

TOWN PLANNING BOARD

**Minutes of 487th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 3.5.2013**

Present

Director of Planning
Mr. K.K. Ling

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Dr. C.P. Lau

Ms. Anita W.T. Ma

Dr. W.K. Yau

Professor K.C. Chau

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. Janice W.M. Lai

Mr. H.F. Leung

Mr. F.C. Chan

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

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

Principal Environmental Protection Officer (Strategic Assessment) (Atg.)
Environmental Protection Department
Mr. Victory W.T. Yeung

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

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

Secretary

Absent with Apologies

Mr. Rock C.N. Chen

Ms. Christina M. Lee

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 486th RNTPC Meeting held on 19.4.2013

[Open Meeting]

1. The draft minutes of the 486th RNTPC meeting held on 19.4.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/I-MWI/43 Proposed Amendment to Approved Master Layout Plan and
Variation of Approval Condition (o) of Application No. A/I-MWI/37-2
(MPC Paper No. A/I-MWI/43)

3. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Limited (SHK). Mr. Ivan Fu and Ms. Janice Lai had declared an interest in this item as they had current business dealings with SHK. The Committee noted that Mr. Fu and Ms. Lai had not yet arrived.

4. The Secretary reported that on 30.4.2013, 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 prepare supplementary information to address the departmental and public

comments.

5. 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.

Sai Kung and Islands District

[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 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-LI/19 Proposed Public Utility Installation (Sewage Pumping Station)
in “Green Belt” zone, Government Land in D.D.3,
Lamma Island (near O Tsai)
(RNTPC Paper No. A/I-LI/19)

6. The Secretary reported that the application was submitted by the Drainage Services Department (DSD). Ms. Janice Lai had declared an interest in this item as she had current business dealings with DSD. The Committee noted that Ms. Lai had not yet arrived.

Presentation and Question Sessions

7. Mr. T.C. Cheng, 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 public utility installation (sewage pumping station);

[Mr. H. F. Leung arrived to join 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) 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 (Islands); 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.

8. Members had no question on the application.

Deliberation Session

9. 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 3.5.2017, 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 and compensatory planting proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of fire service installations proposal

and the provision of water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Islands, Lands Department that upon obtaining the planning permission, the applicant should apply to Islands District Lands Officer for a permanent government land allocation of the site prior to commencement of construction works;
- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that:
 - (i) the locations and conditions of T62, T63 and T64 shown on the tree survey plan were different from the site conditions;
 - (ii) the applicant should review and explore alternative locations for the proposed compensatory tree planting adjacent to the application site; and
 - (iii) as the application site was fully occupied and off-site compensatory tree planting was proposed, the final location for the tree compensatory planting should be agreed with LandsD;
- (d) to note the comments of the Director of Leisure and Cultural Services that the applicant should submit tree removal application to LandsD for the removal of trees affected in due course. The applicant should also clarify the future maintenance party of those transplanted and compensatory trees; and

- (e) to note the comments of the Chief Engineer/Hong Kong Island and Islands, Drainage Services Department (CE/HKI&I, DSD) that all storm-water or rain-water from the site including any access thereto should be conveyed to the sea or a stream course, catchpit, channel or storm-water drain as required by CE/HKI&I, DSD. All temporary and permanent works should be paid for from the project and carried out in such a manner that no damage or nuisance was caused by storm-water or rain-water to adjacent properties and any claims arising out of damage or nuisance caused by storm-water or rain-water should be paid from the project vote.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/26 Temporary Public Vehicle Park (for Private Cars and Light/Medium Goods Vehicles) for a Period of 2 Years in “Village Type Development” zone, Lots 413 S.A (Part), 413 RP (Part), 416 S.A (Part), 416 S.C, 416 RP (Part), 420 S.A, 420 S.B, 420 S.C, 420 RP, 421 S.A ss.1 S.A, 421 S.A ss.1 RP, 421 S.A ss.2, 421 S.A RP, 421 S.B, 421 RP, 422 S.A, 422 RP, 429 S.A ss.1 (Part), 430 S.A, 430 S.B, 430 S.C, 430 RP (Part), 431 S.A, 431 S.B (Part), 431 RP (Part), 432 S.A, 432 S.B, 432 RP, 433 S.A, 433 S.B, 433 S.C (Part), 433 RP (Part), 434 S.A, 434 RP (Part), 435 S.A, 435 S.B, 435 RP, 438 S.A RP, 438 S.B RP and Adjoining Government in D.D. 227, Tai Po Tsai Village, Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBN/26)

Presentation and Question Sessions

11. 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 public vehicle park (for private cars and light/medium goods vehicles) for a period of two years;

[Ms. Janice Lai and Mr. Frankie Chou arrived to join the meeting at this point.]

- (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 vehicles over 5.5 tonnes were involved, and there were sensitive uses in the vicinity of the site (with the nearest dwelling about 7m away) and along the access road (Clear Water Bay Road), and environmental nuisance was expected;
- (d) 15 public comments were received during the first three weeks of the statutory publication period. A Sai Kung District Council member supported the application in view of the shortfall of parking spaces in the village. The other 14 public comments were submitted by the local villagers who raised objection to the application mainly on the grounds of traffic safety, noise and emission, damage to the natural environment and tree felling. The District Officer (Sai Kung) (DO(SK)) had not received any objection against the application. He had received a support letter from a Sai Kung District Council member, which was the same as that received by the Board. He also advised that some villagers had all along expressed concerns about the shortfall of public parking spaces in Tai Po Tsai Village; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of two years based on the assessments as detailed in paragraph 11 of the Paper. To address DEP's concerns and mitigate any potential environmental impacts, an approval condition on the restriction of the types of vehicles parked on the site i.e. private cars and light goods vehicles, had been recommended. Regarding the adverse public comments on the application, it was noted that the Commissioner for Transport, Commissioner of Police and Director of

Agriculture, Fisheries and Conservation had no adverse comment on the application.

12. In response to the Chairman's query, Mr. Alex Kiu explained that traffic safety, noise and emission were some of the grounds raised by the local villagers against the application. However, there was already local villagers parking their cars along the village access road and by the side of the village houses. To address the potential adverse environmental impact, an approval condition on prohibition of parking of medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) had been recommended and the Commissioner for Transport had no comments on this application in this aspect.

Deliberation Session

13. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 3.5.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle without valid license issued under the Road Traffic Ordinance was allowed to be parked/stored on the site during the planning approval period;
- (b) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes), including container trailers/tractors, as defined in the Road Traffic Ordinance was allowed to enter or be parked on the site during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes), including container trailers/tractors, as defined in the Road Traffic Ordinance was allowed to be parked on the site during the planning approval period;
- (d) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2013;

- (e) in relation to (d) above, the provision of fire service installations proposal and water supplies for firefighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.2.2014;
- (f) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.11.2013;
- (g) in relation to (f) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.2.2014;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (d), (e), (f) or (g) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) 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.

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

- (a) to resolve any land issues relating to the proposed development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Sai Kung, Lands

Department (LandsD) that the site comprised Old Scheduled Agricultural Lots and the adjoining government land (GL). He did not give any consent to the applicant to occupy the GL. The proposed vehicle park, if permitted, should be confined within the private lots;

- (c) to note the comments of the Commissioner for Transport that the parking spaces should be operated by an authorized party and should not be reserved for the exclusive use of any particular lot(s). The existing access road leading to the proposed public vehicle park was outside the Transport Department's purview. Relevant management and maintenance agents of this access should be consulted on the proposed temporary use;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department to revise the layout of the proposed vehicle park or reduce the number of parking spaces to avoid any adverse impact on the 2 existing trees at parking spaces No. 24 and 25 within the site;
- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s), which should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations (FSIs) and access for emergency vehicles should be clearly marked on the layout plans. The applicant would need to subsequently provide such FSIs according to the approved proposal; and
- (g) to note the comments the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable

government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

Agenda Item 6

Section 16 Application

[Open Meeting]

A/SK-CWBN/27

Proposed Minor Relaxation of Plot Ratio and Site Coverage

Restrictions for Permitted House Development in "Residential (Group C) 6" zone, Lot No. 501 and Extension in D.D. 238, Clear Water Bay, Sai Kung

(RNTPC Paper No. A/SK-CWBN/27)

15. The Secretary reported that on 22.4.2013, 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 address the public comments and the comments of the Chief Town Planner/Urban Design and Landscape of Planning Department.

16. 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 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/59 Temporary School (Tutorial School) For a Period of 3 Years in “Other Specified Uses” annotated “Residential Cum Marina Development” zone, Shop B10, G/F., Marina Cove Shopping Centre, Sai Kung
(RNTPC Paper No. A/SK-HH/59)

Presentation and Question Sessions

17. Mr. Alex C.Y. Kiu, STP/SKIs, informed the Committee that replacement page of P.7 of the Paper to revise the approval condition (b) by deleting “water supplies for fire fighting and” was tabled at the meeting for Members’ reference. He then 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 (tutorial school) for a period of three years;

[Professor K. C. Chau arrived to join 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) 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.

18. Members had no question on the application.

Deliberation Session

19. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2016, 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 3.11.2013;
- (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 3.2.2014; 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.

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

- (a) to note that prior planning permission should have been obtained 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 (tutorial school) 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;
 - (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.

Agenda Item 8

Section 16 Application

[Open Meeting]

A/SK-PK/201 Minor Relaxation of Building Height for Proposed House
 Redevelopment in “Residential (Group C) 1” zone, Lot 1811 in
 D.D.221, 4 Chuk Yeung Road, Sai Kung
 (RNTPC Paper No. A/SK-PK/201)

21. The Secretary reported that on 19.4.2013, 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 further comments from Buildings Department (BD). The applicant was currently arranging a meeting with BD to further discuss the height of the ground floor of the proposed development.

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

Agenda Item 9

Section 16 Application

[Open Meeting]

A/SK-TMT/39 Proposed Excavation of Land by 100mm Deep and Filling of Land by 150mm High for Permitted Agricultural Use in “Coastal Protection Area (1)” zone, Government Land in D.D. 257, Tsam Chuk Wan, Sai Kung
(RNTPC Paper No. A/SK-TMT/39)

23. The Secretary reported that on 17.4.2013, 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 settle the land matter.

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/40 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” zone, Lot No. 25 S.A RP in D.D. 216, Nam A Village,
 Sai Kung
 (RNTPC Paper No. A/SK-TMT/40)

Presentation and Question Sessions

25. 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 house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix V of the Paper. The Chief Engineer/Development (2) (CE/D(2), WSD) objected to the application as the site was within upper indirect water gathering grounds (WGGs), and there was no public sewerage connection available in the vicinity. To prevent contamination of waters which were designated by statute for potable supply, the Director of Environment Protection (DEP) objected to the application as the site was located within WGG where no public sewer was available. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed Small House development was haphazard and affected the quality of the natural landscape. Approval of the application would set an undesirable precedent to create fragmented landscape within the “Green Belt” (“GB”) zone and might cause a cumulative impact on the surrounding landscape. He also pointed out that the site was situated in a large piece of native woodland, which was cleared in 2009;

- (d) three public comments from Designing Hong Kong Limited, World Wide Fund for Nature Hong Kong and Kadoorie Farm and Botanic Garden were received during the first three weeks of the statutory publication period. They objected to the application mainly on the grounds of incompatibility with the planning intention of the “GB” zone, undesirable precedent effect of approving the application, adverse impacts on ecology, landscape and ground water quality, inaccessibility and absence of parking space, fire safety, and extensive tree felling at the site and its surrounding areas in 2009 which was a kind of “Destroy First, Build Later” activity; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as set out in paragraph 13 of the Paper and highlighted below:
 - (i) the proposed Small House development was not in line with the planning intention of the “GB” zone. There was a general presumption against development within the “GB” zone, and new developments would only be considered in exceptional circumstances and had to be justified with very strong planning grounds. In this regard, there were neither exceptional circumstances nor strong planning grounds in the submission for a departure from the planning intention of the “GB” zone;
 - (ii) the application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the site fell within the WGGs and CE/MS of DSD advised that there was no public sewerage connection in the vicinity of the site. Both CE/D(2) of WSD and DEP objected to the application. There was no information in the submission to demonstrate that the water quality within the WGGs would not be affected by the proposed development;

- (iii) according to the Town Planning Board (TPB) Guidelines No. TPB PG-No.10 for 'Application for Development within "GB" Zone', any development in the "GB" zone should not involve extensive clearance of existing natural vegetation, or affect the existing natural landscape in the area. The CTP/UD&L, PlanD objected to the application from the landscape planning perspective and pointed out that the site was once situated in a large piece of native woodland which was cleared in 2009; and
- (iv) the approval of the application would set an undesirable precedent for other similar applications in this "GB" zone in the future. The cumulative effect of approving such applications would result in a general degradation of the environment and bring about cumulative adverse impact on the water quality and landscape of the area.

26. Members had no question on the application.

Deliberation Session

27. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 14.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed Small House development was not in line with the planning intention of the "Green Belt" ("GB") zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There were no exceptional circumstances or strong planning grounds in the submission for a departure from the planning intention;
- (b) the proposed development was not in line with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small

House in New Territories and the Town Planning Board (TPB) Guidelines No. TPB PG-No.10 for 'Application for Development within "GB" Zone' in that the site fell within upper indirect water gathering grounds, and there was no public sewerage connection available in the vicinity. There was no information in the submission to demonstrate that the proposed development would not have adverse impact on the water quality within the water gathering ground, and that there was extensive clearance of existing natural vegetation at the site; and

- (c) approval of the application would set an undesirable precedent for other similar applications within the "GB" zone. The cumulative effect of approving such applications would result in a general degradation of the environment and bring about cumulative adverse impact on the water quality and landscape of the area.

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

Sha Tin, Tai Po and North District

Agenda Item 11

Section 12A Application

[Open Meeting]

Y/NE-PK/4

Application for Amendment to the Approved Ping Kong Outline Zoning Plan No. S/NE-PK/11, to rezone the application site from "Green Belt" to "Government, Institution or Community (1)", Lot 2100 (Part) in D.D. 91, Tai Lung, Sheung Shui
(RNTPC Paper No. Y/NE-PK/4A)

28. The Secretary reported that on 22.4.2013, 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 address the traffic and ecological issues raised by Transport Department and Agriculture, Fisheries and Conservation Department.

29. 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 one month was allowed for preparation of the submission of the further information, and since a total period of three months had been allowed, no further deferment would be granted unless under very special circumstances.

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-MKT/1 Temporary Open Storage of Construction Materials for a Period of 3 Years in “Agriculture” zone, Lots 71 S.A RP, 72, 74, 76 (Part), 84 (Part), 94 (Part) and 97 (Part) in D.D. 86 and Adjoining Government Land, Muk Wu, Man Kam To
(RNTPC Paper No. A/DPA/NE-MKT/1B)

Presentation and Question Sessions

30. 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 open storage of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 11 of the Paper and were highlighted below:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application for the reasons that the application site fell within an area zoned “Agriculture” (“AGR”) on the approved Man Kam To Development Permission Area (DPA) Plan; agricultural life in the vicinity of the application site was active and the application site was of high potential for rehabilitation of agricultural activities; and
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the proposed use was incompatible with the rural landscape of the surrounding area. In addition, approval of the subject application might set an undesirable precedent of spreading open storage uses in the area and would thus erode the rural landscape character and the adjacent vegetated “GB” zone;
- (d) two public comments were received during the first three weeks of the statutory publication period. One public comment was submitted by a North District Council member who supported the application. The other public comment objected to the application mainly on the following grounds:
 - (i) the proposed open storage development would affect the environment such as soil quality, drainage and access to the adjacent lots and should be considered incompatible to the environment; and would cause flooding; and

- (ii) approval of the application would set an undesirable precedent and encourage other similar applications for open storage uses within the “AGR” zones in the area; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as set out in paragraph 13 of the Paper and highlighted below:
- (i) the open storage use of construction materials was not in line with the planning intention of the “Agriculture” (“AGR”) zone. According to the DAFC, he did not support the application as agricultural life in the vicinity of the application site was active and the application site was of high potential for rehabilitation of agricultural activities. The applicant had not provided any strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis;
 - (ii) the application site was located in an area which was mostly dominated by rural landscape character. The open storage use was incompatible with the rural landscape of the surrounding area. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area and erode its rural landscape character. In this regard, the CTP/UD&L, PlanD had reservation on the application; and
 - (iii) there was no similar application approved previously in the vicinity of the application site within the same “AGR” zone on the Man Kam To Development Permission Area Plan. Approval of the application would set an undesirable precedent and encourage other similar applications for open storage uses within the “AGR” zones in the area. Proliferation of open storage use into this area would defeat the planning intention to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes.

31. Members had no question on the application.

Deliberation Session

32. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 14.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis;
- (b) the development was incompatible to the surrounding environment which was dominated by rural landscape character with farmlands, pig farm and vegetated hillslopes; and
- (c) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Agenda Item 13

Section 16 Application

[Open Meeting]

A/NE-FTA/125 Temporary Tyre Repair Workshop and Office for a Period of 3 Years in “Agriculture” zone, Lots 101(Part), 102 S.A (Part) in D.D. 52 and adjoining Government Land, Man Kam To Road, Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/125)

33. The Secretary reported that on 16.4.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address various departmental concerns including Transport Department and Lands Department.

34. 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 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/504 Renewal of Planning Approval for Temporary Training Centre (Adventure Training Centre) for a Period of 3 Years in “Agriculture” zone, Lots 1442 and 1444 RP in D.D. 76 and Adjoining Government Land, Sha Tau Kok Road, Fanling
(RNTPC Paper No. A/NE-LYT/504)

Presentation and Question Sessions

35. Mr. Otto K.C. Chan, STP/STN, informed the Committee that a replacement page of P. 7 of the Paper was 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 - a renewal application of temporary planning approval under application No. A/YL-LYT/413 which was valid until 11.6.2013;
- (b) renewal of planning approval for temporary training centre (adventure training centre) for a period of three years until 11.6.2016;

[Mr. Ivan Fu arrived to join 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 10 of the Paper;
- (d) one public comment from a North District Council member indicating no special comment on the application was received during the first three weeks of the statutory publication period. The District Officer (North) advised that the Resident Representatives of Kan Tau Tsuen supported the application; 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.

36. Members had no question on the application.

Deliberation Session

37. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 12.6.2013 to 11.6.2016, 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 7:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) no parking, loading/unloading and picking up/setting down were allowed on the application site during the planning approval period;
- (c) the submission of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB within 6 months from the date of approval by 11.12.2013;
- (d) in relation to (c) above, the implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB within 9 months from the date of approval by 11.3.2014;
- (e) the submission of proposal for water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.12.2013;
- (f) in relation to (e) above, the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB within 9 months from the date of approval by 11.3.2014;
- (g) the submission of tree preservation proposal to the satisfaction of the Director of Planning or of the TPB within 6 months from the date of approval by 11.12.2013;
- (h) in relation to (g) above, the implementation of tree preservation proposal to the satisfaction of the Director of Planning or of the TPB within 9 months from the date of approval by 11.3.2014;

- (i) if any of the above planning conditions (a) or (b) 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
- (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.

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

- (a) to note the comments of the District Lands Officer/North, Lands Department (DLO/N) that to exclude the government land (where was not occupied) from the application and to apply to DLO/N for Short Term Waiver and Short Term Tenancy for regularization;
- (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 applicants might need to extend his/her inside services to the nearest suitable government water mains for connection;
 - (ii) 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
 - (iii) the site was within the flood pumping ground;
- (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. The Environmental Protection Department

should be consulted regarding the sewage treatment/disposal facilities for the proposed development;

- (d) to note the advice of the Director of Environmental Protection that to follow the latest 'Code of Practice on Handling Environmental Aspect of Open Storage and Temporary Uses' issued by the Director of Environmental Protection;
- (e) to note the comments of the Director of Fire Services that:
 - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed site, fire service installations (FSIs) would need to be installed;
 - (ii) in such circumstances, except where building plan was circulated to the Centralized Processing System of Buildings Department, the tenant was required to send the relevant layout plans to his Department incorporated with the proposed FSIs for approval. In doing so, the applicants should note that:
 - a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - b) the location of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans; and
 - (iii) detailed fire safety requirements would be formulated upon receipt of formal submission of the aforesaid plans. The applicants would need to subsequently provide such FSIs according to the approved proposal.

Agenda Items 15 and 16

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/505 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 2807 S.B in D.D.51, Tong Hang, Fanling
(RNTPC Paper No. A/NE-LYT/505)

A/NE-LYT/506 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 2807 RP in D.D.51, Tong Hang, Fanling
(RNTPC Paper No. A/NE-LYT/506)

39. The Committee noted that these two applications were same 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

40. 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 VI of the Papers and were highlighted below:
 - (i) the District Lands Officer/North would not consider the Small Houses applications even if planning permissions were granted as the application sites fell outside the village ‘environs’(VE) of Tong Hang Village and “Village Type Development” (“V”) zone;
 - (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not

support the applications as active agricultural activities were found in the vicinity of the application sites and the application sites were considered having high potential for agricultural rehabilitation in terms of greenhouse cultivation and hydroponics; and

- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications as the proposed Small Houses were located away from the “V” zone and the approval of the applications might set an undesirable precedent of spreading village development outside the “V” zone and would erode the landscape character of the area;

[Ms. Anita W.T. Ma arrived to join the meeting at this point.]

- (d) during the first three weeks of the statutory publication period, Kadoorie Farm and Botanic Garden Corporation (KFBGC) and Designing Hong Kong Limited provided public comments on both applications No. A/NE-LYT/505 and 506. They raised concerns on /objections to the applications mainly on the grounds that the proposed Small Houses were not in line with the planning intention of the “Agriculture” (“AGR”) zone; the Government should take all possible steps to protect Hong Kong’s agricultural land to secure food supply; the proposed Small Houses would impose adverse impact on the ground water and nearby water bodies due to the lack of sewerage system; inadequate access and parking spaces would cause conflicts amongst villagers and residents; and approval of applications would set undesirable precedent. In addition to the public comments from KFBGC and Designing Hong Kong Limited, there was another public comment on Application No. A/NE-LYT/506. It was from a North District Council member stating that he had no specific comment on the application provided that there was consultation with the nearby residents; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments as set out in paragraph 12 of the

Papers and highlighted below:

- (i) the applications did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/ Small House in New Territories (the Interim Criteria) as the entire footprint of the proposed Small House fell outside the 'VE' of Tong Hang Village and there was no exceptional circumstances which warranted sympathetic consideration of the applications. Moreover, as the application sites were entirely outside the 'VE' of Tong Hang Village and "V" zone, DLO/N would not consider the Small House application even if the planning permission was granted;
- (ii) the applications were not in line with the planning intention of the "AGR" zone, which was primarily for retaining and safeguarding good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The DAFC did not support the applications on the grounds that active agricultural activities were found in the vicinity of the application sites and the application sites were considered having high potential for agricultural rehabilitation in terms of greenhouse cultivation and hydroponics; and
- (iii) apart from one application (No. A/NE-LYT/219) which was approved with conditions by the Committee on sympathetic consideration for the applicant to rebuild his existing domestic structure into a NTEH under no objection of DLO/N and other relevant government departments, all the other similar applications for NTEH in the area had been rejected by the Committee. Approval of the subject applications would set an undesirable precedent for similar applications of spreading village development outside the "V" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area and further erode its landscape character.

41. In response to the Chairman's enquiry, Mr. Otto Chan referred to Plan A-2 of the Paper and pointed out that the application sites were entirely outside the 'VE' boundary of Tong Hang Village.

Deliberation Session

42. After further deliberation, the Committee decided to reject the applications. Members then went through the reasons for rejections as stated in paragraph 13.1 of the Papers and considered that they were appropriate. The reasons of rejections for each of the application were :

- (a) the application was not in line with the planning intention of "Agriculture" ("AGR") zone which was primarily for retaining and safeguarding good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes;
- (b) the application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/ Small House in New Territories (the Interim Criteria) as the application site and footprint of the proposed Small House fell entirely outside the "Village Type Development" zone and the village 'environs' of Tong Hang Village; and
- (c) approval of the application, which did not comply with the Interim Criteria, would set an undesirable precedent for other similar applications in the "AGR" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Agenda Item 17

Section 16 Application

[Open Meeting]

A/NE-LYT/507 Proposed Temporary Eating Place for a Period of 3 Years in
“Agriculture” and “Village Type Development” zones, G/F, No. 181
Kan Tau Tsuen, Lot 1536 S.E (Part) in D.D. 76, Fanling
(RNTPC Paper No. A/NE-LYT/507)

43. The Secretary reported that on 23.4.2013, 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 prepare further information to address the Commissioner for Transport’s technical concerns.

44. 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 18

Section 16 Application

[Open Meeting]

A/NE-MUP/84 Proposed Burial Ground (Reprovisioned Permitted Burial Ground) in
“Agriculture” and “Green Belt” zones, Government land in D.D. 38
near Loi Tung Village at Sha Tau Kok Road (Wo Hang)
(RNTPC Paper No. A/NE-MUP/84)

45. 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, the applicant of the application, and AECOM Asia Company Limited, the consultant of the

application. Mr. Ivan Fu had also declared an interest in this item as he had current business dealings with AECOM Asia Company Limited. As the item was for deferral of the consideration of the application, Members agreed that Ms. Lai and Mr. Fu could stay in the meeting.

46. The Secretary reported that on 25.4.2013, the applicant requested for a deferment of the consideration of the application for one month in order to collect information and address departmental comments on the application.

47. 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 19

Section 16 Application

[Open Meeting]

A/NE-TKL/418 Temporary Open Storage of Construction Materials (Steel Bars) for a Period of 3 Years in “Agriculture” zone, Lots 10 (Part) and 11 RP (Part) in D.D. 46, Sha Tau Kok Road - Ma Mei Ha
(RNTPC Paper No. A/NE-TKL/418A)

48. The Secretary reported that on 29.4.2013, the applicant’s representative submitted further information in response to the comments of the Drainage Services Department (DSD) on the drainage assessment report. As the submitted further information was only received on 29.4.2012, i.e. 3 working days before the meeting, there was insufficient time for the relevant departments to provide their comments. Since the departmental comments would be relevant to the consideration of the application, the Planning Department requested that the application be deferred to the next meeting on

24.5.2013 pending comments of DSD. The Planning Department's request for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that more time was required to consult the relevant government departments, the deferment was not indefinite and that the deferment would not affect the right or interest of other parties.

49. 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 at the next meeting.

Agenda Items 20 to 24

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/429 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" zone, Lots 1085 S.D and 1086 S.D in D.D. 82, Tong
Fong Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/429 to 433)

A/NE-TKL/430 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" zone, Lots 1085 S.E and 1086 S.E in D.D. 82, Tong
Fong Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/429 to 433)

A/NE-TKL/431 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" zone, Lots 1085 S.F and 1086 S.F in D.D. 82, Tong Fong
Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/429 to 433)

A/NE-TKL/432 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" zone, Lots 1085 S.G and 1086 S.G in D.D. 82, Tong
Fong Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/429 to 433)

A/NE-TKL/433 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1086 S.H in D.D. 82, Tong Fong Tsuen, Ta
Kwu Ling
(RNTPC Paper No. A/NE-TKL/429 to 433)

50. The Committee noted that these five applications were same 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

51. 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 V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from an agricultural development point of view as the application sites had high potential for agricultural rehabilitation and agricultural life in the vicinity of the subject site was active;
- (d) four public comments were received in relation to the five applications during the first three weeks of the statutory publication period. The public comment from a North District Council member supported the applications as the proposed developments were good for the villagers. The remaining three public comments from Designing Hong Kong Limited, World Wide Fund (WWF) Hong Kong and Kadoorie Farm & Botanic Garden Corporation (KFBG) objected to the applications mainly on the grounds

that:

- (i) the proposed Small House developments were not in line with the planning intention of “Agriculture” (“AGR”) zone and the approval of the application would set an undesirable precedent;
 - (ii) the proposed Small Houses would have adverse traffic, environmental, sewerage and drainage impacts on the surrounding areas;
 - (iii) the area of agricultural land in Hong Kong should not be further reduced in order to secure a stable food supply; and
 - (iv) there was a lack of sustainable layout of infrastructure, access, parking spaces and amenities for the area;
- (e) the District Officer (North) advised that the incumbent North District Councillor and Resident Representative (RR) of Tong Fong supported the applications. The vice-chairman of Ta Kwu Ling District Rural Committee (TKLRC) raised objection to the applications on the grounds that the application sites fell within an area designated “Sewage Pumping Station” under the North East New Territories New Development Areas Planning and Engineering Study (the NENT NDAs Study), which were not suitable for Small House developments.
- (f) 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 the comments of the DAFC, it was considered that the proposed Small House developments at this location were not incompatible with the surrounding area as the village proper of Tong Fong Village was located approximately 70m 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. Regarding the public comments on the applications on the grounds that they would generate adverse traffic, environment, drainage and landscape impacts on the surrounding area, relevant government departments had no adverse

comment on or no objection to the applications. As regards the local objection against the applications on the ground that the application sites falling within an area designated “Sewage Pumping Station” under the NENT NDAs Study, it was noted that all the application sites fell outside the boundary of the proposed Ping Che/ Ta Kwu Ling NDA.

52. A Member enquired about the agricultural activities in vicinity of the application sites. In response, Mr. Otto Chan referred to Plan A-3 of the Paper and explained that the area to the west of the application sites was fallow agricultural land, whereas the area to the east was under active cultivation.

Deliberation Session

53. After further 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 3.5.2017, 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 permissions 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.

54. The Committee also agreed to advise each of the applicants 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; and
 - (ii) that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department / formal submission of general building plans.
- (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 & West), Civil Engineering and Development Department that the proposed New Territories Exempted Houses were in the vicinity of the proposed Sewerage Treatment Works under the North East New Territories New Development Areas Planning and Engineering 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) would comply 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 25

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-TKLN/1-1 Proposed Class B Amendments to the Approved Application for 24 Cottage Houses (New Territories Exempted Houses (NTEH) in “Agriculture” and “Village Type Development” zones, Lot 1222 in D.D.78, Ta Kwu Ling North
(RNTPC Paper No. A/DPA/NE-TKLN/1-1)

Presentation and Question Sessions

55. 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 - the proposed 24 cottage houses (NTEHs) under application No. A/DPA/NE-TKLN/1 was approved with conditions by the Committee on 20.7.2012 and would be valid until 20.7.2016;
- (b) the proposed Class B amendments to the approved application No. A/DPA/NE-TKLN/1 for 24 cottage houses (New Territories Exempted Houses (NTEH) for slight change in the disposition of building blocks and the locations of the proposed septic tanks;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 7 of the Paper;
- (d) the District Officer (North), Home Affairs Department (DO/N, HAD) advised that the Residents’ Representative of Chuk Yuen Village and the incumbent District Councillor member supported the application, while the

vice-chairman of Ta Kwu Ling District Rural Committee (TKLDRC) and Indigenous Inhabitants Representative of Chuk Yuen Village raised objections to the application mainly on grounds that there was no/not enough information on the identity of the residents of the proposed 24 cottage houses and concerned about the use of the soakaway pit and the buffer area of the septic tank; and the proposed development might affect the local residents in Chuk Yuen Village; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 8 of the Paper. Regarding the local comment on the possible adverse impact of the development, it was noted that concerned departments had no adverse comments on the application. Regarding the concern on the identity of the residents of the proposed 24 cottage houses, it was considered that it was a land administrative matter which was not within the purview of the Board.

56. The Chairman noted that there were local concerns on the proposed septic tank of the development and enquired about the views from the relevant government departments. Mr. Otto Chan responded that the relevant government departments had no adverse comments on the proposed septic tank.

Deliberation Session

57. 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 20.7.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the design and provision of firefighting access, water supplies for fire

fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and

- (c) the submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/North, Lands Department (LandsD) that:
 - (i) if the planning application was approved by the TPB, the applicant had to apply to this office for land exchange applications to implement the proposed cottage house on land plots with area not exceeding 1,500 square feet carved from the subject lot. The land exchange applications, if approved, might take such form and contain such conditions as the LandsD might consider appropriate including, among others, payment of a premium;
 - (ii) presumably Lot 1222 RP would serve as a common area of the subject 24-house development, the applicant should ensure that the footpath along Lot 1222 RP would be wide enough to accommodate necessary common utilities and there would be sufficient space/access for necessary maintenance of common utilities as well as the five private septic tanks (with soakage pits) therein; and
 - (iii) it was found that some of the balconies of the proposed houses were close to the respective lot boundaries, e.g. Lot 1222 s.A, s.B, s.C, s.D. s.E, s.G, s.M, s.N and s.R. Care should be taken by the applicant to ensure that no projection of any structures within the lots would be over the adjoining private lots;
- (b) to note the comments of the Director of Environmental Protection that the applicant should make connection to public sewer when village sewerage

was available in future;

- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department 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 the standards of his department;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should preserve and avoid causing any disturbance impacts on the secondary woodland and watercourse outside the northwestern boundary of the site. Good site practices should be adopted particularly during the construction stage of the project; 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.

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

Agenda Items 26 and 27

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/165 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Government Land in D.D. 95, Ho Sheung Heung,
Sheung Shui

(RNTPC Paper No. A/NE-KTN/165 and 166)

A/NE-KTN/166 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Government Land in D.D. 95, Ho Sheung Heung,
Sheung Shui

(RNTPC Paper No. A/NE-KTN/165 and 166)

59. The Committee noted that these two applications were same 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

60. Ms. Maggie M.Y. Chin, 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 as the application sites had high potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, three public comments on application No. A/NE-KTN/165 and two public comments on

application No. A/NE-KTN/166 were received. A member of the public supported both applications. The Kadoorie Farm and Botanic Garden Corporation (KFBG) had concerns on both applications whereas the Designing Hong Kong Limited objected to the application No. A/NE-KTN/165. Their major grounds of objections and concerns were summarised below:

- (i) the two proposed Small House developments were not in line with the planning intention of “AGR” zone and the approval of the applications would set an undesirable precedent for similar applications;
 - (ii) the applications had failed to ensure that the proposed Small House developments would not have adverse landscape, ecological, environmental, sewerage, traffic and drainage impacts on the surrounding area;
 - (iii) the proposed development was incompatible with the rural setting of the area;
 - (iv) the area of agricultural land in Hong Kong should not be further reduced in order to secure a stable food supply; and
 - (v) there was a lack of sustainable layout of infrastructure, access, parking spaces and amenities for the area; and
- (e) the District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee cum Residents’ Representative of Ho Sheung Heung supported the applications. The incumbent North District Councillor and Indigenous Inhabitants Representatives of Ho Sheung Heung had no comment on the applications; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 11 of the Paper. Regarding the concerns raised by the DAFC and the public

comments, it was considered that the proposed Small House developments were not incompatible with the surrounding land uses which were predominantly rural in character with village houses in the north intermixed with vacant land. In addition, the villager proper of Ho Sheung Heung Village was located only approximately 100m to the west of the sites. Three previous applications for Small House developments covering parts of the application sites were approved by the Committee. The proposed Small Houses would not have significant adverse drainage and traffic impacts on the surrounding area. Concerned government departments had no adverse comment / no objection to the applications. Approval conditions on the submission and implementation of landscape proposals to address the possible landscape impacts were also recommended.

61. Members had no question on the applications.

Deliberation Session

62. 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 3.5.2017, 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.

63. 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” published 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’s comments 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;
 - (ii) 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
 - (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 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.

[The Chairman thanked Ms. Maggie Chin, STP/STN, for her attendance to answer Members' enquiries. Ms. Chin left the meeting at this point.]

Agenda Items 28 and 29

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/437 Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in "Village Type Development" zone, Government Land adjoining Lot 896 in D.D. 28, 66 Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/437 and 438)

A/NE-TK/438 Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in "Village Type Development" zone, Government Land adjoining Lot 889 in D.D. 28, 67 Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/437 and 438)

64. The Committee noted that these two applications were same in nature and the application sites were located in close proximity to each other and within the same "Village Type Development" zone. The Committee agreed that these applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed temporary eating place (outside seating accommodation of a restaurant) for a period of three years at each of the application sites;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the applications as detailed in paragraph 9 of the Paper;
- (d) three public comments were received on both applications during the first three weeks of the statutory publication period. A public comment from the Designing Hong Kong Limited, supported the two applications mainly because the proposed use was in line with the current land use and the eating places would be beneficial to the local villagers and visitors. The other two public comments from the local residents objected to the applications mainly because the proposed use would cause problem of cycle parking and hygiene in the area; and
- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the applications based on the assessments as detailed in paragraph 11 of the Paper. Regarding the adverse public comments on the problem of cycle parking and hygiene caused by the temporary use, the concerned government departments, including Commissioner for Transport and Director of Food and Environmental Hygiene, had no adverse comments on the applications.

66. Members had no question on the applications.

Deliberation Session

67. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 3.5.2016, each on the terms of the applications as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 10:00 p.m. and 12:00 noon, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have

effect and should be revoked immediately without further notice; and

- (c) 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.

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

- (a) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the applicant should be reminded that no damage should be made to the adjoining public road and associated highway features. In case any public roads and street furniture was so damaged due to the applicant's works, they should be made good at the applicant's cost and to the satisfaction of the HyD;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site should have their own stormwater collection and discharge system to cater for the runoff generated within the application site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems. There was existing public sewerage available for connection in the vicinity of the application site. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the development;
- (c) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that the applicant should apply formal approval for outside seating accommodation of the restaurant from the DFEH; and
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:

- (i) if the existing building/structures to be used for restaurant were New Territories Exempted Houses to which Cap 121 of the Laws of Hong Kong apply, the Lands Department would be in a better position to advise; and
- (ii) in case the subject building/structures were found to be unauthorized building works under the Buildings Ordinance (BO), the unauthorized structures should be removed as they were liable to action under section 24 of the BO.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/439 Proposed 2 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” zone, Lots 671 S.C & S.D and 672 S.B & S.C in D.D. 15, Shan Liu, Tai Po
(RNTPC Paper No. A/NE-TK/439)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the

site had high potential for agricultural rehabilitation;

- (d) during the first three weeks of the statutory publication period, two public comments from Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation, were received. They raised objection to the application mainly on the grounds that :
 - (i) the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone;
 - (ii) as the site was located within the water gathering ground (WGG) and any effluent/runoff from the proposed development might have the potential of affecting the WGG;
 - (iii) there were some landscape changes in the village and any “destroy first, build later” activities should not be tolerated; and the approval of the application would set an undesirable precedent; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. As regards the DAFC’s adverse comment from agricultural point of view and public comments on the potential adverse impacts on the “AGR” zone and the WGG, it was noted that the site was a piece of abandoned agricultural land sparsely covered with weeds; the proposed developments complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories. Regarding the concerns of the commenters on the adverse drainage, sewerage and landscape impacts of the proposed Small Houses, concerned departments had no objection to the application. Moreover, approval conditions had also been recommended to minimize the potential adverse impacts on the surrounding area. Regarding the commenters’ concern on the change in landscape in the village, the site was not the subject of any active enforcement cases.

70. Members had no question on the application.

Deliberation Session

71. In response to a Member's enquiry, Mr. C. T. Lau said that the applicant proposed to provide sewage connection between the proposed two Small Houses and the public sewerage system in the area. The sewerage connection would pass through some private lots to the immediate east and government land to the further east of the site. According to the applicant, he had already obtained consents from the lot owners for the sewerage connection to pass through their lots. Regarding the part on government land, the Director of Drainage Services had no adverse comment on such arrangement.

72. 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 3.5.2017, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) to note the comments of the Director of Environmental Protection that

construction of the proposed Small Houses should not be commenced before the completion of the planned sewerage system. The applicants should connect the proposed Small Houses to the public sewer at their own costs. Adequate land should be reserved for the future sewer connection work;

- (b) the applicants were required to register, before execution of Small House grant documents, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);
- (c) 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 applicants/owners were required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicants/owners should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. The proposed developments should maintain a clear distance of 3.5m from the top of the embankment of existing natural stream course. There was no existing public sewerage in the vicinity of the site. Nevertheless, sewerage connection might be available when the proposed village sewerage works under the “Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C” project was completed in around 2013/14;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the proposed Small Houses should be located as far away from the nearby stream as possible. The whole of foul effluent from the proposed Small Houses should be conveyed through cast iron pipes or other approved material with sealed joints and hatchboxes. 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;

- (e) to note the comments of the Director of Fire Services that the applicants were reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department. Detailed fire safety requirements would be formulated during land grant stage;
- (f) to note comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicants were reminded to make necessary submission to the District Lands Officer to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption was not granted, the applicants should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (g) 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.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/440 Proposed House (New Territories Exempted House - Small House) in
"Green Belt" zone, Lot 95 in D.D. 28 and Adjoining Government
Land, Lung Mei, Tai Po
(RNTPC Paper No. A/NE-TK/440)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 10 and Appendix V of the Paper;
- (d) during the first three weeks of the statutory publication period, two public comments, from Designing Hong Kong Limited and an individual, were received. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone and did not comply with the Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within “Green Belt” zone; the proposed development would cause adverse ecological, environmental and fire safety impacts on the surrounding area; and the approval of the application would set an undesirable precedent for other similar applications causing adverse impacts on the subject GB” zone; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. Regarding the adverse public comments, it was noted that the proposed development complied with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/ Small House in New Territories in that more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ and there was a general shortage of land in meeting the demand for Small House development in

the “Village Type Development” zone. The proposed development complied with the TPB-PG No. 10) since it was considered not incompatible with the surrounding village setting and concerned government departments had no adverse comment on the application. The concerns of the commenters could be addressed through imposition of approval conditions to minimize the potential adverse impacts on the surrounding area.

75. A Member noted that the site was the subject of a previous planning application No. A/NE-TK/259, which was submitted by the same applicant for development of a Small House and was approved with conditions in 2008. This Member asked whether the applicant had provided any justification for not building the proposed Small House approved by the Committee. In response, Mr. C. T. Lau said that the applicant did not provide any information on that aspect.

Deliberation Session

76. 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 3.5.2017, 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 landscape 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.

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

- (a) to note the comments of the Director of Environmental Protection that there was planned public sewer located about 8m away from the proposed house and the applicant should connect the sewer from the development to the

public sewer at his own cost when it was available;

- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain in the vicinity of the site. The applicant/owner was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the applicant should bear the cost of any necessary diversion works of existing water mains affected by the proposed development and submit all the relevant proposal to WSD for consideration and agreement before any construction works commence;
- (d) 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 the Lands Department. Detailed fire safety requirements would be formulated during land grant stage; 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 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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)

Presentation and Question Sessions

78. Mr. C.T. Lau, STP/STN, said that there was a typing error in line 3 of paragraph 11.3 of the Paper – “two 2-storey houses” should read “two 3-storey houses”. He also clarified that line 5 of the same paragraph should read “site coverage concern raised by Committee on the previous planning application No. A/TP/523, the applicant proposes in the”. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (redevelopment) - the applicant proposed to redevelop the two existing 3-storey houses into a 2-storey house of 8m high with a total gross floor area (GFA) of 398m² and site coverage of 11.8%;
- (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 representative of Shek Kwu Lung Village was received during the first three weeks of the statutory publication period. He objected to the application on the grounds that the proposed redevelopment would generate environmental nuisances and would be converted into a columbarium affecting the fung-shui of Shek Kwu Lung Village; 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) as compared to the existing development on the site, the building height of the proposed development (8m) was lower than that of the existing development (8.23m). However, the total GFA of the proposed development (398m²) was higher than that of the existing development by 32m² and the proposed site coverage (11.8%) was also higher than that of the existing development (5.8%). Hence, the proposed development was not in line with the Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for 'Application for Development within "GB" zone' in that it had exceeded the intensity of the existing development. The proposed GFA of 398m² and site coverage of 11.8% (equivalent to 269 m²) had also exceeded the entitlement of maximum GFA of 366m² and maximum roofed-over-area of 122m² under the lease. There were no strong planning justifications or exceptional circumstances in the submission for a departure from the TPB-PG No. 10; and
 - (ii) regarding the previous scheme under application No. A/TP/516, it had the same GFA (398m²) and the same site coverage (5.8%) as compared to the existing development on site. The application was approved by the Committee on the grounds that the proposed redevelopment was basically in compliance with TPB-PG No. 10 in which redevelopment of existing residential development would generally be permitted up to the intensity of the existing development. In this regard, the current application did not warrant the same consideration of the previously approved scheme. Planning permission for development within "Green Belt" zone could only be granted in exceptional circumstances. Approval of the application would set an undesirable precedent for similar development within the "Green Belt" zone. The cumulative effect of approving such applications would result in a general degradation of the environment

in the area.

79. Members had no question on the application.

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

Deliberation Session

80. 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 application did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” (“GB”) zone’ in that the proposed development intensity would exceed that of the existing development; and
- (b) approval of the application would set an undesirable precedent for similar development within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment in the area.

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/532 Proposed Public Utility Installation (Electricity Package Substation) in
“Green Belt” zone, Government Land in D.D. 26,
Wong Yue Tan Village, Tai Po
(RNTPC Paper No. A/TP/532)

Presentation and Question Sessions

81. 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 public utility installation (electricity package substation);
- (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 (Tai Po); 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.

82. Members had no question on the application.

Deliberation Session

83. 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 3.5.2017, 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) provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) submission and implementation of drainage proposals to the satisfaction of

the Director of Drainage Services or of the TPB.

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

- (a) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should minimize the impact on the trees and the nearby woodland area;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that the applicant should apply to LandsD for necessary approval on the construction of the package substation installation under the mechanism of Block License that covered site within 12m²;
- (c) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Section 6, Part D of the “Code of Practice for Fire Safety in Buildings 2011” administrated by Buildings Department (BD). Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the subject site should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was no existing public sewerage in the vicinity of the site currently;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the access from Ting Kok Road to the site was not maintained by HyD;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, BD that in case of change in land status to leased land, the applicant should note that 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 Building (Planning) Regulations (B(P)R) at the building plan submission stage, the site should be provided with means of obtaining access thereto from a street under B(P)R 5, emergency vehicular access for every building of the proposed development should be provided in accordance with B(P)R 41D and detailed consideration would be made at the building plan submission stage;
- (g) to note the comments of the Chief Geotechnical Engineer/Slope Maintenance, Land Administration Office, LandsD that the applicant should make the necessary geotechnical submission to the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) involving slope works;
- (h) to note the comments of the Director of Health that it was important for the project proponent to ensure that the installation complied with the relevant International Commission on Non-Ionising Radiation Protection guidelines or other established international standards. 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 was also encouraged;
- (i) to note the comments of the H(GEO), CEDD that the applicant should make site formation submissions covering the investigation of stability of any man-made slopes/retaining walls and natural slopes within or near the proposed development and the provision of suitable slope stabilisation works, if found necessary, as part of the development to the BD and/or LandsD for approval; and
- (j) to note the comments of the Director of Electrical and Mechanical Services that 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. As the electricity package substation 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.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/812 Shop and Services in “Industrial” zone, Unit B1C (Portion), G/F,
Unison Industrial Centre, 27-31 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/812A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services;

[Dr. C. P. Lau returned to join 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) one public comment from a member of the public was received during the first three weeks of the statutory publication period. The views of the commenter were summarized as follows:

- (i) the application premises was located at the G/F of an industrial building situated in a traditional industrial area. The existing industrial activities at the upper floors might endanger the visitors to the application premises;
 - (ii) the subject premises was far away from the public transport facilities; and
 - (iii) since the government had the intention to convert the subject locality from industrial to domestic use, the applied use was not in line with the long-term town planning strategy of the Government; 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. There was a public comment on the application stating that the existing industrial activities at the upper floors of the industrial building might endanger the visitors to the application premises. In this regard, the Director of Fire Services had no objection to the application. Regarding the public concern on the location of the application premises and the planning intention of the “Industrial” zone, it would be noted that the subject premises was only about 250m from Fo Tan Station. It was also recommended that if the application was approved by the Committee, the planning permission would be given on a temporary basis for a period of three years in order not to jeopardise the long-term industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

86. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years until 3.5.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2013; and
- (b) if the above planning condition (a) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of

escape of the existing adjoining workshop should not be adversely affected;

- (f) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application;
- (g) to note the comments of the Commissioner for Transport that the applicant should ensure the provision of car parking spaces, loading/unloading facilities within the premises to be adequate for the operation needs; and
- (h) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/817 Proposed Shop and Services (Cake Shop) in "Industrial" zone,
Workshop R3-A, G/F, Valiant Industrial Centre, Nos. 2-12 Au Pui
Wan Street , Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/817)

Presentation and Question Sessions

89. Mr. Anthony K.O. Luk, STP/STN, informed the Committee that a replacement page of P.11 of the Paper to revise the approval period to three years until 2016 was 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 shop and services (cake shop);
- (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 (Sha Tin); 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. A temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

90. Members had no question on the application.

Deliberation Session

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 3.8.2013;
- (b) the implementation of the fire safety measures within 6 months from the

date of approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2013; 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises. The permission was for 'Shop and Services (Cake Shop)' use without any seating accommodation;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions. Sympathetic consideration might not be given by the Committee to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining industrial premises by fire barriers with Fire Resisting Rating of 120 minutes, and the means of escape of the existing premises should not be adversely affected. Building

safety requirements would be formulated upon receipt of food premises licence application, where appropriate;

- (f) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application. If license for food premises was required, it could only be licensed as food factory; and
- (g) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

[The Chairman thanked Mr. Anthony K.O. Luk and Mr. C T Lau STPs/STN, for their attendance to answer Members' enquiries. Mr. Luk and Mr. Lau left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 36

Section 12A Application

[Open Meeting]

Y/TM/10 Application for Amendment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/30, to rezone the application site from "Government, Institution or Community" to "Residential (Group A)", Lots 1123 (Part), 1124 (Part), 1125 (Part), 1126 (Part), 1136 (Part), 1138 RP (Part) and 1139 RP (Part) in D.D.132 and Adjoining Government Land, Tuen Mun
(RNTPC Paper No. Y/TM/10A)

93. The Secretary reported that Mr. Ivan Fu had declared an interest in this item as he had current business dealings with AECOM Asia Co. Limited, Environ Hong Kong Limited and Urbis Limited, the consultants of the application. Ms. Janice Lai had declared an interest in this item as she had current business dealings with AECOM Asia Co. Limited and Urbis Limited. As the item was for deferral of the consideration of the application, Members agreed that Mr. Fu and Ms. Lai could stay in the meeting.

94. The Secretary reported that on 8.4.2013, 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 departmental comments related to air ventilation issue, visual aspect and lands matter.

95. 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 this was the second deferment and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 37

Section 16 Application

[Open Meeting]

A/YL/196

Proposed Comprehensive Residential/Commercial Development in “Comprehensive Development Area” and “Government, Institution or Community” zones and an area shown as “Road”, YLTL 504 and Lots 419, 422, 454 RP, 455 S.C RP, 455 S.G&H RP, 457 S.C, 461 RP, 462 RP, 463RP, 464 RP, 470 RP, 495 RP, 538 RP and 539 RP in D.D. 116 and adjoining Government Land, Yuen Lung Street, Yuen Long (RNTPC Paper No. A/YL/196)

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

Mr. Ivan Fu had current business dealing with SHK, Masterplan Limited, AGC Design Limited, AECOM Asia Co. Limited and Environ Hong Kong Limited

Ms. Janice Lai had current business dealing with SHK and AECOM Asia Co. Limited

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

97. The Secretary reported that on 19.4.2013, 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 the comments of Chief Town Planner/Urban Design and Landscape of Planning Department.

98. 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. Vincent T.K. Lai, 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 Items 38 and 39

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/197 Renewal of Planning Approval for Temporary ‘Public Vehicle Park (excluding container vehicle) (Letting of Surplus Parking Spaces to Non-residents)’ for a Period of 3 Years in “Residential (Group A)” zone, Shui Pin Wai Estate, Yuen Long
(RNTPC Paper No. A/YL/197)

A/TSW/56 Renewal of Planning Approval for Temporary ‘Public Vehicle Park (excluding container vehicle) (Letting of Surplus Parking Spaces to Non-residents)’ for a Period of 3 Years in “Residential (Group A)” zone, Tin Heng Estate, Tin Shui Wai
(RNTPC Paper No. A/TSW/56)

99. The Committee noted that these two applications were same in nature. The Committee agreed that these applications should be considered together.

100. As the applications were submitted by the Hong Kong Housing Authority (HKHA), the following members had declared interests in these items:

Mr. K. K. Ling (Chairman) as the Director of Planning	being a member of the Strategic Planning Committee (SPC) and the 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

Prof. Edwin Chan	being a member of the Building Committee of HKHA
Mr. H. F. Leung	had current business dealings with the Housing Department
Ms. Janice Lai	had current business dealings with HKHA
Dr. Wilton W.T. Fok	a consultant of a feasibility study (completed in 2009) commissioned by HKHA

101. As Dr. Wilton W.T. Fok had no direct involvement in the subject applications, Members agreed that he could be allowed to stay in the meeting. Members also agreed that the interests of Mr. K.K. Ling, Ms. Anita Lam, Mr. Frankie Chou, Prof. Edwin Chan, Mr. H. F. Leung and Ms. Janice Lai were direct and they should leave the meeting temporarily for the two items. The Vice-chairman would chair the meeting for these items.

[Mr. K.K. Ling, Ms. Anita Lam, Mr. H. F. Leung and Ms. Janice Lai left the meeting temporarily at this point and Prof. Edwin Chan and Mr. Frankie Chou left the meeting.]

Presentation and Question Sessions

102. Mr. Vincent T.K. Lai, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications - Application No. A/YL/197 was a renewal application of temporary planning approval under application No. A/YL/173 which was valid until 14.5.2013. Application No. A/TSW/56 was a renewal application of temporary planning approval under application No. A/TSW/47 which was valid until 14.5.2013;
- (b) renewal of each of the planning approvals for temporary 'public vehicle park (excluding container vehicle) (Letting of Surplus Parking Spaces to

Non-residents)' for a period of three years until 14.5.2016;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the applications as detailed in paragraph 9 of the Papers;
- (d) during the first three weeks of the statutory publication period, two public comments on application No. A/TSW/56 and one public comment on A/TSW/197 were received. A public comment was submitted by a Yuen Long District Councillor who did not support the Application No. A/TSW/56 on the ground that car parking spaces were not sufficient in Tin Heng Estate. Designing Hong Kong Limited submitted public comments on both applications and expressed its appreciation on the benefits of utilizing vacant parking spaces. It also commended that the applications should only be allowed when the demand was fully satisfied at affordable parking fees; and the applicant should seek permanent land use approval; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications on a temporary basis for a period of three years based on the assessments as detailed in paragraph 11 of the Papers. For the adverse public comment on Application No. A/TSW/56 regarding insufficient car parking space to serve the residents of Tin Heng Estate, according to the supplementary information submitted by the Hong Kong Housing Authority, around 14% of the parking spaces within the estate were in surplus and could be let to non-residents. Moreover, sufficient parking spaces and allocation priority would continue to be given to the residents to rent the monthly parking spaces. In this regard, the Commissioner for Transport had no objection to the submitted information as well as the renewal of the two planning applications. Temporary approvals were considered appropriate as the parking demand of the residents could be further monitored.

103. Members had no question on the applications.

Deliberation Session

104. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years from 15.5.2013 to 14.5.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

For Planning Application No. A/YL/197

- priority should be accorded to the residents of Shui Pin Wai Estate 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.

For Planning Application No. A/TSW/56

- priority should be accorded to the residents of Tin Heng Estate 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.

For Planning Applications No. A/YL/197 and A/TSW/56

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

- (a) to review and keep a record of the conditions of the use of parking spaces regularly so as to ensure good management in utilizing the public resources and avoid exploiting the right of letting of monthly vehicle parking spaces in the vehicle park by the residents; and
- (b) consideration might be given to letting the vacant vehicle parking spaces to non-governmental organizations for other uses so as to fully utilize the

vacant vehicle parking spaces in the subject housing estate.

[The Chairman thanked Mr. Vincent Lai, STP/TMYL, for his attendance to answer Members' enquiries. Mr. Lai left the meeting at this point.]

[Mr. K.K. Ling, Ms. Anita Lam, Mr. H. F. Leung and Ms. Janice Lai returned to join the meeting at this point.]

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/246 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in "Village Type Development" zone, Lots 1504 (Part) and 1505 (Part) in D.D. 130, Tsing Chuen Wai, Tuen Mun (RNTPC Paper No. A/TM-LTY Y/246A)

Presentation and Question Sessions

106. 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 shop and services (real estate agency) 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) one public comment was received during the first three weeks of the statutory publication period. A member of Tuen Mun District Council supported the application on the ground that there was insufficient parking

space in Tsing Chuen Wai; 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. There was one public comment from a member of Tuen Mun District Council supporting the application. However, the reason was not related to this application as this application was for temporary real estate agency, not for vehicle parking.

107. Members had no question on the application.

Deliberation Session

108. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 8:00 p.m. and 9:00 a.m. from Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the submission of drainage 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 3.11.2013;
- (d) in relation to (c) above, the implementation of drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.2.2014;
- (e) the submission of fire service installations proposal within 6 months from

the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2013;

- (f) in relation to (e) above, the implementation of fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.2.2014;
- (g) the submission of landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 3.11.2013;
- (h) in relation to (g) above, the implementation of landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 3.2.2014;
- (i) if any of the above planning conditions (a) or (b) 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;
- (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 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.

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

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

- (b) 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 (STWs) for erection of the structures on the lots. The STW proposals would only be considered upon his receipt of formal applications from the owners of the lots. 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 fees, deposits and administrative fees. For the proposed drainage works involving government land, if the proposal was acceptable to Drainage Services Department, the applicant was required to seek prior approval from his office before commencement of any construction works on the government land. However, he reserved his comment on such;
- (c) 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 (not being a New Territories Exempted House) they were unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works (including containers and metal sheet room as temporary buildings) were to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they were unauthorised building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The site should be provided with means of obtaining

access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (d) 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;
- (e) to note the comments of the Director of Environmental Protection that all wastewater arising from the site should be collected, treated and disposed of in accordance with the Water Pollution Control Ordinance. The applicant was also required to connect sewage arising from the site when village sewerage became available in due course;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for the applicant’s own access arrangement;
- (g) 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 the applicant’s 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;
- (h) to note the comments of the Director of Fire Services that the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. In formulating FSIs proposal for the proposed structure, the applicant should make

reference to the requirement that, for other storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to the Fire Services Department for consideration; and

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

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/247 Proposed Temporary Public Vehicle Park (For Private Cars Only) for a Period of 3 Years in “Village Type Development” zone, Lot 1506 RP (Part) in D.D. 130, Tsing Chuen Wai, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/247A)

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 public vehicle park (for private cars only) 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) one public comment was received during the first three weeks of the statutory publication period. The comment was from a member of Tuen Mun District Council supporting the application without giving any reason; 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.

111. In response to a Member’s query, Mr. K.C. Kan referred to Plan A-4b of the Paper and explained that the formal access road to the site was hard paved. It included the

road underneath the viaduct of the West Rail which had a headroom of 3.2m only.

Deliberation Session

112. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) only private cars as defined in the Road Traffic Ordinance, as proposed by the applicant, were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that only private cars as defined in the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (e) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity, as proposed by the applicant, was allowed on the site at any time during the planning approval period;
- (f) the submission of drainage 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 3.11.2013;
- (g) in relation to (f) above, the implementation of drainage proposal within 9 months from the date of the planning approval to the satisfaction of the

Director of Drainage Services or of the TPB by 3.2.2014;

- (h) the submission of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2013;
- (i) in relation to (h) above, the implementation of fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.2.2014;
- (j) the submission of landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 3.11.2013;
- (k) in relation to (j) above, the implementation of landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 3.2.2014;
- (l) the implementation of the accepted run-in/run-out proposal within 3 months from the date of the planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 3.8.2013;
- (m) the submission of parking layout plan including a pedestrian walkway within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 3.11.2013;
- (n) in relation to (m) above, the implementation of parking layout plan including a pedestrian walkway within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 3.2.2014;
- (o) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately

without further notice;

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

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

- (a) to resolve any land issues relating to the development with the owner(s) of the application site;
- (b) to remind drivers of pedestrian safety related to pedestrian access to the south of the site;
- (c) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that the lot under application was an Old Scheduled Agricultural Lot held under the Block Government Lease. The site was accessible from an unnamed road via a short strip of government land (GL) outside the site. His office did not provide maintenance works for this strip of GL nor guarantee any right-of-way to the site. The owner of the lot would need to apply to his office for Short Term Waiver (STW) for erection of the structures on the lot. The STW proposal would only be considered upon his receipt of formal application from the owner of the lot. There was no guarantee that the application, if received by his office, would be approved and he reserved his comment on such. The application would be considered by the LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application was approved, it would be subject to such terms and conditions as the Government should deem fit to do so, including charging of waiver fee, deposit and administrative fee.

In addition to the STW that the lot owner needed to apply, the applicant would need to apply to his office for permission to construct the vehicular access paved way between the application site and the existing road. The proposal would only be considered upon his receipt of formal application from the lot owner. There was no guarantee that the application, if received by his office, would be approved and he reserved his comment on such. The application would be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application was approved, it would be subject to such terms and conditions as the Government should deem fit to do so. For the proposed drainage works involving GL, if the proposal was acceptable to Drainage Services Department, the applicant was required to seek prior approval from his office before commencement of any construction works on the GL. However, he reserved his comment on such;

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

4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (f) to note the comments of the DEP that all wastewater arising from the site should be collected, treated and disposed of in accordance with the Water Pollution Control Ordinance. The applicant was also required to discharge sewage arising from the site to village sewerage when village sewerage became available in due course;
- (g) to note the comments of the Commissioner of Transport that the access road adjacent to the site was not managed by Transport Department. The applicant should note that the road might not be up to current design standard, in particular, the headroom under the viaduct was very low. In this regard, the applicant should bear the applicant’s own risk and responsibility for using the access road for operation of a public car park for private cars;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for the applicant’s own access arrangement;
- (i) to note the comments of the Director of Fire Services that the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to the Fire Services Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his department, the applicant was required to provide

justifications to the Fire Services Department for consideration; and

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

Agenda Item 42

Section 16 Application

[Open Meeting]

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

114. The Secretary reported that on 16.4.2013, 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 revise the Preliminary Environmental Review as required by the Director of Environmental Protection.

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 since this was the third deferment and a total period six months had been allowed, no further deferment would be granted unless under very special circumstances.

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

Agenda Item 43

Section 16 Application

[Open Meeting]

A/YL-HT/829 Proposed Temporary Precast Building Fabrication Workshop with Ancillary Open Storage, Warehouse and Office for a Period of 3 Years in "Undetermined" zone, Lots 1808 RP (Part), 1809, 1816-1818, 1819 (Part), 1820-1823, 1824 S. A RP, 1824 S. B RP, 1824 S. C and 1825 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/829A)

116. 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 application. As the item was for deferral of the consideration of the application, Members agreed that Mr. Fu could stay in the meeting.

117. The Secretary reported that on 18.4.2013, 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 comments of the Environmental Protection Department and Drainage Services Department.

118. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since this was the second deferment and a total of four months were allowed, 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-HT/840 Temporary Open Storage of Containers with Ancillary Workshops and Logistics Centre for a Period of 3 Years in “Open Storage” and “Recreation” zones, Lots 1511 S.B (Part), 1512 (Part), 1519 (Part), 1520 (Part), 1521 (Part), 1522 (Part), 1533 (Part), 1534 (Part), 1535, 1536, 1537, 1538 RP (Part) and 1540 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/840)

Presentation and Question Sessions

119. Mr. Ernest C.M. Fung, STP/TMYL, informed the Committee that a replacement page of P. 5 and Plan A-1 of the Paper 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 temporary open storage of containers with ancillary workshops and logistics centre for a period of three years;
- (c) departmental comments – departmental comments were set out in

paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of site (the closest residential dwelling being about 30m away) and along the access roads (Ha Tsuen Road) and environmental nuisance was expected. However, he advised that there was no pollution complaint against the site was received between 2010 and 2013;

- (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 comments, there was no environmental complaint against the site over the past three years. To mitigate any potential environmental impacts, approval conditions on restrictions of the operation hours and stacking of containers had been recommended.

120. Members had no question on the application.

Deliberation Session

121. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2016, 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 from 8:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no stacking of containers within 5m from the peripheral fencing of the site

during the planning approval period;

- (d) the stacking height of containers stored on the site should not exceed 7 units during the planning approval period;
- (e) the existing drainage facilities should be maintained at all times during the planning approval period;
- (f) the submission of record of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.11.2013;
- (g) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.11.2013;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.2.2014;
- (i) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.6.2013;
- (j) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 3.11.2013;
- (k) in relation to (j), the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 3.2.2014;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not

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

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

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

- (a) prior planning permission should have been obtained before commencing the applied workshop and logistic centre uses at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office; and to apply to his office for Short Term Tenancy (STT) and Short Term Waiver (STW) to regularize the unlawful occupation of government land and the unauthorized structures on-site. Should no STW/STT application be received/approved, his office would consider taking appropriate lease enforcement/control action against the registered owner/occupier. His office did not guarantee right-of-way for vehicular access to the site from Ha Tsuen Road over other private land;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that sufficient

manoeuvring spaces should be provided within the application site. No vehicle was allowed to queue back to public road or reverse onto/ from the public road. The land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that 6 trees were found dead and 2 trees were missing. In addition, all trees (86 nos.) within the site were in fair to poor health condition due to topping or cutting in the middle tree trunk;
- (g) to note the comments of the Director of Fire Services on the requirements of formulating fire service installation proposals as stated in Appendix V of the Paper;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; if the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard fire-fighting flow.

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/842 Temporary Open Storage of Construction Machinery and Material for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 38 (Part), 39 (Part), 40 (Part), 41(Part), 52 S.A (Part), 52 S.B (Part) and 53 (Part) in D.D. 128, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/842)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction machinery and material 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 because there were sensitive uses in the vicinity of the site (the closest residential dwelling was about 65m to its west) and the access roads (Fung Kong Tsuen Road and Ping Ha Road) and environmental nuisance was expected. However, he advised that there was no pollution complaint against the site was received over 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 comments, there was no environmental complaint pertaining to the site in the past three years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and prohibition of workshop activities on-site had been recommended.

124. Members had no question on the application.

Deliberation Session

125. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2016, 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 11:00 p.m. to 7:00 a.m. on Mondays to Saturdays, as proposed by the applicant, was allowed on the site at any time during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, cleansing, melting, dismantling or any other workshop activity was allowed to be carried out on the site, as proposed by the applicant, during the planning approval period;
- (d) no vehicle queuing was allowed back to public road or vehicle reversing onto/from the public road was allowed at all times during the planning approval period;
- (e) the existing drainage facilities on site should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on

site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.11.2013;

- (g) the submission of layout plan showing the vehicular access to the site within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 3.11.2013;
- (h) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.11.2013;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.2.2014;
- (j) 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 14.6.2013;
- (k) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 3.11.2013;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 3.2.2014;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should

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

- (o) upon 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.

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

- (a) prior planning permission should have been obtained before continuing the development on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office. No approval was given for the proposed specified structures as site office. Access to the site required traversing through private lot and/or government land. His office provided no maintenance works for this track nor guarantees right-of-way. Should planning approval be given, the lot owner concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity of the landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces should be provided within the site;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that regular tree maintenance programme for the preserved trees was outstanding from the submitted landscape and tree preservation plan. Hence, an updated tree preservation proposal should be submitted;
- (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 applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. The water mains in the vicinity of the site could not provide pedestal hydrant;
- (i) to note the comments of the Director of Fire Services that in formulating the fire service installations (FSIs) proposal for the structures, the applicant should make reference to the requirements in Appendix V of the Paper. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The applicant should also adhere to the 'Good Practice for Open Storage' at Appendix VI of the Paper. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to him for consideration; and

- (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 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 converted containers and open shed) were to be carried out on the site, the prior approval and consent of Buildings Authority should be obtained, otherwise, they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as 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 Building (Planning) Regulations ((B(P)R)) 5 and 41D respectively. If the site did not abut on a specified street having a width of not less than 4.5m, its permitted development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/282 Proposed House (Sound Barrier) with Excavation of Land in "Village Type Development" zone, Lots 2301, 2302 S.A, 2302 S.B, 2302 S.C & 2302 S.D in D.D. 104, Sheung Chuk Yuen, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/282A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (sound barrier) with excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper and summarised below:
 - (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application as the proposed sound barrier structure would generate potential adverse visual impact on the surrounding area. The visual impact of the continuous blank façade of the proposed sound barrier of 42m (L) and 8.23m (H) was not comparable with the four proposed semi-detached houses as claimed in the submission. Approval of the proposed noise barrier would set an undesirable precedent for such arrangement of other house development within the “Village Type Development” (“V”) zone in the locality and this would affect the visual amenity as a whole. The impact of the proposed sound barrier should be mitigated and a landscape proposal should be submitted. Considering the lack of mitigation measure, he had some reservation on the application;
 - (ii) the Director of Environmental Protection (DEP) advised that according to the Hong Kong Planning Standards and Guidelines, there were a number of methods to reduce noise exposure in planning of noise sensitive use and purpose-built noise barrier was one of the methods. He also advised that from technical perspective, erection of the proposed sound barrier would likely increase the noise level currently experienced by the residential dwelling located between the proposed barrier and San Tam Road/ San Tin Highway;

- (d) a total of four public comments were received from a member of the Yuen Long District Council (YLDC), Village Representatives (VRs) as well as villagers of San Wai Tsuen and a member of the San Tin Rural Committee (STRC) during the first three weeks of the statutory publication periods. All of them objected to the application mainly on the grounds that the sound barrier would pose risks to the villagers, destroy the fung-shui of the village and adverse visual and cause air ventilation impacts on the village;
- (e) the District Officer (Yuen Long) (DO/YL) had received a comment from the two VRs of Chuk Yuen Tsuen. They expressed that with the completion of the first phase sound barrier (30m to the north of the site), the noise problem of the area had been improved without any adverse impact. As such, they supported the current application for the proposed sound barrier; and
- (f) 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) the site fell within an area zoned “Village Type Development” (“V”) and was intended to designate both existing recognized villages and areas of land considered suitable for village expansion. The proposed sound barrier at the site was not compatible with the residential use in the “V” zone if it was not justified on environmental grounds. The proposed sound barrier was about 42m (L) and only covered part of the road frontage of the subject “V” zone. There was one existing residential dwelling located in between the proposed sound barrier and the San Tam Road/San Tin Highway. In this regard, the DEP commented that the erection of the proposed sound barrier would likely increase the noise level currently experienced by this existing residential dwelling. DEP also advised that the proposed sound barrier was not required by his department and there were a number of methods to reduce noise exposure in planning of noise sensitive use;

- (ii) the proposed structure of 42m (L) and 8.23m (H) was anticipated to generate potential adverse visual impact on the surrounding area and approval of the application would set an undesirable precedent for such arrangement of other house development within the “V” zone in the locality which affected the visual amenity as a whole. The proposed sound barrier was very massive and would have significant visual impact on the surrounding Small House development within the subject “V” zone. According to the HKPSG, the visual impact of the noise barrier should be considered and properly addressed. However, the applicants had not provided any information to demonstrate that there would be no adverse visual impact generated by the proposed sound barrier. Besides, there was also no submission of landscape proposal and mitigation measures to address the concerns. As such, CTP/UD&L of PlanD had some reservation on the application; and
- (iii) there was no similar application for sound barrier within the subject “V” zone on the Outline Zoning Plan. Approval of the application would set an undesirable precedent for other similar piecemeal sound barrier development along the road frontage proliferating into the “V” zone. The cumulative effect of approving such similar applications would result in general degradation of the surrounding environment.

128. A Member noted that there was an existing fence wall between San Tam Road and some village houses to the north of the application site and enquired whether the fence wall was approved by the Committee. Mr. Ernest Fung replied that when commenting on the building plans for the subject fence wall, the PlanD had indicated no objection provided that it was acceptable by DEP. The building plans were subsequently approved by the Building Authority (BA) without referring the building plans to DEP for advice. Mr. Fung further advised that the lease involving this existing fence wall had yet to be modified and the Director of Lands had advised that he reserved the right to take enforcement action.

129. Noting that the villagers had proposed to build noise barrier around their houses in a piecemeal manner, a Member asked whether the Government had any plan to build noise

barrier along the road. In response, Mr. Victor Yeung said that the noise barrier proposed by the applicant was not required by the DEP and DEP had not received any request to build noise barrier along San Tam Road/San Tin Highways. He further explained that if there was such request, DEP would consider the need and the feasibility of building the noise barrier.

130. In response to the Chairman's enquiry, Mr. Victor Yeung advised that noise barrier was only one way to reduce traffic noise impact in planning of noise sensitive use and there were other methods such as single-aspect building design or the use of acoustic insulation. Mr. Victor Yeung also pointed out that the erection of the proposed noise barrier would likely create adverse noise impact on the surrounding residential development because of sound reflection.

131. In response to a Member's query, Ms. Anita Lam advised that she had no information in hand on whether enforcement action would be taken under the lease against the existing fence wall to the north of the application site. She also advised that, in general, the Director of Lands would take enforcement action according to priorities upon receipt of complaints from the public and government departments. In this regard, she noted that the building plans of the fence wall were approved by the BA and wondered whether it would be more appropriate to consider regularization of the existing fence wall.

Deliberation Session

132. A Member said that the noise barrier would cause adverse visual impact on the rural environment and there were increasing requests for erecting such noise barriers in the rural areas. However, there was no control on the erection of such installation. The current application was submitted only because it involved excavation of land within the "V" zone. This Member opined that consideration should be given to put noise barrier under statutory planning control rather than relying on the control over excavation of land or the building plans or the lease.

133. The Secretary said that the current application did not only involve excavation of land for the erection of the proposed noise barrier. The proposed noise barrier was regarded as part of a house and 'House (not elsewhere specified)' was a Column 2 use which required planning permission from the Board. For cases where planning permission was not required,

the Planning Department could raise district planning objection in commenting on the relevant building plans or lease matter, if it was considered that the proposed noise barrier would cause adverse visual impact on the area.

134. After further 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 sound barrier would have adverse visual impact on the surrounding areas. The applicants had not provided any technical assessment to demonstrate that the proposed sound barrier would not have adverse visual impact on the surrounding areas; and
- (b) approval of the proposed sound barrier would set an undesirable precedent for similar applications in the area with the cumulative effect of general degradation of the surrounding environment.

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/288 Land Filling and Proposed Excavation of Land for Permitted
Agricultural Use (Rearing Chicken) in “Green Belt” zone, Lots
531(Part), 532, 533, 534 and Adjoining Government Land in D.D. 98,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/288)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the land filling and proposed excavation of land for permitted agricultural use (rearing chicken);

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

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. As shown on the aerial photo of 2011, there was vegetation within the site. However, construction works were in progress within the site recently, the site formation level appeared to be significantly altered and construction waste and rubble were found on the site. The vegetation as shown in the 2011 aerial photo was no longer there. Moreover, the site formation works had affected the stream adjacent to the site. There was no information regarding the existing landscape and vegetation;
- (d) during the first three weeks of the statutory publication periods, 14 public comments were received. These were from three green groups (namely, World Wide Fund for Nature Hong Kong (WWF), Kadoorie Farm & Botanic Garden Corporation (KFBG) and Designing Hong Kong (DHK)), a villager of Ki Lun Tsuen, San Tin Rural Committee (STRC) and private individuals. All were objecting comments and their major views were summarized as follows:
 - (i) WWF, KFBG and DHK commented that the site was zoned “Green Belt (“GB”) and thus it should be for conservation and should act as a buffer between urban setting and natural landscape. DHK also stated that filling and excavation of land might adversely affect the environment and drainage. It was a ‘destroy first, develop later’ case and the approval of the application would set an undesirable precedent to other similar applications;

- (ii) STRC stated that the nearby villagers objected to the development of chicken farm in view of the recent recovering trend of avian flu; and
 - (iii) most of the commenters objected to the development of chicken farm as it would pollute the nearby stream, created odour and air pollution and thus would adversely affect public hygiene. The site was located on a sloping land and the excavation of land would lead to loss of mud/land. Filling and excavation of land might pose risk to pedestrians; 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) according to Town Planning Board (TPB) Guidelines for Application for Development within “GB” zone, development in the “GB” zone should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape, adversely affect drainage or aggravate flooding and slope stability in the area. The site was subject to planning enforcement actions against unauthorized filling of land in 2007 and 2012 respectively;
 - (ii) the unauthorized filling works at the site might have drainage impact on the adjacent area. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that the applicant was responsible to ensure that the additional stormwater runoff generated from the site should not overload the existing drainage system. He had no in-principle objection to the application subject to the applicant's agreement to construct and maintain the drainage works properly and rectify the drainage system if it was found to be inadequate or ineffective during operation. From the landscape planning perspective, CTP/UD&L of PlanD had reservation on the application as the landscape character of the site had been significantly altered, there was no information on the existing landscape and vegetation and no landscape measures had been proposed. From the geotechnical

perspective, the Head (Geotechnical Engineering Office), Civil Engineering and Development Department (H(GEO), CEDD) commented that there was no record in his office indicating that the retaining wall was designed and constructed to the required standards. As the retaining wall might affect or be affected by the proposed development, H(GEO), CEDD considered that the retaining wall and stream embankment should be studied. The applicant was required to implement any upgrading works as identified by the study before the site was occupied for its intended purpose. He had no in-principle objection to the application provided that if the geotechnical issues of the retaining wall and stream embankment was satisfactorily resolved by the applicant. However, the applicant had not submitted any technical assessment to demonstrate the land filling at the site would not have adverse drainage, landscape, and geotechnical impacts on the surrounding areas;

- (iii) there was no similar application within the “GB” zone on the Ngau Tam Mei Outline Zoning Plan. Approving the application could also be misread by the public as acquittal of the ‘destroy first, build later’ actions and the cumulative effect of approving such similar applications would result in a general degradation of the rural environment of the area.

136. In response to Chairman’s query, Mr. Ernest Fung referred to Plan A-3b of the Paper and said that the chicken shed to the west of the application site was in operation whereas the proposed chicken shed within the application site was under construction.

137. In response to a Member’s query, Mr. Ernest Fung advised that Enforcement Notice requiring the discontinuance of land filling on the application site and a Reinstatement Notice requiring the lot owners to remove the leftovers and debris/fill materials/hard paving on the land and to grass the land were issued.

Deliberation Session

138. A Member said that the unauthorised retaining wall along the eastern boundary of the site, which was as high as 3.7m, might pose safety hazard to the public. The Member said that enforcement action against such unauthorised building works should be taken by the concerned departments. The Buildings Department (BD) should be requested to undertake investigation and follow-up action as required. Other Members agreed. The Chairman asked DPO/TMYL to convey the Committee's request to the relevant government departments.

139. 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 proposed development was not in line with the Town Planning Board (TPB) Guidelines for Application for Development within "Green Belt" ("GB") zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that extensive clearance of existing natural vegetation as well as filling and excavation works at the application site would adversely affect the existing natural landscape and slope stability respectively;
- (b) there was insufficient information in the submission to demonstrate that the proposed filling and excavation of land at the application site would not cause significant adverse drainage, landscape and geotechnical impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the "GB" zone. The cumulative effect of approving such application would result in general degradation of the environment of the area.

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

Agenda Item 48

Section 16 Application

[Open Meeting]

A/YL-KTS/590 Proposed Houses in “Comprehensive Development Area” zone, Lots 547 RP and 2160 RP in D.D. 106 and Adjoining Government Land, Tung Wui Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/590A)

140. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co Ltd. (Henderson). Mr. Ivan Fu and Ms. Janice Lai had declared interest in this item as they had current business dealing with Henderson. As the item was for deferral of the consideration of the application, Members agreed that Mr. Fu and Ms. Lai could stay in the meeting.

141. The Secretary reported that on 11.4.2013, 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 the technical assessments to address the departmental comments.

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

Agenda Item 49

Section 16 Application

[Open Meeting]

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

143. The Secretary reported that on 26.4.2013, 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 of Fire Services Department and the Lands Department.

144. 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 since this was the third deferment and a total of six months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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/660A)

Presentation and Question Sessions

145. Ms. Bonita K.K. Ho, STP/TMYL, informed the Committee that a letter from the applicant was received after the Paper had been issued. The applicant, via his letter of 26.4.2013, intended to respond to the public comments regarding the operation and the traffic issue of the open storage use. The letter was tabled at the meeting for Members' reference. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of vehicles, vehicle parts and construction materials 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 10 of the Paper;
- (d) two public comments from members of the public were received during the first three weeks of the statutory publication period. A commentator objected to the application on the grounds that the roads were narrow and the development would adversely affect the traffic condition and generate problem related to road safety and noise nuisance for residents living nearby. Another commentator supported the application; 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 the public comment objecting to the application on the grounds of adverse noise and traffic impacts on the surrounding area, the relevant departments including the Director of Environmental Protection, the Commissioner for Transport and the Commissioner of Police had no adverse comment on the application. Appropriate approval conditions and advisory clauses were also recommended to minimize the potential nuisance to be generated by

the applied open storage use.

146. In response to the Chairman's query, Ms. Bonita Ho referred to Plan A-2 of the Paper and said that there was a local track along the south western side of the application site which separated the subject site from the "Conservation Area" zone.

Deliberation Session

147. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2016, 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 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site during the planning approval period;
- (d) 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;
- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of records of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.11.2013;

- (g) the implementation of the approved tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or the TPB by 3.11.2013;
- (h) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.6.2013;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2013;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.2.2014;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

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

- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no structure was allowed to be erected without prior approval from LandsD. No approval was given for the proposed specified structures as offices and conference room beneath shelter, staff restroom and toilet. No permission had been given for the occupation of the government land (GL) within the site. The act of occupation of GL without Government's prior approval should not be encouraged. Access to the site required traversing through private lot and/or GL. LandsD provided no maintenance work for the GL involved and did not guarantee right-of-way. The lot owner concerned would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Furthermore, the applicant had to either exclude the GL portion from the site or apply for formal approval prior to the actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such approval was approved, it would be subject to such terms and conditions including among others the payment of premium or fee, as might be imposed by LandsD;
- (d) to note the comments of the Commissioner of Transport that vehicles were not allowed to reverse into or out of the site. The site was connected to the public road network via a section of a local access road which was not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be

responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should provide updated photo record on condition of the existing trees and shrubs within the application boundary in accordance with the layout plan;
- (g) to adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Besides, the requirements and good practice guidelines for open storage site in Appendix V of the Paper should be observed. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his department, he was required to provide justification to his department for consideration. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval;
- (i) 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 (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application.

Before any new buildings works (including containers and open sheds as temporary buildings) were to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they were unauthorized building works (UBW). An authorized person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. In this connection, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (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 not 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; and

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

Agenda Item 51

Section 16 Application

A/YL-SK/185 Temporary Shop and Services (Real Estate Agency) for a Period of 3
Years in “Village Type Development” zone, Lot 225 S.D (Part) in D.D.
112, Yuen Long
(RNTPC Paper No. A/YL-SK/185)

Presentation and Question Sessions

149. 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 shop and services (real estate agency) 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) one public comment raising objection to the application mainly on traffic and fire safety grounds was received during the first three weeks of the statutory publication period. The commenter considered that the development would reduce the width of the existing local track/emergency vehicular access (EVA) making it difficult for fire trucks to enter; the application site, which was by the side of Kam Sheung Road, should be retained for future expansion of the said road; and the development would generate adverse traffic impact as it involved large vehicles and additional traffic/pedestrian flow; 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. With regard to the public comment that the applied use would involve large vehicles and had adverse traffic impact on the area, the concerned department including the Commissioner for Transport (C for T) and Director of Fire Services had no adverse comment on these applications.

150. Members had no question on the application.

Deliberation Session

151. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2016, on the terms of the application as submitted to the TPB (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) the existing boundary fence on the application site should be maintained at all times during the planning approval period;
- (c) the existing trees and landscape plantings on the application site should be maintained at all times during the planning approval period;
- (d) the existing drainage facilities implemented under Application No. A/YL-SK/152 on the application site should be maintained at all times during the planning approval period;
- (e) the submission of a record of the existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.8.2013;
- (f) 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 3.8.2013;

- (g) in relation to (f) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2013;
- (h) 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;
- (i) if any of the above planning conditions (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions. Sympathetic consideration might not be given by the Committee to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the application site comprised an Old Schedule Agricultural Lot held under Block Government Lease with restriction that no structures were allowed to be erected without prior approval of the

Government. No permission had been given for erection of the structures mentioned in the application. Should the application be approved, the lot owner would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the access route of the application site to and from Kam Sheung Road would require traversing through a short informal track on open government land (GL) and other private lots. His office provided no maintenance work for the GL involved and did not guarantee right-of-way;

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department was/should not be responsible for maintenance of the existing vehicular access connecting the application site and Kam Sheung Road;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the “Drainage Implementation Plan” submitted under the application that the size of the existing u-channel (500mm) at the upstream was greater than the size of the existing drain pipe (200mm) at the downstream. The applicant should check the size of the existing u-channel on site and amend the plan accordingly;
- (g) 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 that, for open storages, open sheds, or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. The applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Clarification should also be made on whether the temporary structures were under the regime of the Buildings Ordinance (Cap. 123). Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of BD (not being New Territories Exempted Houses), they were unauthorized under the 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 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. 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

- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier 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 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/313 Temporary Place of Entertainment (War Game Playground) for a Period of 3 Years in “Green Belt” and “Recreation” zones, Lots 1589 (Part), 1591 (Part), 1592, 1594 (Part), 1596 (Part), 1597, 1598, 1600 S.A (Part) and 1600 S.B (Part) in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/313)

Presentation and Question Sessions

153. 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 place of entertainment (war game playground) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper and were highlighted below:
 - (i) the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) did not support the application. He advised that the western and eastern portions of the site under application comprised Old Schedule agriculture lots (“the Lots”) and 19465m² of government land (GL), and no approval was given for the occupation of GL. His office had taken land control action against the illegal occupation of GL and issued warning letters against the erection of structures on the sites;
 - (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) was concerned about the potential impact of the applied use on the surrounding habitats. In this regard, the applicant indicated that proposed fencing would be erected along the southern boundary of the eastern portion of the site, but no fencing would be provided along the northern boundary of the site. As there was no information in the submission to demonstrate that the proposed measures would be adequate to confine the war game activities within the site and avoid adverse impact on the surrounding areas, the DAFC had reservation on the application;
 - (iii) the Director of Environmental Protection (DEP) considered the applied use as environmentally undesirable. It was identified that there were dwelling units in the vicinity of the site. The applied use, which involved human chatting, shouting and probably the use of audio

amplification system, might generate noise nuisance to the nearby sensitive receivers. In addition, continuous shooting noise would be very disturbing in the existing silent environment. However, he advised that the site was not subject of any environmental complaint in the past 3 years;

(iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. Approval conditions of the previous application including implementation of landscape and tree preservation proposals were not complied with and the application was subsequently revoked. In general, surrounding areas of the site were of a rural character which was green, tranquil and natural. Thus, the noisy war games on the site with scrap vehicles, tires, oil cans, mounds and ditches were considered not compatible with the surrounding placid environment and the existing natural landscape character. Adverse impact on the landscape quality was anticipated as war game activities were likely to damage existing vegetation cover and compact soil, and thus intensify the exposure of soil prone to erosion. All these would inevitably lead to the degradation of landscape quality. Moreover, if approval to this application was given by the Board, it would set an undesirable precedent for future cases of similar nature in the area that would further deteriorate the landscape quality there;

(d) during the first three weeks of the statutory publication period, one public comment was received. This public comment objected to the application mainly on the grounds that the proposed development was within country park area and would generate environmental and noise pollution to the nearby areas; the *fung shui* of Tai Tong Tsuen would be destroyed; and part of the site involved government land and there was no reason why it should be for commercial use; 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 temporary war game playground was situated in a woodland setting on the hillside. The majority of the site (about 62%) was within an area zoned “Green Belt” (“GB”) and the remaining portion (about 38%) was within an area zoned “Recreation” (“REC”) on the outline zoning plan. The “GB” portion of the site was extensive (about 1.53 ha) and the trampling, running and shooting actions of the war game participants would likely create much disturbance to the tranquil natural environment. In this regard, the war game playground could not be considered as a passive recreational outlet and there were no exceptional circumstances or strong planning justifications under the current application to warrant a departure from the planning intention of the “GB” zone, even on a temporary basis;
- (ii) according to the Town Planning Board Guidelines for Application for Development within “GB” Zone (TPB PG-No. 10), any proposed development in the “GB” zone should not affect the existing natural landscape and cause any adverse visual impact on the surrounding environment. In this regard, CTP/UD&L of PlanD considered that the development was not totally compatible with the surrounding placid environment and the existing landscape character and he had reservation on the application from landscape point of view. Furthermore, the applicant failed to demonstrate how the existing trees within the site would be protected from the war game activities. As such, the proposed development was considered not complying with the TPB PG-No.10;
- (iii) the site was the subject of a previously approved application (No. A/YL-TT/262) for the same temporary war game playground use covering a much smaller site area, with only a minor portion (about 17%) within the “GB” zone and the remaining portion (about 83%) within the “REC” zone. Hence, under this previously approved scheme, the encroachment on the “GB” zone was minor. However,

the planning permission was revoked on 25.3.2012 due to non-compliance with approval conditions. Compared with the last application, there had been changes in the site and planning circumstances. As the war game playground involved an expansion of the eastern portion of the site which resulted in extensive encroachment on the “GB” zone, approval of the application would set an undesirable precedent and encourage proliferation of war game activities into the same “GB” zone; and

- (iv) relevant Government departments, including DAFC and DLO/YL of LandsD, had reservation on or did not support the application and DEP considered that the applied use was environmentally undesirable. Moreover, the applicant had failed to comply with the approval conditions under Application No. A/YL-TT/262 which required the provision of protective boundary fence and guiding net on the site, and the planning approval had subsequently been revoked. In this regard, there was doubt on the applicant’s sincerity to mitigate and prevent further degradation of the surrounding wooded area due to the operation of the site. There was no information in the submission to demonstrate that the proposed development would not have adverse environmental impacts on the surrounding area.

154. A Member asked whether planning permission was required if the entire war game playground was within the “REC” zone. Ms. Bonita Ho answered that a ‘war game playground’ was regarded as a ‘Place of Entertainment’ use. According to the Notes of “REC” zone in the Tai Tong Outline Zoning Plan, ‘Place of Entertainment’ use was a Column 2 use and planning permission was required.

Deliberation Session

155. 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 development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was general presumption against development within the zone. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development did not comply with the Town Planning Board (TPB) Guidelines for Application for Development within “GB” Zone Under Section 16 of the Town Planning Ordinance (TPB PG-No. 10). There was insufficient information in the submission to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set on undesirable precedent for similar applications within the “GB” zone and the cumulative effect of which would result in a general degradation of the environment and landscape quality of the area.

Agenda Item 53

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/634 Temporary Open Storage of Construction Machinery, Construction Materials and Recyclable Materials including Paper, Plastic and Metal with Ancillary Site Office for a Period of 3 Years in “Undetermined” zone, Lots 2361 (Part), 2362 (Part), 2363 (Part), 2364 (Part), 2365 (Part), 2366 RP (Part), 2370, 2371, 2372 (Part), 2374 (Part) in D.D. 120, and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/634)

Presentation and Question Sessions

156. 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, construction materials and recyclable materials including paper, plastic and metal with ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the south, southeast and in the vicinity of the site with the nearest being about 15m to its south and environmental nuisance was expected. However, he advised that 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 the DEP's comments, there was no environmental complaint pertaining to the site received in the past three years. To address DEP's concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours, prohibiting the storage and handling of used electrical appliances and electronic waste and the carrying out of workshop activities on-site, and restricting the use of goods vehicles exceeding 24 tonnes including container tractors/trailers were recommended.

157. Members had no question on the application.

Deliberation Session

158. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2016, 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 7:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and on public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;
- (d) no repairing, dismantling, maintenance, cleaning and any other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (f) the existing drainage facilities implemented under Application No. A/YL-TYST/294 on the application site should be maintained at all times during the planning approval period;

- (g) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.11.2013;
- (h) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.11.2013;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.2.2014;
- (j) the provision of fire extinguisher(s) together with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.6.2013;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2013;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.2.2014;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development including parking of container vehicles (tractors and trailers) which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) 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 site comprised government land (GL) and 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. No permission had been given for erection of the structures mentioned in the application. For the GL within the site, there was no approval given for the occupation of the GL. Should the application be approved, the lot owners concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Furthermore, the applicant had to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL

portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, access to the site required traversing through private lot and/or government land. His office provided no maintenance work for the GL involved and did not guarantee right-of-way;

- (f) to note the comments of the Commissioner of Transport that sufficient space should be provided within the site for manoeuvring of vehicles. In addition, no vehicle queuing and no reverse movement of vehicles on public road were allowed. The land status of the access road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant management and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (h) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the numbers, locations and species of the existing trees as shown on the proposed landscape and tree preservation plan did not tally with his previous compliance inspection record for the previously approved application (No. A/YL-TYST/466);

- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there were debris together with vegetation observed at the drainage facilities within the site during a recent site inspection. In order not to obstruct overland flow and/or cause adverse drainage impact to the adjacent area, the applicant should clear the debris with vegetation at the drainage facilities;

- (k) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant 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. 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;

- (l) 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 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 converted containers and open sheds) 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. 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

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

Agenda Item 54

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/636 Proposed Minor Relaxation of Building Height Restriction from 15m to 17m for Permitted Industrial Use (not elsewhere specified) in “Industrial” zone, Lot 1996 in D.D. 121, 11 San Hi Tsuen Street, Yuen Long
(RNTPC Paper No. A/YL-TYST/636)

160. The Secretary reported that on 29.4.2013, the applicant's representative requested for a deferment of the consideration of the application for four weeks in order to allow time for the applicant to address the comments from the Transport Department.

161. 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 four weeks 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 55

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/637 Temporary Warehouse for Storage of Non-Staple Food for a Period of 3 Years in "Undetermined" zone, Lots 1220 RP (Part), 1221 RP (Part) and 1223 RP (Part) in D.D. 119 and Adjoining Government Land, Kung Um Road, Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-TYST/637)

Presentation and Question Sessions

162. 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 for storage of non-staple food for a period of three years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses in the vicinity of the site with the nearest located about 30m to the northeast and environmental nuisance was expected. However, he advised that 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 11 of the Paper. Regarding the DEP's comments, there was no environmental complaint pertaining to the site received in the past three years. To address DEP's concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and restricting the use of goods vehicles exceeding 24 tonnes including container tractors/trailers were recommended.

163. Members had no question on the application.

Deliberation Session

164. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.5.2016, 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 on public holidays, as proposed by the

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

- (c) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to enter/exit the application site at any time during the planning approval period;
- (d) no vehicle queuing and no reverse movement of vehicles on Kung Um Road were allowed at all times during the planning approval period;
- (e) the drainage facilities implemented under Application No. A/YL-TYST/505 on the site should be maintained at all time during the planning approval period;
- (f) the submission of a record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.8.2013;
- (g) the submission of run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 3.8.2013;
- (h) in relation to (g) above, the provision of 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 3.11.2013;
- (i) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.8.2013;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.11.2013;

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

165. 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 situation on the site and the progress on compliance with approval conditions. Sympathetic consideration might not be given by the Committee to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the application 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. No approval had been given for the specified

structures as warehouse, rain shelter and office for storage of non-staple food purposes. Besides, no permission had been given for occupation of the adjoining government land (GL). Should the application be approved, the lot owners concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Furthermore, the applicant had to either exclude the GL portion from the site or apply for a formal approval to the actual occupation of the GL portion. 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 from Kung Um Road via a short stretch of GL. His office provided no maintenance work for this stretch of government land and did not guarantee any right-of-way to the site;

- (e) to note the comments of the Commissioner of Transport that sufficient space should be provided within the application site for manoeuvring of vehicles;
- (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 application site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the application 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 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 IV of the Paper. 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;

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

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

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

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

Agenda Item 56

Any Other Business

166. There being no other business, the meeting closed at 4:55 p.m.