the site, which was zoned “GB”, was adjacent to a local track and was currently covered with grass.

Deliberation Session

67. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.3.2017, 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; and
- (b) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Director of Fire Services that:
 - (i) the applicant should observe the ‘New Territories Exempted Houses – a Guide to Fire Safety Requirements’ published by Lands Department (LandsD); and
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that:

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

Agenda Item 23

Section 16 Application

[Open Meeting]

A/NE-KTN/159 Proposed Comprehensive Low-Density Residential Development in “Comprehensive Development Area” zone, Lots 391 S.B, 392 S.C RP, 394 S.D, 1941 S.A, 1941 S.B ss.1, 1941 RP, 2030 S.A, 2030 RP, 2054 and 2106 in D.D. 95, Lot 675 (Part) in D.D. 96 and adjoining Government Land, Kwu Tung North, Sheung Shui
(RNTPC Paper No. A/NE-KTN/159B)

69. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Company (Henderson) with Environ Hong Kong Limited, Urbis Limited and Scott Wilson Limited, as the consultants. The following Members had declared interests in this item:

Mr. Ivan Fu had business dealing with Henderson, Environ Hong Kong Limited and Urbis Limited.

Ms. Janice Lai had business dealing with Henderson, Urbis Limited and Scott Wilson Limited

70. The Committee agreed that the interests of Mr. Fu and Ms. Lai were direct and they should leave the meeting temporarily during the discussion of and determination on this application.

[Mr. Fu and Ms. Lai left the meeting temporarily at this point.]

71. The Secretary reported that the applicants sought planning permission for a proposed low-density residential development, for about 171 houses at plot ratio of 0.38 and site coverage of 18.53% and two club houses, at the application site which fell within an area zoned "CDA". The application site fell within the Kwu Tung North New Development Area (KTN NDA) under the North East New Territories New Development Areas Planning and Engineering Study (NENT NDAs Study). The Study was expected to be completed in the latter half of 2013. The proposed low-density residential development under the subject application would prejudice the recommendation of the Study. In view of the advance stage of the Study, the Planning Department requested that the application be deferred until the completion of the NENT NDAs Study and the land use proposals for the KTN NDA had been confirmed. The Planning Department's request for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines (TPB PG – No. 33) on 'Deferment of Decision on Representations, Comments, Further Representations and Applications Made Under the Town Planning Ordinance' in that a major government planning-related study was due to be completed shortly or a decision on a major infrastructure proposal due to be released soon which might have significant planning implications on the subject site and would affect the decision of the Board, the proposed deferment was not indefinite and that the deferment would not affect the right or interest of other parties.

72. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee agreed that the application should be submitted for its consideration after the completion of the NENT NDAs Study

which was scheduled in the latter half of 2013 and the land use proposals for the KTN NDA had been confirmed.

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

Agenda Item 24

Section 16 Application

[Open Meeting]

A/NE-KTS/338 Proposed Filling of Land (about 0.2m to 1.2m in depth) for Agriculture Use and Two On-Farm Domestic Structures in “Green Belt” zone, Lot 624 in D.D. 98, Tin Sum Tsuen, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/338)

73. The Secretary said that the applicant had written to the Secretary of Town Planning Board on 1.3.2013 to object to the request for deferment by the Planning Department. Furthermore, a letter dated 28.2.2013 from a member of public objected to the application was received.

74. The Secretary reported that the application site might involve unauthorized vegetation clearance, land filling works and possibly excavation works prior to the application. Such practices contravened the approaches announced by the Board in July 2011 to deter “Destroy First, Build Later” activities. To allow more time for investigation to collect more information on the land filling/excavation/clearance works undertaken on the site, it was recommended that a decision on the application be deferred to ascertain whether any unauthorized clearance of vegetation, land filling and excavation works were involved that might constitute an abuse of the planning application process. The Planning Department requested that the application be deferred for two months pending the investigation of the suspected unauthorized vegetation clearance, land filling and excavation works on the site.

75. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee agreed that the application should be submitted for its consideration in two months’ time pending the investigation of the

suspected unauthorized works.

[The Chairman thanked Mr. Otto K.C. Chan, STP/STN, for his attendance to answer Members' enquires. Mr. Chan left the meeting at this point.]

Agenda Item 25

Section 12A Application

[Open Meeting]

Y/TP/18 Application for Amendment to the Draft Tai Po Outline Zoning Plan
No. S/TP/23 from "Village Type Development" to
"Government, Institution or Community (2)",
Lots 738 S.C and 738 S.C ss.1 in D.D. 6,
74-75 Kam Shan Road, Tai Po
(RNTPC Paper No. Y/TP/18A)

76. The Secretary reported that Mr. Ivan Fu had declared an interest in this item as he had current business dealings with MVA Hong Kong Limited, the consultant of the applicant. As the item was for deferral of the consideration of the application, the Committee agreed that Mr. Fu could stay in the meeting.

77. The Secretary reported that on 15.2.2013, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address comments raised by the government departments and to carry out a manual traffic and pedestrian survey during the upcoming Ching Ming Festival period.

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-YTT/2 Proposed Village Office cum Community Service Centre in an area designated as “Unspecified Use”, Former Fish Marketing Organization Sam Mun Tsai New Village Primary School, Government Land in D.D. 27, Tai Po
(RNTPC Paper No. A/DPA/NE-YTT/2)

Presentation and Question Sessions

79. 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 village office cum community service centre;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 7 of the Paper;

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

- (d) one public comment submitted by Designing Hong Kong Limited was received during the first three weeks of the statutory publication period. The commenter objected to the application on the grounds that area designated as “Unspecified Use” on the Development Permission Area (DPA) Plan was currently under review for possible inclusion into the Country Park or replacement with an Outline Zoning Plan. As village office should be built within “Village Type Development” (“V”) zone, the approval of the application would defeat the purpose of DPA Plan. The

commenter also requested to prepare village layout plans for all village zones and areas where Small House developments were permitted;

- (e) the District Officer/Tai Po, Home Affairs Department (DO/TP, HAD) advised that the application was supported in view of the local need for a village office. Policy support for leasing the concerned government land at an annual nominal rent of \$1 for the village office had been given by DO/TP. Policy support had also been granted for two separate village offices for Luen Yick Fishermen Village and Sam Mun Tsai New Village in July 2009 and May 2011 respectively; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 9 of the Paper. As regards the public comment that the approval of the application would defeat the purpose of DPA Plan, according to the Notes of the DPA Plan, any use or development (other than 'Agriculture Use' or the uses or developments always permitted under the covering Notes) within an area designated as "Unspecified Use" required planning permission from the Board. As such, the DPA Plan had provided adequate development control for the area. As regards the preparation of village layout plans for all village zones and areas where Small House developments were permitted, the Planning Department had prepared a number of village layout plans covering various recognized villages in the territory. The need for preparation of new village layout plans would be reviewed as appropriate.

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.3.2017, 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 proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

82. 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 public drain in the vicinity of the site. 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/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 existing public sewerage for connection in the vicinity of the site. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should minimize impacts on those trees at and near the site;

- (d) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submissions in respect of site formation works, if any, to the Lands Department/Buildings Department in accordance with the provisions of the Buildings Ordinance; and
- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

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

Agenda Items 27 to 29

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/461 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 922 S.E in D.D.8, Sha Pa, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/461 to 463)

A/NE-LT/462 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 922 S.G in D.D.8, Sha Pa, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/461 to 463)

A/NE-LT/463 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 922 S.F in D.D.8, Sha Pa, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/461 to 463)

83. The Committee noted that these three applications were similar in nature and the application sites were located in close proximity to each other and within the same "Agriculture" ("AGR") zone. The Committee agreed that these applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House (NTEH – Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper and were highlighted below:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as there were agricultural activities in the vicinity and the sites had high potential for agricultural rehabilitation. There was a natural stream to the northwest of the sites, Upper Lam Tsuen River, which was an Ecologically Important Stream (EIS). Any pollution from the development sites during construction and operational stages might cause adverse ecological impact to the EIS;
 - (ii) noting that the sites fell within upper indirect gathering ground and were less than 30m from the nearest stream, the Chief Engineer/Development (2) of Water Supplies Department (CE/Dev(2), WSD) objected to the applications as the public sewerage system was on the other side of Lam Tsuen River and the alignment of the proposed sewerage pipes had to cross a footbridge over Lam Tsuen River. The practicability of laying a sewage pipe across a footbridge was in doubt; and any potential bursting and leakage of sewage pipe would cause water pollution to Lam Tsuen River. It was thus considered that the developments could not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that there was insufficient information in the applications to demonstrate that the proposed

Small Houses located within the water gathering grounds (WGGs) would not cause adverse impact on the water quality in the area;

- (iii) Chief Engineer/Mainland North Drainage Services Department (CE/MN, DSD) advises that the proposed Small Houses were located outside the “V” zone where no existing public sewerage system connection was available now. Public sewers would be laid to the locations near the Site under DSD’s current project scheme for completion in mid 2016. The applicants, from technical point of view, could extend their sewers to the public sewers by themselves via other private/ government land. However, he objected to the proposed sewer of the development. The proposed sewer would cut across a large branch drainage channel on the southern side of Lam Tsuen River (right next to the footbridge) which was now being constructed. The proposed sewer might likely obstruct the flow of this channel. In additional, the proposed sewer would cut across mass concrete retaining walls and gabion walls on either side of Lam Tsuen River. The proposed sewer was built on the DSD footbridge across Lam Tsuen River and he had not agreed to this arrangement and the application had not shown that the design of the proposed sewer (hydraulic design and cover depth) was satisfactory; and
- (iv) the Director of Environmental Protection (DEP) did not support the applications as he had concerns on the practicality of laying a sewage pipe across the footbridge and any potential bursting and leakage of the sewage pipe would cause water pollution to Lam Tsuen River. The capacity of the planned sewerage system at Sha Pa was not designed to accommodate the additional sewage discharged from the proposed Small Houses;
- (d) a public comment from WWF Hong Kong, against all three applications, was received, during the first three weeks of the statutory publication period. WWF Hong Kong objected to the applications mainly on the grounds that the proposed developments were not in line with the planning

intention of "AGR" zone and would have adverse impact on the adjacent Upper Lam Tsuen River which was an Ecological Important Stream; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments as set out in paragraph 11 of the Paper and highlighted below:
 - (i) the sites fell entirely within "AGR" zone and were currently used for agricultural activities. The DAFC considered that the sites had high potential for agricultural rehabilitation and did not support the applications. He also pointed out that the sites were adjacent to the Upper Lam Tsuen River which was an Ecologically Important Stream (EIS). Any pollution from the development sites during construction and operational stages might cause adverse ecological impact to the EIS;
 - (ii) the sites were located within WGGs. The CE/MN, DSD objected to the proposed sewer connection as it was likely to obstruct the flow of the drainage channel on the southern side of Lam Tsuen River. The applications involved laying of a private sewer for a long distance and the practicality of laying a sewage pipe across the footbridge was questionable. Any potential bursting and leakage of the sewage pipe would cause water pollution to Lam Tsuen River. As such, DEP and CE/Dev(2), WSD did not support the applications in this regard. The applications did not meet the Interim Criteria in that there was insufficient information to demonstrate that the proposed Small Houses located within the WGGs would not cause adverse impact on the water quality in the area; and
 - (iii) although there were similar applications for development of Small Houses in the vicinity of the sites approved by the Committee, they were approved before the promulgation of the Interim Criteria or approved mainly on the grounds of being in compliance with the Interim Criteria and able to be connected to the planned sewerage

system. It was considered that the current applications did not warrant the same considerations.

85. In response to a Member's query, Mr. C. T. Lau advised that the sites for application No. A/NE-LT/461 and No. 463 were subject of two previous approved applications No. A/NE-LT/196 and No. 197 respectively which were approved by the Committee on 11.6.1999. The two applications subsequently lapsed on 11.6.2002. As compared to these two applications, the current applications were submitted by different applicants.

Deliberation Session

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

- 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 there was insufficient information in the submissions to demonstrate that the proposed development would not cause adverse impact on the water quality in the area.

Agenda Item 30

Section 16 Application

[Open Meeting]

A/TP/530 Proposed House (Redevelopment) in "Green Belt" zone, Lot 2087 in
D.D. 6, Pun Chun Yuen Road, Tai Po
(RNTPC Paper No. A/TP/530)

87. The Secretary reported that on 21.2.2013, 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 prepare supplementary information to address the comments of the

concerned departments.

88. 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 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/531 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” zone, Lot 102 S.A ss.2 RP in D.D.14, Tung Tsz, Tai Po
 (RNTPC Paper No. A/TP/531)

Presentation and Question Sessions

89. Mr. C.T. Lau, STP/STN, informed the meeting that a facsimile received on 27.2.2013 from the applicant clarifying that the vehicular access was not within the application site. The facsimile was tabled at the meeting for Members’ information. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as more than 50% of the application site fell outside the village

‘environs’ (‘VE’) of Tung Tsz. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD & L, PlanD) had concerns that approval of the application might encourage more Small House developments within the “GB” zone, jeopardising the woodland with high landscape quality. From the landscape planning perspective, he would not support any developments within the woodland;

- (d) two public comments were received from Kadoorie Farm & Botanic Garden (KFBG) and Designing Hong Kong Limited during the first three weeks of the statutory publication period. KFBG and Designing Hong Kong Limited objected to the application mainly on the grounds that the site for proposed Small House development fell within the “GB” zone which was for conservation. Designing Hong Kong Limited also objected to the application as there was no sustainable layout for village development; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as set out in paragraph 12 of the Paper and highlighted below:
 - (i) the site fell entirely within the “GB” zone. The proposed development was not in line with the planning intention of the “GB” zone 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. There was no strong justification in the submission to justify a departure from this planning intention;
 - (ii) the application did not meet the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (the Interim Criteria) in that the proposed Small House footprints fell entirely outside the “Village Type Development” zone and village ‘environ’ (‘VE’) of Tung Tsz and A Shan Tseng Tau Village. In this regard, the DLO/TP of Lands D did not support the application. Approval of the application

would set an undesirable precedent for other similar applications in the area. The CTP/UD&L also had concerns that approval of the application might encourage more Small House developments within the “Green Belt” zone, thus jeopardizing the adjacent woodland with high landscape quality; and

- (iii) unlike the adjoining sites of similar applications which fell almost entirely within ‘VE’ and met the Interim Criteria, the subject site fell entirely outside both the “V” zone and ‘VE’ of any recognized villages and did not meet the Interim Criteria. Therefore the current application did not warrant the same sympathetic consideration like the other similar applications.

90. Members had no question on the application.

Deliberation Session

91. 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 house (New Territories Exempted House (NTEH) - Small House) was not in line with the planning intention of the “Green Belt” zoning, 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. There was no strong justification in the submission to justify a departure from this planning intention; and
- (b) the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the footprint of the proposed Small House fell entirely outside the “Village Type Development” zone and village ‘environs’ of Tung Tsz.

[The Chairman thanked Mr. C.T. Lau, STP/STN, for his attendance to answer Members' enquires. Mr. Lau left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/432 Proposed Comprehensive Residential Development and Minor Relaxation of Building Height Restriction from 10 Storeys above Car Park to 10 Storeys above 2-levels of Lobby, E/M, Basement Carpark and other Ancillary Facilities in "Comprehensive Development Area" zone, Various Lots in D.D. 374 and 375 and Adjoining Government Land, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM/432C)

92. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Limited (SHK) with Environ Hong Kong Limited, MVA Hong Kong Limited and Scott Wilson Limited as consultants. The following Members had declared interests in this item:

- | | |
|----------------|---|
| Mr. Ivan Fu | - had current business dealings with SHK, Environ Hong Kong Limited and MVA Hong Kong Limited |
| Ms. Janice Lai | - had current business dealings with SHK and Scott Wilson Limited |

Dr. C. P. Lau - owned a flat at Kwun Tsing Road, So Kwun Wat, which was located close to the application site

93. The Committee agreed that Mr. Fu, Ms. Lai and Dr. Lau's interest were direct. The Committee noted that Dr. C. P. Lau had already left the meeting. Mr. Fu and Ms. Lai should leave the meeting temporarily during the discussion of and determination on this application.

[Mr. Ivan Fu and Ms. Janice Lai left the meeting temporarily at this point and Mr. Frankie Chou left the meeting at this point.]

Presentation and Question Sessions

94. Mr. C.P. Au, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed comprehensive residential development and minor relaxation of building height restriction;

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

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) 170 public comments including 39 objections, 127 supporting and 4 general comments were received during the first three weeks of the five statutory publication periods. The major comments were summarised below:

Objecting comments

- (i) the proposed development was not compatible with surrounding environment and would exacerbate screen effect and have adverse ventilation impacts on the area. The relaxation of building height would have adverse visual impact. The development also blocked the views of nearby development of the Avignon;
- (ii) the increased number of residents living in the area would overload the road capacity in the vicinity of So Kwun Wat Tsuen. The provision of public transport in the area was inadequate. The ingress/egress of the proposed development was too close to that of adjacent development Avignon. This would likely cause adverse impacts on traffic and creates traffic jam and accidents;
- (iii) the proposed development would deprive them from the use of an existing vehicular access along the eastern side within the application site. Access of emergency vehicles and ambulances would be blocked and the existing vehicular access to nearby villages such as Ngau Kok Lung village should be retained, or it should be excluded from the application site;
- (iv) the proposal was high in intensity which deviated from the planning intention of the area and the development would cause pollution to nearby river channel;

Supporting comments

- (v) the application demonstrated improvement in disposition and reduced adverse ventilation impacts generated by the development;
- (vi) The development would utilise the abandoned land and would increase housing land supply which was in acute demand;

Other comments

- (vii) one individual commenter mentioned that there were about 5,699m² of

government land within the site, but, no information had been provided to show how the government land would be utilised;

- (viii) the Owners Committee of Aegean Coast raised objection to the proposed development, as the development would create wall effect and would create effects of reflections from the traffic noise of Tuen Mun Road and therefore would lead to the deterioration of their living quality;
- (e) the District Officer (Tuen Mun) (DO(TM)) advised that a letter from the Aegean Coast Owners' Committee raised objection to the application based on grounds that the development would create wall effect and would reflect noise of vehicles travelling on Tuen Mun Road to their estate, which harmed their living quality; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Regarding the public comments received, it should be noted that the current scheme was an improvement to the previous scheme approved by the Committee and concerned departments had no objection to the application. The applicant had also proposed a 4m-wide passageway for access to Ngau Kok Lung village. The supporting comments mainly suggested that in the current application, the layout and disposition of the development had been improved. The current scheme would reduce adverse ventilation impacts and also help increasing the housing land supply

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 1.3.2017, and after the said date, the permission should cease to have

effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan to take into account conditions (b) to (i) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a landscape master plan including a tree survey report with a tree preservation and compensatory planting proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of a development programme for the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (d) the provision of emergency vehicular access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (e) the submission and implementation of the mitigation/improvement measures identified in the traffic impact assessment, including the design and implementation of the extension of northern lay-by at So Kwun Wat Road and the modification of junction of Castle Peak Road and So Kwun Wat Road, to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the design and provision of parking facilities including motorcycle parking spaces and internal road layout for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the submission and implementation of flood mitigation measures and drainage facilities identified in the drainage impact assessment to the satisfaction of the Director of Drainage Services or of the TPB;

- (h) the submission of an updated traffic noise impact assessment report and implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (i) the design and provision of pedestrian/vehicular access to Ngau Kok Lung village, Lot 444 in D.D. 374 and Lot 248 RP in D.D. 375 to the satisfaction of the Director of Lands or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tuen Mun that the applicant was required to apply to her office for a land exchange to effect the proposal. There was no guarantee that the application for land exchange with the inclusion of government land would be approved. The land exchange application would be considered by Lands Department (LandsD) acting in the capacity as the landlord at its sole discretion. In the event that if the application was approved, it would be subject to such terms and conditions as the Government should deem fit to do so, including, among others, charging of premium and fees as might be imposed by LandsD;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that Quality Built Environment requirements were applicable in particular building separation should be observed. Detailed comments would be given at formal building submission stage;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the existing water mains would be affected and the cost of any necessary diversion of water mains should be borne by the applicant;
- (d) to note the comments of the Director of Leisure and Cultural Services that the developer should, from tree preservation point of view, observe the requirements of Environment, Transport and Works Bureau Technical Circular (Works) (ETWBTC (Works)) No. 3/2006 on Tree Preservation if

any tree within the project boundary was affected by the project;

- (e) to note the comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) that as the site was close to the So Kwun Wat Site of Archaeological Interest, the applicant needed to conduct a baseline review to assess the archaeological impact of the proposed works at the subject lots before any construction works could commence at the lots to the satisfaction of the Executive Secretary of the AMO, LCSD; and
- (f) to liaise with the local villagers and residents with a view to resolving any land issues relating to the access arrangement to the nearby villages and the remaining lots in the application site.

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

Agenda Item 33

Section 16 Application

[Open Meeting]

A/TM/440 Proposed Religious Institution (Church) in “Open Space” zone, Lots 491 (Part), 492 (Part), 495R.P., 498R.P., 500 (Part), 501 (Part), 502 R.P. (Part), 503, 717R.P. in D.D. 374 and adjoining Government Land, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM/440)

98. The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with Kenneth Ng & Associates Limited, the consultant of the applicant. As the item was for deferral of the consideration of the application, the Committee agreed that Ms. Lai could stay in the meeting.

99. The Secretary reported that on 20.2.2013, the applicant’s representative requested for a deferment of the consideration of the application for one month in order to allow time for the applicant to resolve departmental comments.

100. 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 34

Section 16 Application

[Open Meeting]

A/YL-MP/205 Proposed House Development, Minor Relaxation of Building Height Restriction and Filling and Excavation of Land for Site Formation Only (Proposed Amendments to an Approved Scheme) in “Residential (Group D)” zone, Lots 3054 S.A RP, 3098 RP (Part), 3108 (Part), 3109 (Part), 3100 (Part), 3110, 3111, 3112, 3113, 3114, 3115 RP, 3119 RP, 3122 RP, 3123, 3124, 3126, 3131 S.A, 3131 S.B, 3131 S.C, 3131 S.D, 3131 RP, 3132, 3138, 3146, 3147 RP (Part), 3148, 3150 RP, 3156 RP, 3158 RP, 3162, 3163, 3164 S.A, 3164 RP, 3167, 3168, 3171, 3173, 3176, 3177, 3178, 3179, 3180 RP, 3181 RP, 3182 RP, 3189 RP, 3190, 3191, 3192 RP, 3193RP and 3194 RP in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/205B)

101. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Limited (SHK) with Environ Hong Kong Limited, AECOM, Urbis Limited, and TMA Planning and Design Limited, as the consultants. The following Members had declared interests in this item:

Mr. Ivan Fu - had bussiness dealing with SHK, Environ Hong Kong Limited, AECOM, Urbis Limited, and TMA Planning and

Design Limited

Ms. Janice Lai - had business dealing with SHK, AECOM and Urbis Limited

102. As the item was for deferral of the consideration of the application, the Committee agreed that Ms. Lai and Mr. Fu could stay in the meeting.

103. The Secretary reported that on 18.2.2013, 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 prepare further information to respond to comments from the Drainage Services Department, Planning Department and Environmental Protection Department.

104. 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 35

Section 16 Application

[Open Meeting]

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

105. The Secretary reported that on 20.2.2013, 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 respond to the comments from the concerned government department.

106. 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 as a total period of six months had been allowed, no further deferment would be granted.

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/255 Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in "Village Type Development" zone, Lot 581 (Part) in D.D. 130, To Yuen Wai, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/255)

Presentation and Question Sessions

107. 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 public vehicle park (private cars and light goods vehicles) for a period of three years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no objection and commented that details such as invert levels, proposed gradient, cover and types of the proposed drainage facilities, details of the proposed U-channels, catchpits and connections to existing facilities should also be provided. The Commissioner for Transport (C for T) advised that turning movement diagram showing the manoeuvring of vehicles in all parking spaces within the site should be submitted for his consideration. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application and commented that two existing trees along the western perimeter recorded during the site visit were missing from the submitted landscape and tree preservation proposal. Numbers and locations of the proposed trees should be adjusted in accordance with the actual site situation;

- (d) four public comments were received during the first three weeks of the statutory publication period. Their major comments were summarised below:
 - (i) a Member of Tuen Mun District Council supported the application on the grounds that there was insufficient parking space in the village and the villagers had the parking needs, especially for night time parking;
 - (ii) two villagers strongly objected to the application mainly on the grounds that the access road was single-lane and narrow and the parking of coach buses and heavy vehicles on the site would cause road safety problem to the villagers;
 - (iii) Designing Hong Kong Limited supported the application mainly on the grounds that the temporary development was in line with the planning intention of the “Village Type Development” zone; there was desperate demand for parking facilities in village area and the vehicle park could ease the tense between villagers fighting over parking spaces; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as set out in paragraph 11 of the Paper and highlighted below:
- (i) while the temporary vehicle park might serve some of the parking needs of the local villagers, the applicant had to demonstrate that the development was compatible with the surroundings and that any possible negative impacts could be adequately addressed;
 - (ii) although the applicant had submitted landscape and tree preservation plan, drainage plan and fire service installations plan, the relevant government departments had concerns on the submission. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) considered that technical details such as invert levels, proposed gradient, cover and types of the proposed drainage facilities within and outside the site were missing from the drainage assessment and proposed drainage plan. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that some existing trees along the western perimeter were missing from the landscape and tree preservation proposal. The Commissioner for Transport (C for T) also had concerns regarding the manoeuvring of vehicles within the site and requested the applicant to provide turning movement diagram. However, the applicant had not provided any information to address these concerns. The applicant therefore failed to demonstrate in the submission that the development would not cause adverse traffic, drainage and landscape impacts on the surrounding area; and
 - (iii) all three previous approvals (Applications No. A/TM-LTYY/154, 184 and 224) were revoked in 2007, 2009 and 2012 respectively due to non-compliance with approval conditions. Given the repeated failures for complying with approved conditions, there was doubt as to whether the negative impacts of the development could be effectively addressed

by imposition of approval conditions. Therefore, sympathetic consideration should not be given to the application.

108. Members had no question on the application.

Deliberation Session

109. 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 applicant failed to demonstrate that the development would not cause adverse traffic, drainage and landscape impacts on the surrounding area; and
- (b) the application involved three previously revoked planning permissions due to non-compliance of the approval conditions. The applicant failed to demonstrate in the submission that the relevant conditions would be complied with. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/78 Proposed Temporary Barbecue Area for a Period of 3 Years in “Village Type Development” zone, Lots 246 S.B (Part), 248 (Part), 250 (Part), 251 (Part), 258, 259, 260, 261 (Part), 262 S.B (Part) and 263 S.B (Part) in D.D. 385 and Adjoining Government Land, Tai Lam Chung, Tuen Mun
(RNTPC Paper No. A/TM-SKW/78B)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary barbecue area for a period of three years;
- (c) departmental comments – concerned government 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 (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 11 of the Paper. In view of the repeated revocation of the previous approvals due to non-compliance with approval condition, a shorter compliance period was recommended to closely monitor the compliance with approval conditions.

111. Members had no question on the application.

Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.3.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11:00 p.m. and 9:00 a.m., as proposed by the

applicant, was allowed on the site during the planning approval period;

- (b) the implementation of the accepted 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 1.6.2013;
- (c) the implementation of the accepted 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 1.6.2013;
- (d) the implementation of the accepted 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 1.6.2013;
- (e) if the above planning condition (a) 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;
- (f) if any of the above planning conditions (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
- (g) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) should the planning permission be revoked due to non-compliance with any of the approval conditions, sympathetic consideration would not be given by the Committee to any further application;
- (b) to resolve any land issues with the concerned land owners of the application site and the access;

- (c) shorter compliance periods were given to monitor the progress of compliance with approval conditions;
- (d) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that the lots under application were Old Scheduled Agricultural Lots held under the Block Government Lease. The owners of the lots would need to apply to his office for Short Term Waivers for erection of the structures on the lots and the occupier would need to apply to his office for a Short Term Tenancy for occupation of the government land (GL). The proposals would only be considered upon his receipt of formal applications from the owners of the lots and the occupier. There was no guarantee that the applications, if received by his office, would be approved and he reserved his comment on such. The applications would be considered by the LandsD acting in the capacity as the landlord 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 fee/tenancy rent, deposits and administrative fees. The site was accessible from Tai Lam Chung Road via a short strip of GL (pavement of Tai Lam Chung Road) and other private lots. His office did not provide maintenance works for the aforesaid short strip of government land nor guarantee any right-of-way to the site;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works, including any temporary structures 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 any proposed new building works in accordance with the BO. For any UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in

accordance with the 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. If the use under application was subject to the issue of a licence, the applicant should be reminded that any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority;

- (f) 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;
- (g) to note the comments of the DEP that the applicant should collect, treat and dispose of the wastewater arising from the site in compliance with the requirements of the Water Pollution Control Ordinance;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that (i) the applicant should be responsible for the applicant's own access arrangement; and (ii) if any run-in/run-out was approved by LandsD, the applicant should construct it according to HyD standard drawings no. H1113 and H1114, or H5133, H5134 and H5135, to match the existing pavement condition. In addition, adequate drainage measures should be provided at the entrance to prevent surface water from flowing out from the lot onto the public road/footpath via the run-in/run-out;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the site was in an area where no direct public stormwater drainage connection was available, the applicant should arrange the applicant's own stormwater disposal facilities to cater for rain water falling on or flowing to the site to the satisfaction of the DSD. The site was in an area where no direct public sewerage connection was

available;

- (j) to note the comments of the Director of Fire Services (D of FS) that the installation/maintenance/modification/repair work of fire service installation should be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC should after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the D of FS;
- (k) to note the comments of the Director of Food and Environmental Hygiene that requisite food licence for conducting food business (if any) should be obtained; and
- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and the applicant’s contractors when carrying out works in the vicinity of the electricity supply lines.

[The Chairman thanked Mr. K.C. Kan, STP/TMYL, for his attendance to answer Members’ enquires. Mr. Kan left the meeting at this point.]

Agenda Item 38

Section 16 Application

[Open Meeting]

A/YL-HT/819 Temporary Open Storage of Construction Machinery with Ancillary Offices for a Period of 3 Years in “Undetermined” zone, Lot 1836 (Part) in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/819A)

114. The Secretary reported that on 18.2.2013, 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 further address the comments from the Fire Services Department on the application.

115. 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 as a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 39

Section 16 Application

[Open Meeting]

A/YL-HT/825 Temporary Workshop with Ancillary Storeroom for a Period of 3 Years in “Undetermined” zone, Lots 1835 (Part), 1836 (Part), 1837 (Part) and 1839 (Part) in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/825A)

116. The Secretary reported that on 8.2.2013, 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 further address the comments from the Fire Services Department on the application.

117. 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 as a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/835 Proposed Temporary Private Cars and Coaches Park with Ancillary Offices, Resting Rooms, Storage of Tools and Fertilizer and 2 Loading/Unloading Spaces for a Period of 3 Years in “Open Space” zone, Lots 482 (Part), 483 (Part), 484(Part), 485(Part), 509 RP, 511, 512, 513 RP (Part), 514, 515 RP (Part), 519 RP (Part), 520 RP, 521 RP and 522(Part) in D.D. 124, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/835)

Presentation and Question Sessions

118. Mr. Ernest C.M. Fung, STP/TMYL, informed the Committee that replacement pages of P. 11 and 12 of the Paper to add an approval condition on the provision of fire extinguishers and the submission of a valid fire certificate within 6 weeks were tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) the proposed temporary private cars and coaches park with ancillary offices, resting rooms, storage of tools and fertilizer and two loading/unloading spaces for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along the access road leading to the site and environmental nuisance was expected. There was no environmental complaint pertaining to the site received in the past three years. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) had reservation on the application. According to the aerial photo taken on 18.9.2012, the site was a piece of farmland. Although 49 new trees were proposed along the site boundary, it should be noted that vegetation cover and five mature existing trees within the site had been removed since his site visit on 20.9.2012. Disturbance to the existing landscape character and resources arising from the development had taken place. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application since the site and its surrounding areas were covered by some active or abandoned agricultural lands as revealed in the aerial photo in 2012 and the farmland could be rehabilitated for cultivation;

- (d) four public comments were received during the first three weeks of the statutory publication period. The major grounds were summarised below:
 - (i) two commenters, the owners of Lots No. 510 and 506 in D.D. 124, objected to the application as the current application was the extension of an approved planning application No. A/YL-HT/796 adjacent to his lot, which obstructed the access road leading to their lot and caused flooding. They expressed concern on the impacts caused by the application on the environment and the land users in the vicinity;

 - (ii) a villager of Shek Po Tsuen objected to the application mainly on the

grounds that Lots No. 510, 511 and 512 in D.D. 124 were filled and the access road had been obstructed by fencing without consulting the villagers of Shek Po Tsuen and owners of the adjacent lots. This had resulted in blockage of drains and flooding to the farming activities in the surrounding areas; and

- (iii) Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed use did not comply with the zoning of “Open Space” (“O”) and might cause adverse environmental and landscape impacts on the surrounding and adverse traffic impact on the road network in Ha Tsuen, which had already been saturated by the traffic generated by car parks and open storage yards nearby. There was insufficient information demonstrating how the vegetation on site would be removed and compensation was intended; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 11 of the Paper. Regarding DEP’s concerns, the nearest residential dwelling was about 110m away from the site. Nonetheless, to address DEP’s concern and mitigate any potential environmental impacts, approval condition restricting the operation hours had been proposed. As for comments from DAFC and CTP/UD&L, the site had been formed recently and according to the Notes for “O” zone of the Outline Zoning Plan, planning permission was not required for the filling of land within the subject “O” zone. Approval conditions requiring the applicant to submit and implement landscape proposal and tree protection measures had been recommended. As regards the adverse public comments received, government departments had no in-principle objection to the application from the drainage and traffic points of view. The potential environmental, traffic, drainage and landscape impacts could be addressed by imposing approval conditions.

119. Members had no question on the application.

Deliberation Session

120. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.3.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 10:00 p.m. and 6:00 a.m. from Mondays to Saturdays and between 8:00 p.m. to 8:00 a.m. on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the approval period;
- (b) no vehicle queuing was allowed back to public road or no vehicle reversing into/from the public road was allowed at all times during the planning approval period;
- (c) the implementation of the drainage facilities proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.9.2013;
- (d) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.4.2013;
- (e) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 1.9.2013;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 1.12.2013;
- (g) the submission of a landscape proposal and tree protection measures within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 1.9.2013;

- (h) in relation to (g) above, the implementation of the landscape proposal and tree protection measures within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 1.12.2013;
- (i) if any of the above planning conditions (a) or (b) 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;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government; and to apply to him for permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion and there

was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. DLO/YL provided no maintenance works for the government land (GL) involved and did not guarantee right-of-way for vehicular access to the site via a local road on GL from Hung Chi Road;

- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring space should be provided within the site;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (g) to note the comments of the Director of Fire Services in Appendix V of the Paper and to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The locations to install the FSIs should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including containers 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 Buildings Ordinance (BO). For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. 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.

Agenda Item 41

Section 16 Application

[Open Meeting]

A/YL-HT/836 Temporary Open Storage of Containers with Ancillary Logistics Uses, Site Office and Container Repairing Workshop for a Period of 3 Years in "Open Storage" and "Recreation" zones, Lots 545 (Part), 546 S.A (Part), 546 S.B (Part), 547 (Part), 548 (Part), 550 (Part), 551 (Part), 552 (Part), 574 (Part), 575 (Part), 576 (Part), 577 (Part), 578 (Part), 579 (Part), 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 597, 615 (Part), 616 (Part), 617 (Part) and 618 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/836)

122. The Secretary reported that Mr. Ivan Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Limited, the consultant of the applicant. As the item was for deferral of the consideration of the application, the

Committee agreed that Mr. Fu could stay in the meeting.

123. The Secretary reported that on 7.2.2013, 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 prepare further information to address departmental comments.

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

[The Chairman thanked Mr. Ernest C.M. Fung STP/TMYL, for his attendance to answer Members' enquires. Mr. Fung left the meeting at this point.]

Agenda Item 42

Section 16 Application

[Open Meeting]

A/YL-SK/179 Proposed House (New Territories Exempted House - Small House) in
 "Residential (Group D)" zone, Lot 848 S.D in D.D. 112, Lin Fa Tei,
 Shek Kong, Yuen Long
 (RNTPC Paper No. A/YL-SK/179)

125. The Secretary reported that on 14.2.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to make corresponding revisions to the proposal in view of the departmental comments received on the application.

126. 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 43

Section 16 Application

[Open Meeting]

A/YL-TYST/629 Proposed Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years in “Village Type Development” zone, Lots 2681 S.A and S.B (Part), 2682 (Part), 2683 (Part) in D.D. 120 and Adjoining Government Land, Lam Hau Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/629)

127. The Secretary reported that on 7.2.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to demonstrate the demand for a public vehicle park at the site.

128. 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 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/630 Temporary Warehouse and Open Storage of Exhibition Materials and Construction Materials with Ancillary Office for a Period of 3 Years in "Undetermined" zone, Lot 1876 RP (Part) in D.D. 117 and Adjoining Government Land, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/630)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse and open storage of exhibition materials and construction materials with ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses in the vicinity of the site, with the nearest ones being 15m to 20m to the west and southwest and environmental nuisance was expected. However, there was no environmental complaint concerning the site received in the past three years;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer(Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of one year based on the

assessments as detailed in paragraph 12 of the Paper. Regarding DEP's comments, there was no environmental complaint received in the past 3 years. Besides, the development involved mainly storage of exhibition and construction materials within an enclosed warehouse structure with only a portion of the open area in the northern part of the site used for open storage. Also, as proposed by the applicant, no workshop activities would be carried out within the site. It was expected that the development would not generate significant environmental impact on the surrounding areas. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting dismantling, repairing, cleansing, paint-spraying and workshop activities, restricting the use of medium and heavy goods vehicles including container trailers/tractors, and requiring the maintenance of boundary fence at all times were proposed. As the previous approval was revoked due to non-compliance with the approval condition, a shorter approval period of one year to monitor the situation of the site and shorter compliance periods were recommended.

130. Members had no question on the application.

Deliberation Session

131. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, instead of 3 years period sought, until 1.3.2014, 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 repairing, dismantling, cleansing, paint-spraying and 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 medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (e) the existing boundary fence on the application site should be maintained at all time during the planning approval period;
- (f) the existing drainage facilities implemented under Application No. A/YL-TYST/408 should be maintained at all time during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.6.2013;
- (h) the submission of vehicular run-in/out proposal and the provision of vehicular run-in/out within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 1.9.2013;
- (i) the submission and implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.9.2013;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.4.2013;
- (k) the submission and implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.9.2013;

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

132. 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) shorter approval period was granted so as to monitor the situation on the site and shorter compliance periods were given correspondingly. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) the site should be kept in a clean and tidy condition at all times;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lots within the site were Old Schedule Agricultural Lots held under Block Government Lease under which no

structures were allowed to be erected without prior approval from his office. No approval had been given to the proposed specified structures as warehouse, toilet, guard room, meter room and ancillary office. No permission had been given for the proposed use and/or occupation of the government land (GL) within the site. The act of occupation of GL without Government's prior approval was not encouraged. His office was considering the application for Short Term Waiver and Short Term Tenancy at Lot 1876 RP in D.D. 117 and the government land portion adjoining the said lot. Should planning approval be given to the subject application, the said application for Short Term Waiver and Short Term Tenancy would be further processed. 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, the site was accessible through an informal track on GL extended from Kung Um Road. His office provided no maintenance works for this track nor guarantees right-of-way;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the proposed access arrangement of the site from Kung Um Road should be commented and approved by Transport Department. The applicant should construct a run-in/out at the access point at the road near Kung Um Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement. Also, adequate drainage measures should be provided to prevent surface water flowing from the site to the nearby public roads/drains. His office should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (g) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director

of Environmental Protection to minimize any potential environmental nuisances;

- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that when compared with the previously implemented and accepted landscape works, 4 existing trees were found missing on the Proposed Landscape and Tree Preservation Plan submitted under this application. Thus, replacement planting was required;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant should submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structures, the applicant should make reference to the requirements in Appendix V of the Paper. 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. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site and his Department was not in position to offer comments on their suitability for the use related to the application. If the existing structures were erected on leased land without approval of BD (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including open sheds as

temporary buildings) were to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5 m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (1) to note the comments of the Director of Electrical and Mechanical Services that there were 400kV extra high voltage overhead lines running along the southern side of the site. The following requirements should be complied with by the applicant: (i) 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)); (ii) prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLP Power Hong Kong Limited (CLPP) and, if necessary, ask CLPP to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; (iii) the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and (iv) as regards the electric and magnetic fields arising from the 400kV overhead lines, the applicant was warned of possible undue

interference to some electronic equipment in the vicinity.

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/631 Temporary Open Storage of Construction Machinery for a Period of 3 Years in “Undetermined” zone, Lots 1231 S.A ss. 1 (Part) and 1231 S.B RP (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/631)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction machinery 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 north and west of the site, and environmental nuisance was expected. However, there was no environmental complaint concerning the site received in the past 3 years;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Regarding DEP's concerns, there was no environmental complaint received in the past 3 years. To address DEP's concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and prohibiting the carrying out of workshop activities were recommended.

134. Members had no question on the application.

Deliberation Session

135. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.3.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no repairing, dismantling, maintenance, cleaning and any other workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) the existing drainage facilities on the application site should be maintained at all time during the planning approval period;
- (e) the submission of a record of the existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.6.2013;
- (f) the submission of tree preservation proposal, including an as-planted plan

to reflect the actual species and locations of the existing trees on-site, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.6.2013;

- (g) in relation to (f) above, the implementation of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.9.2013;
- (h) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.4.2013;
- (i) the implementation of the accepted fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.9.2013;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

136. 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) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions. Sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department's (LandsD) that the site comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without prior approval of the Government. The private land of Lot 1231 S.A ss.1 in D.D. 119 was covered by Short Term Waiver (STW) No. 3219 with permitted built-over area not exceeding 32.01m² and height not exceeding 5.20m above the level of the ground. Lot 1231 S.B RP in D.D. 119 was covered by STW No. 3220 with permitted built-over area not exceeding 45.29m² and height not exceeding 5.20m above the level of the ground. The permitted uses of the respective land of both STWs were for storage of construction machinery and ancillary use. Access to the site required traversing through private lot and/or government land (GL). His office provided no maintenance work for the GL involved and did not guarantee right-of-way. 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;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the

same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the species and locations of the existing trees as shown on the submitted landscape plan (Drawing A-2 of the Paper) did not tally with the actual situation on-site as recorded during the site visit conducted on 24.2.2012. Also, an as-planted plan to reflect the actual species and locations of the existing trees on-site should be included in the tree preservation proposal;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (j) to note the comments of the Director of Fire Services (D of FS) that the fire service installations (FSIs) proposal submitted under the current application was considered acceptable to his Department. The installation/ maintenance/ modification/ repair work of FSIs should be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC should after the completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to

the D of FS. To address the approval condition on the provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his Department for approval. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his department for consideration;

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures were erected on leased land without approval of BD (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works were to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5 m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission

voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the 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 46

Section 16 Application

[Open Meeting]

A/YL-PH/660 Temporary Open Storage of Vehicles, Vehicle Parts and Construction Materials for a Period of 3 Years in “Residential (Group D)” zone, Lot 3017 S.B (Part) in D.D. 111 and Adjoining Government Land, Wang Toi Shan, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/660)

137. The Secretary reported that on 4.2.2013, the applicant requested for a deferment of the consideration of the application for one month in order to allow time for the applicant to address the comments raised by the concerned government departments.

138. 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 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/394 Proposed Temporary Field Study/Education Centre and Hobby Farm
for a Period of 5 Years in “Agriculture” zone, Lots 1750 S.A ss.4 RP,
1750 S.A ss.5 RP and 1750 S.A ss.6 RP (Part) in D.D. 107, Kam Tin,
Yuen Long
(RNTPC Paper No. A/YL-KTN/394A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary field study/education centre and hobby farm for a period of 5 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 and were highlighted below:
 - (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application. Site photos revealed that the site had been cleared of vegetation with some recently planted trees supported by stakes. The ground surface had been filled and compressed, with concrete rubble observed along the application boundary. According to the applicant, portion C of the site of about 3,000m² (or one third) had been filled and levelled for the provision of structures and access. However, there was no strong justification to demonstrate the genuine need for the extensive land formation. He still had concern

on the suitability of the site for the proposed agricultural/farming use. The applicant should also review if the quality of the soil on-site was suitable for agricultural use and planting of trees and shrubs; and

- (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) supported the agricultural activities in general from the agricultural development perspective. However, recent site visit revealed that there had been land filling on half of the site. Regarding the soil condition of the site, the existing condition of portion A would be acceptable for tree planting if appropriate soil or fertilizer would be applied at that area for tree planting. As for portion B, the filling materials were not ideal for cultivation unless the stones or construction wastes would be removed and the soil quality would be improved by application of organic fertilizer. Regarding portion C, it had been pressed with sand and stones and was no longer suitable for open field cultivation purpose. Noting that there might be suspected unauthorized land filling at the site, approval of the application might have implication on the nearby environment which had been subject to land filling activities in the recent years;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as set out in paragraph 11 of the Paper and highlighted below:
 - (i) while the applied use was not in conflict with the planning intention of the “Agriculture” (“AGR”) zone, unauthorized land filling had apparently occurred. Although, DAFC supported agricultural activities in general, he had concerns about the land filling activity at the site and the approval of the application might also have implication on the nearby environment which had been subject to land filling activities in recent

years;

- (ii) the proposed development comprised Portions A, B and C. Portion A was for growing of trees, while Portion B would be used for agriculture-related activities including cultivation of fruits, vegetables and flowers. The area of Portion C (i.e. about 28% of the site or 3000m²) appeared excessive in supporting the proposed development for field study/education centre and hobby farm. It would degrade the rural and landscape character of the area predominated by agricultural land and ponds. Since Portion B had been filled by sand, soil, debris, stones and construction waste and Portion C had been pressed with sand and stones, DAFC had advised that both portions were not suitable for cultivation. There was no detailed information to demonstrate how the soil conditions could be improved for cultivation. There was also no specific information provided on the operation of the hobby farm and how Portions A and C would be utilized in support of the farm operation. In addition, the applicant indicated that the container-converted storeroom would be used for field study/education centre and a relatively large porch would be erected outside the container-converted office. However, no detail was provided regarding the design and operation of the field study/education centre and the necessity of a porch of such scale;

- (iii) there was no information in the submission to demonstrate that the proposed development would not generate adverse drainage impact. Though the applicant proposed that run-off would flow to the farmland and excessive water would be stored at the two water ponds for irrigation purpose, the Chief Engineer/Mainland North, Drainage Services Department had requested the applicant to submit a drainage proposal for the proposed development. The applicant also failed to demonstrate that the proposed irrigation method and storage of excessive water at the proposed water ponds were feasible. From the landscape planning perspective, there was reservation on the application as the extent of site formation at Portion C was extensive and there was concern on the

suitability of the site for the proposed agricultural/farming use. The applicant failed to demonstrate that the proposed development would not generate adverse landscape and drainage impacts on the surrounding areas; and

- (iv) approving the application would set an undesirable precedent for similar applications within the “AGR” zone, and the cumulative effect of which would result in a general degradation of the rural environment of the area.

140. Members had no question on the application.

Deliberation Session

141. 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 site was the subject of unauthorized land filling. The filling materials on-site comprising sand, stones, debris and construction waste were not suitable for cultivation. There was no detailed information provided regarding the design and operation of the proposed development particularly the hobby farm, field study/education centre and the office with porch;
- (b) the applicant failed to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas; and
- (c) approving the application would set an undesirable precedent for similar applications within the “Agriculture” zone, and the cumulative effect of which would result in a general degradation of the rural environment of the area.

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/398 Tempoary Warehouse for Musical Instruments and Posters of Concerts
for a Period of 3 Years in “Agriculture” and “Industrial (Group D)”
zones, Lots 812 S.A (Part) and 813 S.A (Part) in D.D. 107, Kam Tin,
Yuen Long
(RNTPC Paper No. A/YL-KTN/398)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the tempoary warehouse for musical instruments and posters of concerts for a period of three years;
- (c) departmental comments – concerned government 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); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 11 of the Paper.

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 1.3.2016, 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 10:00 a.m. from Mondays to Fridays, as proposed by the applicants, was allowed on the site during the planning approval period;
- (b) no operation on Saturdays, Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 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;
- (d) 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;
- (e) 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 1.6.2013;
- (f) in relation to (e) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.9.2013;
- (g) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods were granted so as to monitor the progress of compliance with approval conditions. Should the applicants fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land involved comprised Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the government. No approval had been given to the proposed specified structures as warehouse. Access to the site required traversing through private lot and/or government land (GL). LandsD provided no maintenance work for the GL involved and did not guarantee right-of-right. The lot owner concerned would need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion 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 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;
- (e) to note the comments of the Commissioner for Transport that the site was connected to public road network via a section of local access road which was not managed by the 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 the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that there was an active fish pond near the site and adverse impact to the fish pond should be avoided. The applicants should prevent polluting the fish pond during operation. Besides, the site was adjacent to a mature *Ficus virens* var. *sublanceolata* (黃葛樹). The applicants should adopt necessary measures to prevent damaging this tree as far as practicable;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicants might need to extend their inside services to the nearest suitable government water mains for connection. The applicants should resolve any land matter (such as private lots) associated

with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard pedestal hydrant;

- (i) to note the comments of the 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 application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the application site, the applicants and/or their contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. 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;

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

site did not abut on a specified street having a width of not less than 4.5m wide. The development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The site should be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access should be provided under the B(P)R 41D. 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. If the proposed use was subject to the issue of licence, any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirement as might be imposed by the licensing authority. The proposed structure might be considered as temporary buildings and were subject to control under the B(P)R Pt. VII. In addition, retrospective approval of existing unauthorized building works on the site was not allowed; and

- (k) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structure, fire service installations (FSIs) were anticipated to be provided. Therefore, the applicants should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The locations to install the proposed FSI should be clearly marked on the layout plans. Should the applicants wish to apply for exemption from the provision of certain FSI, they were required to provide justifications to his department for consideration.

Agenda Item 49

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/596 Proposed Utility Installation for Private Project (Electricity Sub-station) in “Agriculture” zone, Lot 1993 RP (Part) in D.D. 106, New Choi Yuen Village, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/596)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity sub-station);
- (c) departmental comments – concerned government 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 village representatives of Yuen Kong San Tsuen was received during the first three weeks of the statutory publication period. The commenter strongly objected to the application as the applicant failed to provide detailed information regarding the vehicular/cable route to the proposed electricity sub-station (ESS) and the lots to be affected by the route. The District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) had received a public comment from the Villager Representatives of Yuen Kong San Tsuen which was same as the public comment received during the statutory publication period. His office had no particular comments on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments as detailed in paragraph 11 of the Paper. Regarding the adverse public comment on the application, the applicant submitted a vehicular access plan on 19.2.2013 to clarify the vehicular access to the site from the nearest main road. The other relevant departments had no adverse comment on the application. An advisory clause reminding the applicant to resolve the land issue for the proposed development with the concerned land owners was recommended.

147. Members had no question on the application.

Deliberation Session

148. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.3.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the implementation of the accepted landscaping and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the design and provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to resolve the land issue with the concerned lot owners regarding the vehicular/cable route to the proposed development;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprised Old Scheduled Agricultural Lot held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior

approval of the government. No approval had been given for the proposed specified structure for electricity sub-station (ESS). The private land of Lot No. 1993 RP in D.D. 106 was covered by Short Term Waiver No.3537 which allowed the use of the land for ESS with permitted B.O.A. not exceeding 12m² and height not exceeding 4.6m above the level of ground. Access to the site required traversing through private lot and/or government land (GL). LandsD provided no maintenance works on this GL nor guarantee right of way. The lot owner still needed 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 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 note the comments of the Commissioner for Transport that the site was connected to public road network via a section of local access road which was not managed by Transport Department. The land status of the local access road should be checked with lands authority. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Director of Electrical and Mechanical Services that CLP Power had to comply with the Electricity Ordinance and relevant statutory requirements for the design and operation of electricity package substation. As the ESS was to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substations as far as possible. The applicant and his contractors should observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines;

- (e) 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-Ionising Radiation Protection (ICNIRP) guidelines (1998), 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. Therefore, the project proponent should ensure that installation complied with the relevant ICNIRP guidelines or other established international standards. WHO also encouraged 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;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide his own drainage facilities to collect the runoff generated from or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant should also consult DLO/YL and seek consent from the relevant owners for any works to be carried outside his lot boundary;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity could not provide the standard pedestal hydrant;
- (h) to note the comments of the Director of Fire Services that detailed fire safety requirements should be formulated upon receipt of formal submission of general building plans and referred from the relevant licensing authority. Besides, the emergency vehicular access provision in the site should comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulations (B(P)R) 41D; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West,

Buildings Department (BD) that before any new buildings 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. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the B(P)R. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. If the site did not abut on a specified street of less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at building plan submission stage.

[The Chairman thanked Ms. Bonita K.K. Ho, STP/TMYL, for her attendance to answer Members' enquires. Ms. Ho left the meeting at this point.]

Agenda Item 50

Any Other Business

150. There being no other business, the meeting closed at 4:50 p.m..