

TOWN PLANNING BOARD

**Minutes of 489th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 7.6.2013**

Present

Director of Planning
Mr. K.K. Ling

Chairman

Professor Edwin H.W. Chan

Ms. Anita W.T. Ma

Dr. W.K. Yau

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. Janice W.M. Lai

Ms. Christina M. Lee

Mr. H.F. Leung

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

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

Assistant Director/New Territories,
Lands Department
Mr. H. Moyung

Deputy Director of Planning/District
Mr. Wilson Y.L. So

Secretary

Absent with Apologies

Mr. Timothy K.W. Ma (Vice-chairman)

Mr. Rock C.N. Chen

Dr. C.P. Lau

Professor K.C. Chau

Mr. F.C. Chan

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

In Attendance

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

Chief Town Planner/Town Planning Board
Ms. Donna Y.P. Tam

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

Agenda Item 1

Confirmation of the Draft Minutes of the 488th RNTPC Meeting held on 24.5.2013

[Open Meeting]

1. The draft minutes of the 488th RNTPC meeting held on 24.5.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

[Ms. Jacinta K.C. Woo, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), Mr. C.T. Lau, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-TK/12 Application for Amendment to the Approved Ting Kok Outline Zoning Plan No. S/NE-TK/17, to rezone the application site from “Agriculture” and “Green Belt” to “Village Type Development”, Lots 652 S.D RP, S.E & RP and 653 S.A RP in D.D. 15, Shan Liu, Tai Po (RNTPC Paper No. Y/NE-TK/12)

Presentation and Question Sessions

3. The Secretary reported that on 5.6.2013, a letter was received from the representative of the applicant, Mr. Leung Pak Keung, providing supplementary information on the application. In the letter, Mr. Leung provided responses to the minutes of the Tai Po District Council (TPDC) and the Tai Po Rural Committee (TPRC) meetings on the discussions on the proposed extension of the “Village Type Development” (“V”) zone of Shan Liu, which were held on 13.3.2013 and 12.3.2013 respectively. Mr. Leung also stated in his letter that he would not attend the hearing for the subject rezoning application. A copy of Mr. Leung’s letter was tabled for Members’ consideration.

4. Mr. C.T. Lau, STP/STN, then presented the application with the aid of a powerpoint presentation and made the following main points :

Background

(a) the applicant proposed to rezone the application site from "Agriculture"

("AGR") and "Green Belt" ("GB") to " V" on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17 for one proposed Small House;

- (b) the applicant claimed that the proposed Small House could be easily connected to the public sewerage system, which was being constructed by the Drainage Services Department, without passing through any private lots. The site was flat and abutting the local road. It was less than 3m away from another Small House which was approved under Application No. A/NE-TK/349 and had similar site circumstances as the current application. The application site was entirely within the "V" zone boundary proposed by the Planning Department (PlanD) in September 1998;

The Application Site

- (c) the site had an area of about 102.7m². It was a piece of abandoned agricultural land sparsely covered with weeds. It was located outside the village 'environs' ('VE') of any recognized villages and was accessible by a local track leading to Shan Liu Road off Ting Kok Road;

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

Departmental Comments

- (d) the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) had no comment on the rezoning application but advised that as the site fell entirely outside the "V" zone and the 'VE' of Shan Liu, any Small House application at the subject site would not be supported;
- (e) the Chief Engineer/ Development (2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the site was within the lower indirect Water Gathering Ground (WGG) and less than 30m from the nearest stream. The site also fell outside the "V" zone and the 'VE' of Shan Liu;

- (f) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had reservation on the proposed amendment from flood control and prevention point of view as the performance of downstream drainage system might not be enough to cater for additional runoff from the site. The applicant should submit a Drainage Impact Assessment including flood relief mitigation measures in support of the application for consideration by the DSD;
- (g) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site fell largely within the “AGR” zone which had high potential for agricultural rehabilitation;
- (h) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning point of view. Approval of the rezoning application would likely set an undesirable precedent to other similar applications leading to more piecemeal patches of land being rezoned for Small House development. Also, no landscape proposal had been included in the submission to demonstrate that adequate planting would be provided as mitigation measures;

[Dr. Wilton W.T. Fok arrived to join the meeting at this point.]

Public Comments

- (i) three public comments were received from Designing Hong Kong Limited, WWF Hong Kong and Kadoorie Farm & Botanic Garden Corporation. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intentions of “AGR” and “GB” zones and did not comply with the TPB Guidelines No. 10 for Application for Development within “GB” zone under section 16 of Town Planning Ordinance; the site was located within the WGG and any

effluent/runoff from the proposed development would affect the WGG; rezoning of the site would cause fragmentation effect on the current “AGR” and “GB” zone; “destroy first, develop later” approach was adopted; the approval of the application would set an undesirable precedent for other similar applications; and the site was not suitable for Small House development as there was no sufficient infrastructure, amenities, access and parking facilities in the area; and

[Professor Edwin H.W. Chan arrived to join the meeting at this point.]

PlanD's Views

- (j) PlanD did not support the application based on the assessment set out in paragraph 11 of the Paper and were summarized as follows:
 - (i) PlanD had undertaken a land use review of Shan Liu (the Review) and submitted a proposal to expand the “V” zone of Shan Liu. Under the Review, the subject site and its immediate surrounding areas were considered appropriate to be retained as “AGR” and “GB” zones having regard to the existing rural character in the area. The proposed “V” zone extension was agreed by the Committee in the meeting on 7.12.2012;
 - (ii) the Review was submitted to the TPDC and the TPRC for consultation on 13.3.2013 and 12.3.2013 respectively. The TPDC and TPRC had made proposal to further extend the “V” zone. The further extension proposal was still being considered by relevant government departments and the result had not yet been submitted to the Committee for consideration. Approval of the subject rezoning application was considered premature and not appropriate;
 - (iii) the subject site was about 75m and 40m away from the existing "V" zone and the proposed "V" zone extension under the Review. The approval of the rezoning application would result in piecemeal and

isolated extension of the "V" zone;

- (iv) whilst the proposed Small House development was not incompatible with the surrounding areas, the site fell outside the 'VE' of any recognized villages and the applicant failed to provide strong planning justifications in the submission to support the rezoning of the site from "AGR" and "GB" to "V". As there was no similar rezoning application approved in the vicinity, the approval of the application would set an undesirable precedent for other similar applications resulting in cumulative impacts on traffic, environment and infrastructure facilities in the area;
- (v) although land within the "V" zone extension could not fully meet the Small House demand from the village, undeveloped lot within the proposed "V" zone should be developed first before considering any further extension;
- (vi) the CE/Dev(2), WSD objected to the application as the site was within the lower indirect WGG and less than 30m from the nearest stream. The DAFC did not support the application from agricultural point of view as the site had high potential for agricultural rehabilitation. The CE/MN, DSD had reservation from flood control and prevention point of view. The CTP/UD&L, PlanD also had reservation from landscape planning point of view. There was no information in the submission to demonstrate that the proposed rezoning would have no adverse environmental, agricultural, landscape, sewerage and drainage impacts on the surrounding areas; and
- (vii) regarding the public comments that the application site might involve in 'destroy first, build later' activity, there was no active enforcement case involved in the area.

5. Regarding the letter from the representative of the applicant dated 5.6.2013 tabled at the meeting, Mr. C.T. Lau said that the counter proposal put forward by the TPRC for

further extension of the “V” zone of Shan Liu was being considered by relevant government departments. The proposed amendments to the Ting Kok OZP to extend the “V” zone of Shan Liu taking into account TPDC/TPRC’s views would be submitted to the Committee for consideration in due course. Regarding the concerns on Small House developments within the indirect WGG raised in the letter, according to the advice from WSD, any proposed development in Shan Liu would need to be connected to the existing or planned sewerage system in the area. WSD would not accept any “V” zone extension proposal that would encroach onto the lower indirect WGG which had a higher risk of polluting the water resources and should be subject to more stringent development restrictions. For any Small House application within the lower indirect WGG, it would be assessed on a case by case basis.

6. In response to the Chairman, Mr. C. T. Lau said that the TPRC proposed to further extend the “V” zone of Shan Liu to cover the area to the further southeast as shown on Plan Z-5 of the Paper. The proposal was still being considered by relevant government departments. Ms. Jacinta Woo supplemented that the further "V" zone extension proposed by the TPRC covered the applicant site which was located outside the 'VE' of Shan Liu.

7. Ms. Jacinta Woo continued to say that WSD did not support any extension of "V" zone onto area within the lower indirect WGG. However, for individual Small House application falling within the lower indirect WGG, if the Small House site fell within 'VE' and sufficient information could be provided by the applicant to demonstrate that the proposed Small House could be connected to the planned sewerage system, the application would be considered on a case-by-case basis.

8. In response to the Chairman’s enquiry, Ms. Jacinta Woo said that application for Small House grant outside the 'VE' would normally not be accepted by the Lands Department (LandsD). However, if the Committee agreed to the subject application for amendment under s.12A and the site was rezoned to "V", LandsD would consider application for Small House grant at the site.

9. Mr. H. Moyung said that DLO/TP, LandsD had no comment on the application. He also informed the Committee that the two proposed Letters of Approval for agricultural use as mentioned in paragraph 9.1.1 (c) of the Paper no longer existed.

[Ms. Jacinta Woo and Mr. C.T. Lau left the meeting at this point]

Deliberation Session

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

- (a) the site fell within the lower indirect water gathering ground and was less than 30m away from the nearest stream. The proposed rezoning from “Agriculture” (“AGR”) and “Green Belt” (“GB”) to “Village Type Development” (“V”) was considered not appropriate in that the proposed development would have adverse impacts on the water quality of the area. The applicant failed to provide strong planning justifications in the submission to support the rezoning of the site from “AGR” and “GB” to “V”;
- (b) the site had high potential for agricultural rehabilitation. The current “AGR” and “GB” zonings to safeguard good agricultural land were considered appropriate for the site; and
- (c) the site fell outside the village ‘environs’ of any recognized villages. The proposal would result in piecemeal and isolated extension of the “V” zone and set an undesirable precedent for other similar applications in the area. Land currently available within the existing or the proposed “V” zone should be developed first before considering further expansion.

[Mr. C.T. Lau, Mr. Otto K.C. Chan 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 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/92 Proposed Shop and Services (Retail Shop), School (Tutorial School) and Office (District Councillor's Office) in "Residential (Group B) 2" zone, Three Ground Floor Premises, Wing D of Block 1 and Wing B of Block 1 and Block 2, Yan On Estate, Ma On Shan, Area 86B
(RNTPC Paper No. A/MOS/92)

Presentation and Question Sessions

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

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| Mr. K.K. Ling
(the Chairman)
as the Director of Planning | - being a member of the Strategic Planning Committee (SPC) and Building Committee (BC) of HKHA |
| Mr. H. Moyung
as Assistant Director (NT),
Lands Department | - as the Director of Lands who was a member of the HKHA |
| Mr. Frankie Chou
as Chief Engineer (Works),
Home Affairs Department | - being an alternate member for the Director of Home Affairs who was a member of the SPC of HKHA |
| Professor Edwin H.W. Chan | - being a member of the HKHA and the BC of HKHA |
| Ms. Janice W.M. Lai | - having current business dealings with HKHA |
| Mr. H.F. Leung | - having current business dealings with the Housing Department |

Dr. Wilton W.T. Fok - had been a consultant of a feasibility study
(completed in 2009) commissioned by HKHA

12. As the Chairman had declared interest on this item and the Vice-Chairman had tendered an apology for being unable to attend the meeting, Members agreed that the Chairman should stay and continue to chair the meeting out of necessity.

13. Members agreed that as the feasibility study commissioned by the HKHA had already been completed, Dr. Wilton W.T. Fok could be allowed to stay in the meeting. Members also agreed that the interests of Mr. H. Moyung, Professor Edwin H.W. Chan, Ms. Janice W.M. Lai and Mr. H.F. Leung were direct, they should leave the meeting temporarily for this item. Members also noted that Mr. Frankie Chou had tendered an apology for being unable to attend the meeting.

[Mr. H. Moyung, Professor Edwin H.W. Chan, Ms. Janice W.M. Lai and Mr. H.F. Leung left the meeting temporarily at this point.]

14. 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) proposed shop and services (retail shop), school (tutorial school) and office (district councillor's office);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) 30 public comments were received during the first three weeks of the statutory publication period. One of the public comments was submitted by a Sha Tin District Councillor, which was based on the questionnaires collected from 41 residents of Yan On Estate regarding the use of the

subject premises. The other 29 public comments received were also in the form of questionnaires. The public comments indicated that there was a shortage of retail facilities in Yan On Estate; and it was not desirable to have two District Councillor's offices in one estate. No local objection/view was received by the District Officer/Shu Tin; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Regarding the public comments on the local demand for retail facilities, the total retail gross floor area in Yan On Estate, if the subject retail shop/tutorial school was approved by the Committee, would be 465 m², which was far higher than the 230 m² proposed during planning stage. Housing Department (HD) would review the need proactively to explore further opportunities to increase the provision of the retail facilities in Yan On Estate. HD also advised that it was their established practice to provide suitable premises in public housing estates for use as ward offices by Legislative Council Members and District Council Members.

15. Members had no question on the application.

Deliberation Session

16. 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 7.6.2017, 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 condition :

- the submission and implementation of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

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

proposed school/tutorial room should be fitted with window glazing and air-conditioning to minimize the noise nuisance. Furthermore, wastewater generated from the shops and services should be connected to foul sewer; and

- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that no works under this application should affect the existing water mains and a Waterworks Reserve should be added along the existing water mains within the application site to protect the water mains.

[Mr. H. Moyung, Professor Edwin H.W. Chan, Ms. Janice W.M. Lai and Mr. H.F. Leung returned to join the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/819 House (Staff Quarters) in “Village Type Development” zone, Lot 391
s.F ss.2 (Part) in D.D. 189, Ha Keng Hau, Sha Tin
(RNTPC Paper No. A/ST/819)

Presentation and Question Sessions

18. 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) house (staff quarters);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The District Lands Officer/Shan Tin, Lands Department (DLO/ST, LandsD) objected to the application. The

application site was situated within a piece of agricultural land (Lot No. 391 s.F ss.2 in DD 189) governed by the Block Government Lease. According to the lease condition, structure was not allowed on the lot unless approval was given by DLO/ST. A Short Term Waiver (STW) was granted in 1977 for godown purpose with permitted structures on the subject lot. However, the height and roofed-over area of the existing structures had breached the waiver conditions. The lot owner had applied for regularization and it was being considered by DLO/ST. The site fell within the common village 'environs' ('VE') of three Recognized Villages namely Sheung Keng Hau, Ha Keng Hau and Hin Tin Village. According to existing land policy, LandsD would normally not consider land exchange of agricultural lot for non-small house development within the 'VE'. Other concerned departments had no objection to or adverse comment on the application;

- (d) one public comment from the Village Representative (VR) of Ha Keng Hau was received during the first three weeks of the statutory publication period. The VR objected to the application mainly on the grounds that the application site fell within the 'VE' of Ha Keng Hau and was in close proximity to nearby residential dwellings. The proposed staff quarters would cause disruption to existing harmony of the neighbourhood. The approval of the application would set an undesirable precedent. No local objection/view was received by the District Officer/Sha Tin; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in paragraph 10 of the Paper. The application site was located within the village proper of Ha Keng Hau. The proposed conversion of the existing two-storey structure into a house for staff quarters purpose was not incompatible with the surrounding village environment. However, the application site fell within the "Village Type Development" ("V") zone. It was the established practice of the Board that sympathetic consideration might only be given to 'House' development on site with building entitlement under the respective lease. According to DLO/ST, the subject lot was an

agricultural lot and no structure was allowed under lease. The existing structure was permitted for godown purpose in the form of a STW. In this case, there was insufficient information in the submission to justify that sympathetic consideration could be given to the application. In this connection, DLO/ST objected to the application as granting land for non-Small House development within the 'VE' was not in line with the existing land policy. The approval of the application would set an undesirable precedent for similar applications within the "V" zone. The cumulative effect of approving such similar applications would reduce the land available for Small House development. There was also a public comment objecting to the application.

19. In response to the Chairman's query, Mr. Anthony K.O. Luk said that there was no information in the submission on the nature of the educational services currently being operated by the applicant.

20. A Member enquired if the current godown use of the site was an existing use. In response, Mr. Anthony K.O. Luk said that STW for godown purpose at the site was granted in 1977 after the first publication of the Sha Tin Outline Zoning Plan (OZP) in 1966. In this regard, the current godown use of the site could not be regarded as an "existing use" under the Notes of the OZP. In response to the same Member's question, Mr. Luk said that under the Town Planning Ordinance, the Planning Authority had no enforcement power against unauthorized development within an area which was not previously covered by a Development Permission Area (DPA) Plan. As the subject area was previously not covered by a DPA plan, no enforcement action could be under taken by the Planning Authority.

21. In response to another Member's query, Mr. Anthony K.O. Luk stated that the application was not supported by PlanD as the site fell on an agricultural lot and the existing godown was operated under a STW. It was the established practice of the Board in considering applications within "V" zone that sympathetic consideration would only be given if the site had building entitlement under the lease. In this regard, sympathetic consideration should not be given to the subject application.

22. A Member said that while he agreed that there was no justification to support the subject application, it was noted that the proposed quarter development was a residential use and was considered not incompatible with the village development. The Member asked if sympathetic consideration might be given if there was already an existing house at the application site.

23. As requested by the Chairman, the Secretary said that the subject site was zoned “V” on the Sha Tin OZP, the planning intention of which was to provide land for village type development. Although the application was for staff quarters development which was residential in nature, the subject application was not in line with the planning intention of the “V” zone which was primarily intended for development of Small Houses by indigenous villagers. In considering application for non-village type development within the “V” zone, sympathetic consideration might be given by the Board if the site had building status. However, the subject site was an agricultural lot and the existing godown was being operated under a STW. According to the Board’s established practice, no sympathetic consideration would be given to the proposed development.

24. Having noted the circumstances pertaining to the subject application, a Member said that the reason for rejection as suggested in paragraph 11.1(a) of the Paper should reflect Members’ consideration of the subject application. Members agreed.

25. Members then went through the reasons for rejecting the application as stated in paragraph 11.1 of the Paper and agreed that they should be suitably amended to reflect Members’ views as expressed at the meeting. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) the proposed development was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. Given that the application was for non-village type development and the site had no building entitlement, there was no strong justification in the submission for

a departure from such planning intention; and

- (b) the approval of the application would set an undesirable precedent for similar applications with the “V” zone. The cumulative effect of approving such similar applications would reduce the land available for Small House development.

[Mr. Anthony K.O. Luk left the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting]

A/ST/820 School (Kindergarten) in “Residential (Group B)” zone, Podium Level,
Pictorial Garden Phase II, 23 On King Street, Sha Tin
(RNTPC Paper No. A/ST/820)

26. The Secretary reported that on 22.5.2013 and 24.5.2013, the applicant requested for a deferment of the consideration of the application until 5.7.2013 in order to allow time to address the public comments against the application, in particular the traffic concerns.

27. 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/NE-KLH/452 Proposed House (New Territories Exempted House - Small House) in
“Agriculture”, “Village Type Development” and “Green Belt” zones,
Lot 30 S.D in D.D. 7, Tai Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/452)

Presentation and Question Sessions

28. 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 (NTEH) - Small House);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 10 and Appendix V 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 set out in paragraph 12 of the Paper. The site was located at the fringe of an existing village and village houses could be found to its immediate north. The proposed development was considered not incompatible with the surrounding rural environment. While the application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories

(the Interim Criteria) as there was sufficient land available within the “V” zone to meet the future Small House demand of the village, sympathetic consideration might be given to the application as a previous application (No. A/NE-KLH/331) for proposed Small House submitted by the same applicant was approved with conditions by the Committee on 15.4.2005. The construction works of the proposed Small House could not be commenced pending the completion of the public sewerage system in the area. As advised by the Chief Engineer/Mainland North and Chief Engineer/Consultants Management, Drainage Services Department (CE/MN and CE/CM, DSD), the public sewerage system in the area would be completed in around 2016/17. There had been no change in planning circumstances since the planning permission granted in 2005.

29. A Member noted that there was enough land in the "V" zone to satisfy the Small House demand and the subject “V” zone was already larger than the village ‘environs’ (‘VE’) of the concerned village. This Member asked if there was justification to approve the application. In response, Mr. C.T. Lau said that the application site was the subject of a previous application for the same use approved by the Committee with conditions in 2005. As land within the "V" zone for the village was considered not enough to satisfy the Small House demand at that time, more than 50% of the footprint of the proposed Small House fell within the “V” zone and the Small House could be connected to the planned sewerage system, the previous application was approved. Implementation of the proposed Small House was however affected by the programme of the works for the public sewerage system in the area, and the previously granted planning permission had lapsed. This was considered as special circumstances that sympathetic consideration might be given by the Committee.

Deliberation Session

30. 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 7.6.2017, 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 facilities 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 occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the applicant was reminded to provide mitigation measures at his own cost against any nuisance (e.g. noise, dust, etc.) from the public roads, and to assess the impact on the proposed house due to the Tolo Highway/Fanling Highway Stage 2 works and implement necessary measures;
- (b) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Consultants Management, Drainage Services Department that there was no public drain in the vicinity of the site. The applicant was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant 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. Nevertheless, public sewerage connection would be provided near the proposed house when the proposed village sewerage works under the project “North District Sewerage, Stage 2 Phase 1” was completed in around 2016/17. The sewer alignment might be fine-tuned during the

course of construction to suit the actual site condition. The applicant should seek consent and construct a private sewer via Lot 30 S.C for connection to manhole TH700_30;

- (c) to note the comments of the Director of Environmental Protection that the proposed Small House should be connected to the future public sewer when it was available. The septic tank and soakaway system or the future sewerage connection point(s) should be within the application site and within the “Village Type Development” zone. Adequate land would be reserved for the future sewer connection work;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as mentioned in paragraph 5 at Appendix V of the RNTPC Paper;
- (e) to note comments of the Director of Fire Services that the applicant was reminded to observe the ‘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
- (f) 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 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/473 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” and “Village Type Development” zones, Lot 949 RP in
 D.D. 8, Ping Long Village, Tai Po
 (RNTPC Paper No. A/NE-LT/473)

Presentation and Question Sessions

32. 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 (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site had high potential for rehabilitation of agricultural activities. Other concerned departments had no objection to or adverse comment on the application;
- (d) one public comment was received from the Designing Hong Kong Limited during the first three weeks of the statutory publication period. It raised objection to the application mainly on the grounds that the site was partly zoned “Agriculture” (“AGR”). 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. Although DAFC did not support the application as the site had high potential of rehabilitation for agricultural activities, the Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application from the landscape planning point of view as the proposed Small House was generally compatible with the surrounding rural environment and there was no significant vegetation within the site. Regarding the public comment which objected to the application, it was considered that the proposed Small Houses was generally in line with the Interim Criteria and concerned government departments had no adverse comments on the application.

33. Members had no question on the application.

Deliberation Session

34. 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 7.6.2017, 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) submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) 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) provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) to note the comments of the Director of Environmental Protection that construction of the proposed house should not be commenced before the completion of the planned sewerage system; adequate land should be reserved for the future sewer connection work; the sewerage connection points should be within the site and within the “Village Type Development” (“V”) zone; and the applicant should connect the proposed development to the future public sewer at his own cost;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should limit all site works required within the application site boundary and avoid affecting the tree groups along Lam Kam Road;
- (c) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Project Management, Drainage Services Department (DSD) that:
 - (i) public stormwater drain was not available for connection in the vicinity of the site. Any proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicant at his own expense. The applicant/owner was required to rectify the drainage system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system; and
 - (ii) the village sewerage works in Ping Long Village started in October 2012, for completion in mid 2016 tentatively subject to the land acquisition progress. The proposed development was located within the extended “V” zone where no existing public sewerage system connection was available now. Public sewers would be laid to the locations near to the proposed development under DSD’s current project scheme. Theoretically, the applicant could extend his sewer

via other private/government lands to the proposed public sewers by himself if he would like to discharge his sewage into the public sewerage system. However, the above information was preliminary and would be subject to revision due to actual site situation;

- (d) to note the comments of the Director of Fire Services that the applicant should observe the ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the following measures:
 - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structures; and
 - (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors

when carrying out works in the vicinity of the electricity supply lines;

- (f) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make necessary submissions to the LandsD 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 applicant should submit site formation plans to the Buildings Department in accordance with the provisions 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 applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Items 9 and 10

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/443 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Lots 554 S.A and 561 S.A in D.D. 28, Tai Mei Tuk,
Tai Po

(RNTPC Paper No. A/NE-TK/443 and 444)

A/NE-TK/444 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Lots 554 RP and 561 RP in D.D. 28, Tai Mei Tuk,
Tai Po

(RNTPC Paper No. A/NE-TK/443 and 444)

Presentation and Question Sessions

36. 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 house (New Territories Exempted House (NTEH) - Small House) under each of Application No. A/NE-TK/443 and 444;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the applications as the application sites fell wholly outside the village 'environ' ('VE') of Lung Mei/Wong Chuk Tsuen and Tai Mei Tuk. The Director of Environmental Protection (DEP) did not support the applications and raised concerns on the potential water quality impact on the nearby Lung Mei area if connection to the planned sewerage system was not feasible. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the applications from landscape planning point of view. The sites were currently covered by vegetation. Although there was no existing tree within the sites, they were very close to the dense woodland. Site formation for the proposed developments would very likely adversely affect the trees on the edge of the woodland. The subject "GB" zone acted as a significant buffer between two distinctive landscape characters, i.e. the dense undisturbed hillside woodland in Pat Sin Leng Country Park to the north and the village developments to the east and south of the sites. If the applications were approved, they would encourage similar developments extending further towards the edge of dense woodland of the country park and thus inevitably degrade the landscape quality in the area. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as there were active agricultural activities in the vicinity of the sites. Other concerned departments had no objection to or adverse comment on the applications;
- (d) three public comments from the WWF Hong Kong, Kadoorie Farm &

Botanic Garden Corporation and Designing Hong Kong Limited were received during the first three weeks of the statutory publication period. They raised objection to the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “GB” zone and did not comply with the TPB Guidelines; any polluted surface runoff and overflow from septic tank of the proposed developments would affect the water quality in Lung Mei area; construction of the proposed Small Houses and their associated access road would cause adverse landscape impact on the surrounding environment; the sites should be used for farming to safeguard Hong Kong’s food supply; there was a lack of access and parking facilities in the area; and the approval of the applications would set an undesirable precedent causing cumulative impacts on the area. No local objection/view was received by the District Officer/Tai Po; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments as detailed in paragraph 12 of the Paper and summarised as follows:
 - (i) the proposed developments were not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against developments within this zone;
 - (ii) although there was a general shortage of land in meeting the future Small House demand of the Lung Mei/Wong Chuk Tsuen and Tai Mei Tuk Village, the proposed Small Houses did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/ Small House in the New Territories (the Interim Criteria) as the sites were entirely outside the “V” zone and the ‘VE’ of any recognised villages. In this regard, the DLO/TP, LandsD did not support the applications. Approval of the applications would set an undesirable precedent for other similar applications in the area and there

was no exceptional circumstance or strong justification provided by the applicants to merit sympathetic consideration of the applications;

- (iii) the proposed Small Houses were located about 170m away from the planned sewerage system and a number of private lots would be involved for making the sewerage connection. In this regard, the DEP did not support the applications and raised concerns on the potential water quality impact on the nearby Lung Mei area if connection to the planned sewerage system was not feasible. The DAFC and CTP/UD&L of PlanD did not support the applications from agricultural and landscape points of view. There was no information in the submission to demonstrate that the proposed developments would have no adverse sewerage and landscape impacts on the surrounding areas. The proposed Small Houses did not comply with the Interim Criteria and the TPB Guidelines No. 10 for Application for Development within “GB” zone under section 16 of Town Planning Ordinance in that the proposed developments would cause adverse sewerage and landscape impacts on the surrounding areas; and
- (iv) there were public comments raising concerns on the adverse impacts of the proposed developments on the subject “GB” zone.

37. Mr. H. Moyung clarified that Wong Chuk Tsuen was not a recognised village. Hence, the information given in paragraph 12.2 of the Paper regarding the outstanding Small House applications for Lung Mei and Tai Mei Tuk was irrelevant to Wong Chuk Tsuen.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define the limits of

urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;

- (b) the proposed development did not comply with the TPB Guidelines No. 10 for Application for Development within “GB” zone under section 16 of Town Planning Ordinance in that the proposed development would affect the existing natural landscape on the surrounding environment; and
- (c) the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/ Small House in the New Territories in that the site was entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognised villages, and the proposed development would cause adverse sewerage and landscape impacts on the surrounding areas.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/534 Proposed 2 Houses (New Territories Exempted Houses - Small Houses) in “Green Belt” zone, Lot 823 in D.D. 5, San Wai Tsai Village, Tai Po
(RNTPC Paper No. A/TP/534)

Presentation and Question Sessions

39. 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 (NTEH) –

Small Houses);

- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) four public comments from the Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation (KFBGC) and two members of the public were received during the first three weeks of the statutory publication period. The Designing Hong Kong Limited and KFBGC objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone; there was a lack of a proper layout plan and parking spaces in the area; and the construction of the proposed development might cause some negative ecological impacts on the surrounding areas. The members of the public objected to the application on the grounds that there were dangerous slopes in the vicinity and the proposed development would affect the pedestrian access and safety of the squatters nearby; and the proposed development would affect the health of the commenters. 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 12 of the Paper. While there was no existing building on the site, the application site was a building lot with a building land area of 1,200ft². The District Lands Officer/Tai Po, Lands Department advised that the lease conditions of the application site could not be traced. However, based on the legal advice sought, the lease of the application site permitted house development with a built-over area of not exceeding 1,200 ft² and building height of not more than two storeys. In this regard, sympathetic consideration might be given to the application for having exceptional circumstances in that the site had building status under the lease. Although the proposed development was not in line with the planning intention of “GB” zone, it generally complied with the TPB Guidelines No. 10 for

Application for Development within “GB” zone under section 16 of Town Planning Ordinance having regard to the exceptional circumstances mentioned above. The proposed development was also considered compatible with the surrounding developments. Concerned departments had no objection to/ adverse comments on the application.

40. In response to the Chairman's query, Mr. C.T. Lau said that a commenter raised objection to the application on the ground that the construction works involved for the proposed development would have adverse impact on his health. Mr. Lau said that the proposed Small House would only involve general construction works similar to that of other Small House developments.

41. In response to a Member's question on the general presumption against development within the “GB” zone, Mr. C.T. Lau said that as the application site had building status, the application might be given sympathetic consideration for having exceptional circumstance.

42. In response to the same Member's query, Mr. C.T. Lau said that the application site fell entirely within the 'VE' of San Wai Tsai.

Deliberation Session

43. 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 7.6.2017, 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) submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) submission and implementation of a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.

44. The Committee also agreed to advise the applicant of the following :
- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that public stormwater drainage system was not available for connection in the vicinity of the subject lot. The applicants were required to maintain the drainage system properly, to rectify the system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system;
 - (b) to note the comments of the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner, Urban Design and Landscape, Planning Department that the applicants should avoid the impacts on the Camphor tree to the northwest of the site and it should be adequately protected during the construction of the two houses;
 - (c) to note the comments of the Director of Fire Services that the applicants should observe the ‘New Territories Exempted Houses – a Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
 - (d) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicants should be reminded to make necessary submissions to the LandsD to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemptions were not granted, the applicants should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and
 - (e) to note the comments of the Director of Electrical and Mechanical Services that the applicants should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on

the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicants should carry out the following measures:

- (i) prior to establishing any structure within the site, the applicants and/or their contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (ii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicants and their contractors when carrying out works in the vicinity of the electricity supply lines.

[Mr. C.T. Lau, STP/STN left the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/36 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1574 S.C ss1 in D.D. 91, Kai Leng, North
District
(RNTPC Paper No. A/NE-PK/36C)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed House (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. According to the tree assessment report, five large mature trees were proposed to be felled but only one tree would be planted within the application site. It was considered not acceptable from landscape point of view. Other concerned departments had no objection to or adverse comment on the application;
- (d) 27 public comments were received during the statutory public inspection period. One of the comments was submitted by a North District Council member who supported the application. The other comments were submitted by the Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited and the members of the public who expressed concern or objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone; the applicant was not an indigenous villager of Ping Kong Village; the development would cause environmental nuisance and adverse impact on the existing access; and approval of the application would set an undesirable precedent. No local objection/view was received by the District Officer/North; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. To address the concerns of CTP/UD&L, PlanD, an approval condition on the submission and implementation of tree preservation and landscape proposals was recommended. There were public comments received objecting to the application on the loss of agricultural land, environmental pollution, blocking of footpath, water and drainage system and cross-village application encroaching upon the Ping Kong Village Extension Area. In this regard, relevant government departments

consulted had no adverse comment on or no objection to the application. To mitigate any potential impacts, approval conditions and advisory clauses on water and drainage aspects and footpath accessibility were recommended.

46. Members had no question on the application.

Deliberation Session

47. 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 7.6.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of proposal for water mains diversion before the commencement of works to the satisfaction of the Director of Water Supplies or of the TPB; and
- (c) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) the site was in an area where no DSD stormwater drain was available:
 - all existing flow paths as well as the run-off onto and passing

through the site should be intercepted and disposed of via proper discharge points. The applicant should also ensure that no work including any site formation work should be carried out as they might adversely interfere with the free flow condition of the existing drain, channels and watercourse on or in the vicinity of the subject site any time during or after the works;

- surface channels should be provided along the perimeter of the lot to collect all the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. Where walls were erected or kerbs were laid along the boundary of the site, peripheral channels should be provided on both sides of the walls or kerbs with details to be agreed by DSD;
 - the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at their own expense. For drainage works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from the District Lands Officer/North and/or relevant private lot owners; and
- (ii) the site was in an area where no public sewerage connection was available. The Director of Environmental Protection should be consulted regarding the sewerage treatment/disposal aspects of the development and the provision of septic tanks;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
- (i) existing water mains would be affected. The developer(s) should bear the cost of any necessary diversion works affected by the proposed development; and
 - (ii) the application site was located within the flood pumping gathering

ground;

- (c) to note the comments of the Director of Fire Services that the applicant was reminded to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (d) to note the comments of the District Officer (North), Home Affairs Department that the applicant should keep the footpath free for the public access during and after the development while he might re-align the footpath to suit his development. In case the footpath was needed to be closed for the construction works, a temporary footpath must be provided for public use throughout the construction period;
- (e) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department that the applicant should adopt tree protection measures such that the large mature tree would not be affected by the construction works of the proposed Small House; and
- (f) 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 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

49. Mr. Otto K.C. Chan, STP/STN, said that the replacement Page 19 of the Paper was tabled at the meeting for Members’ information. Mr. Chan then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary concrete batching plant with minor relaxation of building height restriction for a period of 3 years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) 183 public comments were received. They were from a North District Council (DC) Member, the residents of Tai Po Tin Village (including 18 comments in 6 different standard letters), members of the public (including 153 comments in 1 standard letter), and a total of 12 comments in individual letters format submitted by Ta Ku Ling Ling Ying Public School, Caritas Nursery School – Ta Kwu Ling, residents of Tai Po Tin and 利庭豪苑, and resident representative (RR) of Tai Po Tin. Further information received on 8.6.2012, 5.10.2012 and 22.1.2013 was published for public inspection and during the three weeks of the statutory public inspection

period, 24 comments were received. They were from a North DC member, Kadoorie Farm and Botanic Garden Corporation, 土地正義聯盟, residents in Ta Kwu Ling, individuals and local residents. The North DC member stated that he had no comments on the application. All other commenters raised objection to the application. Their grounds were summarized as follows:

- (i) the proposed concrete batching plant was located in close proximity to residential uses. It would cause air, water and noise pollution and adversely affect the nearby residents, users of the adjacent open space and GIC facilities such as the Ta Kwu Ling Playground and the Caritas Nursery School, as well as the rural environment;
- (ii) the submitted environmental assessment (EA) had under-estimated the noise impact and the data used in the air quality assessment was incomplete;
- (iii) the proposed 17.4m-high tower would have adverse visual impact which could not be addressed by a boundary fence;
- (iv) the local drains and rivers would be blocked or filled by construction materials which would cause flooding problem and induce pollutant in the rivers and streams;
- (v) Ping Che Road would not be able to cope with the additional traffic generated by the concrete batching plant and the use of heavy vehicles and concrete mixers would lead to traffic safety problems;
- (vi) there was no need for another concrete batching plant in the area as there had been an existing one within the area since 1990; and
- (vii) the proposed development would destroy the 'fung shui' of the local village in Tai Po Tin;

- (e) the District Officer/North advised that he had consulted the locals on the application and the further information submitted by the applicant. The locals including the members of Ta Kwu Ling District Rural Committee (TKLDRC), the Indigenous Inhabitants Representative (IIR) and Resident Representative (RR) of Tai Po Tin raised objection to the application mainly on the grounds that the proposed development was in close proximity to the residential dwellings which would induce adverse traffic, air, noise, water and environmental impacts;

- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The proposed temporary concrete batching plant was generally in line with the planning intention of the “I(D)” zone which was primarily for industrial uses that could not be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements. The proposed temporary concrete batching plant for three years was considered not incompatible with the surrounding industrial uses in the rural environment. Regarding the public objections against the application mainly on the potential impacts on traffic, environmental, landscape, visual, drainage and sewerage, flooding problem and land use incompatibility, it was noted that the applicant had submitted various technical assessments to support that the proposed concrete batching plant development would not result in any adverse impacts on the surrounding areas. Relevant government departments consulted including the Director of Environmental Protection (DEP), the Commissioner of Transport (C for T), the Chief Highway Engineer/NT East, Highways Department (CHE/NTE, HyD), the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2) of WSD) and the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no adverse comment on or no objection to the application. To address the local concerns on potential impacts to the area, approval conditions on operation days / hours, submission of an action plan including mitigation measures to

prevent flood pumping gathering grounds from being contaminated, submission and implementation of traffic improvement measures / landscape / drainage proposals were recommended. For the safety concerns raised by the commenters, it was noted that the Caritas Nursery School and Caritas Fung Wong Fung Ting Home were located in the “Government, Institution or Community” (“G/IC”) zone on the opposite side of Ping Che Road. It was not anticipated that the proposed development would pose danger to the users of these facilities. For the public concern on ‘fung shui’ aspect, it was outside the planning consideration of the Committee.

50. Noting that the applicant proposed to relax the building height from 13m to 17.4m, representing an increase of about 30% increase, a Member asked if such an extent of relaxation could be considered as minor. In response, Mr. Otto K.C. Chan said that whether the proposed increase in building height was regarded as minor would be a matter of fact and degree. The applicant's proposal was to increase the height of the silos to 17.4m such that the footprint of it could be reduced without affecting the operation of the concrete batching plant. This would allow a greater separation between the proposed concrete batching plant and the surrounding sensitive receivers. CTP/UD&L, PlanD had no adverse comment on the proposed building height. The Chairman supplemented that in considering whether a change in development parameter was minor in nature, its possible impact should be taken into account. Members should consider whether the proposed building height under application would cause any adverse impact on the surrounding area.

51. In response to the Chairman's query, Mr. Otto K.C. Chan said that the concrete batching plant adjacent to the subject site which was previously approved by the Board had already ceased operation. Since the planning permission for that plant was still valid, it could resume operation upon obtaining relevant operation licences. According to the applicant, the proposed temporary concrete batching plant was to replace the existing facilities near Tai Po Tin Village. Comparing to the previously approved plant which was 50m away from Tai Po Tin Village, the proposed concrete batching plant under the current application was further away (about 90m) from the village houses of Tai Po Tin.

Deliberation Session

52. Mr. H.M. Wong said that the environmental assessment carried out by the applicant was considered acceptable. However, the EPD had concerned that there would be possible nuisance to the nearby sensitive receivers. The Chairman asked the Committee to note the concern of EPD. He opined that since the application site was zoned "I(D)" and the proposed development was not in conflict with the planning intention of the "I(D)" zone, possible nuisance of the proposed development could be addressed through imposition of relevant approval conditions and compliance with relevant licensing requirements. Members agreed.

53. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.6.2016, 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 8:00 p.m and 8:00 a.m, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no queuing on public roads in the vicinity of the application site resulting from the operation of the concrete batching plant should be allowed at any time during the planning approval period;
- (d) the submission of an action plan including mitigation measures to prevent flood pumping gathering grounds from being contaminated by spillage of fuel, oil or the like during both the construction and operation of the proposed development within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 7.12.2013;
- (e) the submission of traffic improvement measures proposal within 6 months

from the date of planning approval to the satisfaction of the Commissioner of Transport or of the TPB by 7.12.2013;

- (f) in relation to (e) above, the implementation of traffic improvement measures proposal within 9 months from the date of planning approval to the satisfaction of the Commissioner of Transport or of the TPB by 7.3.2014;
- (g) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2013;
- (h) in relation to (g) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.3.2014;
- (i) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.12.2013;
- (j) in relation to (i) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2014;
- (k) the submission of proposals 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 7.12.2013;
- (l) in relation to (l) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.3.2014;
- (m) if any of the above planning conditions (a), (b) or (c) was not complied

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

- (n) if any of the above planning conditions (d), (e), (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.

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

- (a) to note the advice of the District Lands Officer/North, Lands Department (LandsD) that the owner of the lots should be advised to apply to LandsD for Short Term Waiver (STW) for the proposed structures. There was no guarantee that STW would be granted to the applicant. If the STWs were granted, the grants would be made subject to such terms and conditions to be imposed as the Government should deem fit to do so including the payment of STW fee;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that screening/buffer planting should be provided along the perimeter of the application site to minimize the visual impact and improve visual amenity of the area;
- (c) to note the comments of the Director of Agriculture and Conservation that regarding the construction and connection of the proposed drainage systems to the Ping Yuen River under the proposed development, no pollution should be caused to the Ping Yuen River;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) as follows:
 - (i) all spoils arising from site formation works should be contained and protected to prevent all nearby watercourses from being polluted or

silting up;

- (ii) no discharge of effluent within the flood pumping gathering grounds should be allowed without the prior approval of the Director of Water Supplies. Any effluent discharge must comply with the Technical Memorandum on Standards for Effluent Discharge into Drainage and Sewerage Systems, Inland and Coastal Waters;
 - (iii) all wastes, sludge and pollutants arising from the development should be properly disposed of outside gathering grounds; and
 - (iv) 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;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Building Department (BD) as follows:
- (i) if the existing structures were erected on leased land without approval of the BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the planning application;
 - (ii) before any new building works were to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action might be taken

by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;

- (iv) if the proposed use under application was subject to the issue of a licence, the applicant should be reminded that any existing structures on the application site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority;
 - (v) the site should be provided with means of obtaining access thereto from a street under the Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access should be provided under the B(P)R 41D;
 - (vi) if the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined by the BA under (B(P)R) 19(3) at building plan submission stage; and
 - (vii) formal submission under the BO was required for any proposed new works, including the concrete batching plant structures and any other temporary structures;
- (f) to note the comments of the Director of Fire Services as follows:
- (i) the emergency vehicular access arrangement should comply with Part VI of the "Code of Practice for Means of Access for Firefighting and Rescue" administered by BD; and
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department as follows:
- (i) 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; and
 - (ii) the hydraulic capacity of the rivers might be reduced causing a higher flooding hazard. Regular water quality monitoring along the river channel by an independent party appointed by the applicant during the tenancy period and a green strip as buffer zone around the site to further minimize the risk of polluted water entering adjacent stream courses, if applicable (normally one of the pollution causes would be concrete trucks washing on the streets and discharging water into road drains) should be provided; and
- (h) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Ping Che Road to the application site was not maintained by his department.

[Mr. Otto K.C. Chan, STP/STN, left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 14

Section 16 Application

[Open Meeting]

A/TM/443

Proposed Columbarium in “Government, Institution or Community”
zone, Lot 755 S.A and Adjoining Government Land in D.D. 131, Tsing
Shan Tsuen, Tuen Mun
(RNTPC Paper No. A/TM/443)

55. The Secretary reported that on 29.5.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to address comments raised by the concerned government departments.

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

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/639 Temporary Open Storage of Construction Machinery, Construction Materials, Metal Ware and Vehicle Spare Parts with Ancillary Site Office for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lots 2406, 2407, 2408 (Part), 2409 S.B (Part) and 2419 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/639)

Presentation and Question Sessions

57. 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, metal ware and vehicle spare parts with ancillary site office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate northeast, southeast and southwest (with the nearest ones being less than 5m away) and in the vicinity of the site, and environmental nuisance was expected. However, there was no environmental complaint in respect of the site over the past three years. Other concerned departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by

the District Officer/Yuen Long; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Although DEP did not support the application as there were sensitive receivers of residential uses in the vicinity of the site, there was no environmental complaint in respect of the site in the past three years. To address DEP's concern and to mitigate any potential environmental impacts, 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, prohibiting open storage within the 10m buffer from the southeastern boundary of the site adjoining the "V" zone, restricting the use of goods vehicles exceeding 24 tonnes including container tractors/trailers as proposed by the applicant, and requiring the maintenance of the existing boundary fence were recommended. While the applicant requested for a three-year planning approval, it should be noted that a shorter approval period of one year was granted under the previous applications (No. A/YL-TYST/509 and 572), to monitor the situation on the site owing to its proximity to the three Small Houses located to its immediate southeast which were under construction and were not yet occupied at that time. The three Small Houses were completed and were currently vacant. In view of the potential environmental impact from the site on these three completed Small Houses, a shorter approval period of one year was recommended as continuous monitoring of the site situation was considered necessary.

58. Members had no question on the application.

Deliberation Session

59. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 7.6.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no open storage within 10m from the southeastern boundary of the application site adjoining the “Village Type Development” zone, as proposed by the applicant, was allowed during the planning approval period;
- (d) no dismantling, repairing, cleaning or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no heavy goods vehicles 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) 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;
- (g) the existing boundary fence on the application site should be maintained at all time during the planning approval period;
- (h) all existing trees on the application site should be maintained (including the replanting of dead trees) at all time during the planning approval period;
- (i) the existing drainage facilities on the application site should be maintained

at all time during the planning approval period;

- (j) 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 7.9.2013;
- (k) 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 19.7.2013;
- (l) the submission and implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2013;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the permission was given to the use/development under application. It did not condone any other uses/developments including the vehicle repair workshop and metal workshop which currently existed on the application site but were not covered by the application. The applicant should be requested to take immediate action to discontinue such uses/developments

not covered by the permission;

- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) shorter approval period was allowed to monitor the situation on the site and shorter compliance periods for approval conditions were given correspondingly;
- (d) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (e) the application site should be kept in a clean and tidy condition at all time;
- (f) to note the comments of the District Lands Officer/Yuen Long, Lands Department's (LandsD) that the lots within the application site were Old Schedule Agriculture Lots held under the Block Government Lease with restriction that no structures were allowed to be erected without prior approval of the Government. Should the application be approved, the lot owner(s) concerned would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularity 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 application site was accessible from Kung Um Road through an informal village track on government land and other private land. LandsD provided no maintenance work for this village track and did not guarantee any right-of-way to the application site;
- (g) to note the comments of Commissioner of Transport that the land status of the access road/path/track leading to the application 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 lands and maintenance authorities accordingly;

- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface water running from the application site to nearby public roads and drains. Highways Department should not be responsible for the maintenance of any access connecting the application site and Kung Um Road;
- (i) 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;
- (j) to note the comments of the chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the application site could not provide the standard pedestal hydrant;
- (k) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant should submit relevant layout plans incorporated with the proposed FSIs to the Fire Services Department (FSD) for approval. The applicant was 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 FSIs to be installed should be clearly marked on the layout plans. Also, the applicant should adhere to the good practice guidelines for open storage in Appendix V of the RNTPC Paper. However, the applicant was reminded that if the proposed structure(s) was required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements would be formulated upon receipt of formal submission of general building plan. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS251) to FSD for approval. Should the

applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to FSD for consideration;

- (l) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Buildings Authority (BA) for the structures existing at the application site. If the existing structures were erected on leased land without approval of BD (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) were to be carried out on the application site, prior approval and consent of BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The application 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 application 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 application site. For application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated

in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the application 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 16

Section 16 Application

[Open Meeting]

A/YL-KTN/406 Proposed Temporary Open Storage of Soil and Construction Materials with Ancillary Site Office and Staff Rest Room for a Period of 3 Years in “Agriculture” zone, Lots 1349 (Part), 1350, 1351, 1352, 1353 (Part), 1354 (Part), 1356 (Part), 1368 S.A, 1368 RP (Part), 1372 S.A, 1372 RP, 1373, 1374, 1375, 1376 S.A, 1376 S.B, 1376 S.C, 1376 S.D, 1376 RP, 1377 RP, 1378 RP in D.D. 109 and Lot 76 RP (Part) in D.D.110, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/406)

61. The Secretary reported that on 30.5.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to address the comments of the relevant government departments.

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

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/592 Temporary Market (Flea Market) for a Period of 3 Years in “Village Type Development” zone, Lots 398 (Part), 399 (Part) and 400 in D.D. 109 and Adjoining Government Land, Kam Sheung Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/592)

Presentation and Question Sessions

63. 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 market (flea market) for a period of 3 years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) four public comments from the local villagers were received during the first three weeks of the statutory publication period. They raised concerns over the glare impact caused by the lighting of the subject development on the nearby residential dwellings/structures. They suggested the applicant to consider the installing non-blinking lighting and restricting the use of artificial lighting after 11:00 p.m.. The other commenters objected to the application mainly on the grounds that the applied use would aggravate the

local traffic condition and induce parking problems and safety hazard. There was also concern on the applicant's proposal to use one of the nearby parking areas as it was intended for use only by local villagers for religious/ritual purposes. Two comments from the local villagers were received by the District Officer/Yuen Long and they were treated as public comments received during the statutory publication period of the application as mentioned above; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for three years based on the assessments set out in paragraph 11 of the Paper. Regarding the public comments against the application on glare and traffic (particularly parking arrangement of the site) impacts arising from the development, relevant departments including the Director of Environmental Protection, the Commissioner for Transport and the Commissioner of Police had no adverse comment on or objection to the application. In order to minimize possible nuisance generated by the development and to address the local concerns on glare and traffic impacts, approval conditions restricting the operation hours and the turn-on time of the external lighting, as well as requiring the applicant to implement the proposed parking arrangement measures were recommended. Since the last approval was revoked due to non-compliance with the approval conditions related to fire safety aspect, shorter compliance periods were recommended to monitor the progress on compliance with the approval conditions should the application be approved.

64. In response to the Chairman's question regarding the commenters' objection against the occupation of the villagers' car parking spaces, Mr. Bonita K.K. Ho referred to Drawing A-1 of the Paper and said that two areas to the northeast and south of the application site were proposed to be used as car parks of the temporary flea market. The applicant originally proposed to use an area to southeast of the site as car park of the flea market. Since there was local concern on the use at this piece of land which was currently used by the villagers for religious/ritual purposes, this area was excluded from the applicant's proposal. The applicant indicated that an agreement had been reached with the managers of Lot No. 398 in D.D. 109 (i.e. the parking area located to the northeast of the site) to designate 10

parking spaces for the use by the flea market when it was open every Friday to Sunday.

65. In response to a Member's query on the compliance period of approval condition, Ms. Bonita K.K. Ho said that 6 and 9 months would normally be given for the submission and implementation of fire safety measures respectively. As the previous application was revoked due to non-compliance of approval conditions related to fire safety measures, a shorter compliance period of 3 and 6 months was recommended respectively.

Deliberation Session

66. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.6.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the operation of the development was restricted from 10:00 a.m. to 6:00 p.m. on Fridays to Sundays and public holidays only, as proposed by the applicant, on the site during the planning approval period;
- (b) all external lighting at the site should be turned off by 10:00 p.m., as proposed by the applicant, during the planning approval period;
- (c) no reversing of vehicles into or out of the application site was allowed at any time during the planning approval period;
- (d) the implementation of the parking arrangement measures including no parking to the southeast of the site and designation of 10 parking spaces for the development to the northeast of the site, as proposed by the applicant, at all time during the planning approval period;
- (e) the existing trees and landscape planting on the application site should be maintained at all time during the planning approval period;
- (f) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services

or of the TPB by 7.9.2013;

- (g) in relation to (f) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.12.2013;
- (h) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.9.2013;
- (i) in relation to (h) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.12.2013;
- (j) if the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions and sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (c) to resolve any land issues relating to the development with the concerned

owners of the application site;

- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the lots within the site were Old Schedule Agricultural Lots held under Block Government Lease under which no structures were allowed to be erected without prior approval from LandsD. No approval had been given for the proposed use and/or occupation of the government land (GL) within the site. The act of occupation of GL without Government's prior approval should not be encouraged. The private land of Lot Nos. 398 and 400 in D.D. 109 were covered by Short Term Waiver No. 2251 which allowed the use of the land for the purpose of candle factory with permitted built-over area not exceeding 930m² and height not exceeding 5m above the level of the ground. Access to the site required traversing through other private lots and/or GL. LandsD provided no maintenance work for the GL involved and did not guarantee right-of-way. The lot owner concerned would need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on 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;

- (e) to note the comments of the Commissioner of Transport that the site was connected to public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the Lands Authority. The management and maintenance responsibilities of the same local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that Highways Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road;
- (g) to adopt 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 Food and Environmental Hygiene that food business carrying on the application, if any, should be granted with a licence issued by the Director of Food and Environmental Hygiene. Licence would only be issued to food premises if the prescribed safety, hygiene standards, lease conditions and planning restrictions were confirmed. The applicant should also prevent creating environmental nuisance affecting the public;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should not generate adverse drainage impact to adjacent areas;
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant should submit relevant layout plans incorporated with the proposed FSIs to Fire Services Department (FSD) for approval. In formulating FSIs proposal, the applicant was advised to make reference to the requirements in Appendix III of the RNTPC paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by FSD, the applicant was required to provide justifications to FSD for consideration;
- (k) 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 use under the application. Before any new building works (including containers and open sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of Buildings Authority (BA) should be obtained. Otherwise, they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5 m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (1) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. The site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, 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 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/601 Proposed Temporary Warehouse (Vehicle Parts and Tools) with Ancillary Site Office for a Period of 3 Years in “Agriculture” zone, Lots 233 S.B RP (Part) and 456 RP (Part) in D.D. 103, Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/601)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary warehouse (vehicle parts and tools) with ancillary site office 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 sensitive receivers of residential dwellings/structures were located to the north (about 70m away across Kam Tin Road), and environmental nuisance was expected. However, the site was not the subject of any environmental complaint in the past 3 years. Other concerned departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by

the District Officer/Yuen Long; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although DEP did not support the application as there were sensitive receivers in the vicinity of the site, there was no environmental complaint against the site in the past three years. To minimize any possible nuisance generated by the temporary use, approval conditions restricting the operation hours and prohibiting the use of medium or heavy goods vehicles, dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended. Since the last approval was revoked due to non-compliance with the approval conditions related to fire safety aspect, shorter compliance periods were recommended to monitor the progress on compliance with the approval conditions should the application be approved.

69. Members had no question on the application.

Deliberation Session

70. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.6.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7:30 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 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;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other

workshop activities should be carried out on the site at any time during the planning approval period;

- (d) 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 7.9.2013;
- (e) in relation to (d) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2013;
- (f) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the permission was given to the use under application. It did not condone any other use including the open storage use which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use not covered by the permission;
- (b) shorter compliance periods were imposed to monitor the progress of compliance. Should the applicant fail to comply with the approval

conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application;

- (c) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprised Old Scheduled Agricultural Lots held from Government under the Block Government Lease with restriction that no structure was allowed to be erected without prior approval of the Government. No permission had been given for the erection of the structures mentioned in the application. The access route of the site to and from Kam Tin Road would require traversing through a short stretch of open government land (GL) and other private lot. LandsD provided no maintenance work for the GL involved and did not guarantee right-of-way. LandsD would consider taking lease enforcement action against the site if structure was found on the lots without Government's permission. The lot owner still needed to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (e) to adopt the environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Commissioner of Transport that the site was connected to public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management

and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that Highways Department was not/should not be responsible for the maintenance of any existing vehicular access connection the site and Kam Tin Road;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The proposed development should also not obstruct the overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried outside his lot boundary;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works including temporary buildings were to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). 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) Regulation 41D. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the 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) Regulation at the building plan submission stage;

- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit the relevant layout plans incorporated with the proposed FSIs to the Fire Services Department (FSD) for approval. The layout plan 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. The applicant was reminded that if the proposed structure(s) was required to comply with the Buildings Ordinance (Cap.123), detailed fire service requirements would be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed above, the applicant was required to provide justifications to FSD for consideration; and

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

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/665 Temporary Tabernacle Camp and Picnic Sites for a Period of 3 Years
in “Conservation Area” and “Residential (Group D)” zones, Lots 153
(Part), 157 (Part), 158 (Part) and 159 (Part) in D.D. 108 and Adjoining
Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/665)

Presentation and Question Sessions

72. Ms. Bonita K.K. Ho, STP/TMYL, said that supplementary information from the applicant was received on 5.6.2013 to provide response to departmental comments on landscape and drainage aspects. The supplementary information was circulated to the relevant government departments for comments. The departments advised that their views as reflected in the Paper were still valid. A copy of the supplementary information submitted by the applicant on 5.6.2013 was tabled at the meeting for Members’ information. Ms. Ho then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary tabernacle camp and picnic sites for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that as the site had already been developed for the applied use, he was uncertain about the ecological impact caused by the proposed development. He also expressed concerns on the proposed use of septic tank within the site which might generate potential water pollution to the stream adjacent to the site. The Director of

Environmental Protection (DEP) advised that the application might constitute a Designated Project (DP) by virtue of Item Q.1, Part 1, Schedule 2 of the Environmental Impact Assessment Ordinance (EIAO) and an environmental permit was required for its construction and operation. However, there was no environmental complaint received in the past three years. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application from the landscape planning point of view. Recent site photos indicated that the site had been cleared and paved with some temporary structures erected. The subject “Conservation Area” (“CA”) zone served as a buffer protecting the Lam Tsuen Country Park. There was a general presumption against development within the “CA” zone and the area was of high landscape value. The approval of the application might set an undesirable precedent and encourage more similar development in the “CA” zone, resulting in further vegetation clearance and degradation of landscape quality. Other concerned departments had no objection to or adverse comment on the application;

- (d) three public comments from the Conservancy Association, Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited were received during the first three weeks of the statutory publication period. They raised objections to the application mainly on the grounds that the development was not compatible with the planning intention of the “CA” zone and the character of the area. The development would cause environmental impacts such as water quality impact and human disturbance on the natural landscape, but no mitigation measures was provided. The site involved “destroy first, build later” activities and was subject to enforcement action. Approval of the application would set an undesirable precedent. No local objection/view was received by the District Officer/Yuen Long; and

[Dr. Wilton W.T. Fok arrived to join the meeting at this point.]

- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application based on the assessments set out in paragraph 11 of the Paper and were summarized as follows:

- (i) the application was for tabernacle camp and picnic sites and majority part of the site (93%) fell within the “CA” zone, there was a general presumption against development in “CA” zone. The development was not in line with the planning intention of the “CA” zone which was to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. The applicant failed to demonstrate that the development was needed to support the construction of the existing natural landscape or scenic quality of the area. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary bases;
- (ii) there had been extensive clearance of existing natural vegetation resulting in a substantial change to the natural landscape of the site. Although there was no evidence that the site formation/vegetation clearance works conducted in 2003 and 2009 were carried out by the concerned applicant, the site was subject to ongoing enforcement action against storage and parking of vehicle uses found on-site. The use of the site for the development before planning permission was obtained should not be tolerated;
- (iii) the applicant claimed that quality landscape such as green planting and green wall would be provided for the development. However, there was no detailed information to demonstrate how the existing condition of the site could be improved. There was also no sufficient information in the submission regarding the operation of the development such as the number of participants, types and frequency of the activities /events to be conducted within the site and how the structures for storage of agricultural tools and family activity room

uses would be required to support the development; and

- (iv) the DAFC and DEP expressed concerns on the potential impacts to the surrounding areas from the ecological and environmental points of view. The CTP/UD&L, PlanD also had reservation on the application in view of the importance and high landscape value of the “CA” zone. No drainage proposal was submitted by the applicant. The applicant failed to demonstrate that the development would not generate adverse environmental, ecological, drainage and landscape impacts on the surrounding area. Approving the application would set an undesirable precedent leading to development within the “CA” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment and landscape quality of the area. There were also public comments raising concerns on the adverse impacts of the development on the subject “CA” zone.

73. In response to a Member's query, Ms. Bonita K.K. Ho clarified that the expiry date of the Enforcement Notice as mentioned in paragraph 4.2 of the Paper should be 4.1.2013.

Deliberation Session

74. 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) there was a general presumption against development in the “Conservation Area” (“CA”) zone. The applicant failed to demonstrate that the development was needed to support the conservation of the existing natural landscape at the site or scenic quality of the area. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis;

- (b) the applicant failed to demonstrate that the development would not generate adverse environmental, ecological, drainage and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “CA” zone and the cumulative effect of which would result in general degradation of the environment and landscape quality of the area.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/666 Temporary Open Storage of Second-Hand Vehicles for Export, Vehicle Parts and Construction Materials for a Period of 3 Years in “Agriculture” and “Open Storage” zones, Lot 1845 (Part) in D.D.111 and Lots 9 RP (Part), 10 RP (Part), 12 RP, 13 RP (Part), 14 (Part), 32 (Part), 33 RP, 34 (Part), 35 S.A (Part), 35 S.B, 36 (Part), 37 (Part), 38, 39 (Part) and 40 (Part) in D.D. 114 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/666)

Presentation and Question Sessions

75. 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 second-hand vehicles for export, vehicle parts and construction materials 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 sensitive receivers of residential dwellings/structures were located to the north (about 5m away) and in the vicinity of the site, and environmental nuisance was expected. However, the site was not the subject of any environmental complaint in the past three years. The Director of Agriculture, Fisheries and Conservation (DAFC) had some concerns on the application from the agricultural point of view as the site encroached on a large piece of farmland and the farming activity in the vicinity was still active. Other concerned departments had no objection to or adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although DEP did not support the application as there were residential structures located to the north and in the vicinity of the site (the nearest one about 5m away), no environmental complaint was received by DEP in the past three years. To address the concern of the DEP on the possible nuisance generated by the temporary use, approval conditions restricting operation hours and types of vehicles, and prohibiting workshop-related activities were recommended. Regarding DAFC's concern on the need to preserve the agricultural land, an approval condition requiring the applicant to reinstate the site to a condition which was suitable for agricultural uses was recommended. Since the last approval was revoked due to non-compliance with the approval conditions related to fencing, drainage and fire safety aspects, shorter compliance periods were recommended to monitor the progress on compliance with the approval conditions should the application be approved.

76. Members had no question on the application.

Deliberation Session

77. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.6.2016, 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 6:00 p.m. to 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 at any time 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 maintenance of existing trees and landscape plantings on the site at all time during the planning approval period;
- (f) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2013;
- (g) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2013;
- (h) in relation to (g) above, the provision of drainage facilities within 6 months

from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.12.2013;

- (i) 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 19.7.2013;
- (j) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.9.2013;
- (k) in relation to (j) 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 7.12.2013;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the site, at the applicant's own cost, to a condition which was suitable for agricultural uses with a view to preserving agricultural land to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB.

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

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

- (b) shorter compliance periods were imposed to monitor the progress of compliance. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application;
- (c) to resolve any land issue relating to the development with the concerned owners of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprised government land (GL) and the subject Old Scheduled Agricultural Lots (the Lots). The Lots were held from Government under the Block Government Lease with restriction that no structure was allowed to be erected without prior approval from Lands Department (LandsD). No permission had been given for erection of the structures mentioned in the application. For the GL within the application site, there was no approval given for the occupation of the GL. The act of occupation of GL without Government's prior approval should not be encouraged. Lot 14 in D.D.114 was covered by Permit No. MT/LM10647 for erection of agricultural structures thereon. If these structures were changed to non-agricultural purposes, DLO/YL would terminate the permit. The access route of the site to and from Kam Tin Road would require traversing through a long haul of track on open GL and other private lots. DLO/YL provided no maintenance work for the GL involved and did not guarantee right-of-way. LandsD would consider taking lease enforcement and land control actions against the site if structure were found on the Lots and GL found being occupied without Government's permission. The landowner(s) concerned still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularity on-site. Furthermore, the applicant had to either exclude the GL portion from the site or apply 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;

- (e) to note the comments of the Transport that no reversing of vehicles into or out of the site was allowed. The site was connected to the public road network via a section of a local access road which was not managed by Transport Department (TD). 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. Drivers of goods vehicles should drive slowly with great care, particularly when there was an opposing stream of traffic on the local road;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that Highways Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (g) to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to alleviate any potential environmental nuisance;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should not generate adverse drainage impact to the adjacent area;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant should submit relevant layout plans incorporated with the proposed FSIs to Fire Services Department (FSD) 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. The applicant should also observe the good practice guidelines for open storage sites in Appendix V of the RNTPC paper. The applicant was reminded that if the proposed structure(s) was required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements would be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to FSD for consideration. Moreover, to address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to FSD for approval;

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

- (k) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that a 48 inch/1000mm in diameter raw water main for the delivery of Dongjiang water was located between the sites. No structure or plant should be erected over this Waterworks Reserve and such area should not be used for storage, planting and car-parking purposes. The Water Authority (WA) and his officers and contractors, his or their workmen should have free access at all time to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the WA might require or authorize. The WSD should not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site. For provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard pedestal hydrant; and
- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standard and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. The applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the site. The "Code of Practice on Working near Electricity Supply Lines" established

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

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/213 Social Welfare Facility (Private Residential Care Home for Persons with Disabilities) in “Village Type Development” zone, Lots 2340 S.A, 2340 S.B, 2340 S.C, 2340 S.D, 2340 S.E, 2340 S.F and 2340 RP in D.D. 104, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/213)

Presentation and Question Sessions

79. Mr. 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 social welfare facility (private residential care home for persons with disabilities (RCHD));
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) one public comment from the San Tin Rural Committee was received during the first three weeks of the statutory publication period. The commenters stated that the villagers of Chuk Yuen Tsuen objected to the application mainly on grounds that the development would overload the septic tank and sewerage facility; the sewage including germs would

seriously affect the nearby environment; Small Houses with insufficient fire service installations and absence of fire rendezvous point for persons with disabilities would endanger villagers' lives; operating noise of the nearby container storage would cause nuisance to the inhabitants; absence of independent drainage impact assessment; and the noise nuisance generated by the inhabitants on the nearby villagers. One local objection was received by the District Officer/Yuen Long which was similar to the public comment received by the Board during the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Regarding the local objection, the Director of Social Welfare (DSW) advised that the subject RCHD was required to comply with the relevant licensing requirements. The operator had been advised to ensure a proper management of the RCHD so as to avoid causing any nuisance to the public. The applicant should be advised to liaise with the villagers of Chuk Yuen Tsuen to address their concerns.

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire 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.

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

- (a) prior planning permission should have been obtained before commencing the development on the site;
- (b) the planning permission was given to the structures under application. It did not condone any other structure which currently found on the site, but not covered by the application. The applicant should take immediate action to remove such structure not covered by the permission;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprised Old Scheduled agricultural lots held under the Block Government Lease which contained the restriction that no structures were allowed to be erected without prior approval of the Government. Modification of Tenancy (MOT) No. MT/LM 15344 was issued for erection of structures over Lot No. 2340 S.F in D.D. 104 for agricultural purposes. If structures for other purpose were found on the above lot, LandsD would arrange to terminate the MOT as appropriate. Access to the application site required traversing through private lot and/or government land (GL). LandsD provided no maintenance work for the GL involved and did not guarantee right-of-way. The lot owners concerned would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularise any irregularities at the site/buildings. Such application would be considered by LandsD acting in the capacity as landlord at was sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that a certificate of exemption had been issued by the Social Welfare Department to the applicant requiring certain building safety requirements to be fulfilled, including the removal of unauthorized building works (UBWs). The UBWs should not be designated for any approved use under the application. The granting of planning approval

should not be construed as an acceptance of any existing building works or UBWs at the site under the Buildings Ordinance;

- (e) to note the comments of the Director of Environmental Protection (DEP) that the area was not provided with public sewerage. Effluent discharge from the proposed premises was subject to control under the Water Pollution Control Ordinance. The applicant was advised to approach the Regional Office (North) of EPD regarding the sewage treatment and disposal requirements. The applicant should ensure that the operation of the residential care home would not cause environmental nuisance to the public, and the septic tanks at the site should be maintained properly;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should ensure that the subject development would not affect the existing ponds immediately adjacent to the site;
- (g) to note the comments of the Commissioner of Transport that the application site was connected to an unknown local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the Lands Authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the HyD was not responsible for the maintenance of the existing vehicular access connecting the site and Castle Peak Road - Tam Mi;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas;

- (j) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority; and
- (k) to liaise with the villagers of Chuk Yuen Tsuen to address their concerns.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/214 Social Welfare Facility (Private Residential Care Home for Persons with Disabilities) in “Village Type Development” zone, Lots 4757, 4758 and 4759 in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/214)

Presentation and Question Sessions

83. 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 social welfare facility (private residential care home for persons with disabilities (RCHD));
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period. No local objection/view was received by the

District Officer/Yuen Long; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper.

84. Members had no question on the application.

Deliberation Session

85. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire 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.

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

- (a) prior planning permission should have been obtained before commencing the development on the site;
- (b) the planning permission was given to the structures under application. It did not condone any other structure which currently found on the site but not covered by the application. The applicant should be requested to take immediate action to remove such structure not covered by the permission;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land of Lot Nos. 4757, 4758 and 4759 in D.D 104 were held under New Grant No. 4097, 4098 and 4099 respectively granted under Small House policy. The three New Grants

allowed for the use of the respective land for non-industrial purpose with each of the houses subject to a maximum build over area 65.03m², maximum gross floor area 195.09m² and height not exceeding 8.23 m and maximum 3-storey. The government land (GL) within the site was covered by Short Term Tenancy (STT) No. 1997 which allowed the use of the land for garden use in connection with a home for the mentally handicapped people. Total area of the STT was 217m² with permitted coverage area 24m². The application site was accessible through an informal track on GL extended from Ha Chuk Yuen Road. LandsD provided no maintenance works for this track nor guarantees right-of-way. The lot owners concerned would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularise any irregularities at the site/buildings. Such application would be considered by LandsD acting in the capacity as landlord at was sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium or fee, as might be imposed by LandsD;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that a certificate of exemption had been issued by the Social Welfare Department to the applicant requiring certain building safety requirements to be fulfilled, including the removal of certain unauthorized building works (UBWs). The UBWs should not be designated for any approved use under the application. The granting of planning approval should not be construed as an acceptance of any existing building works or UBWs at the site under the Buildings Ordinance;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the area was not provided with public sewerage. Effluent discharge from the proposed premises was subject to control under the Water Pollution Control Ordinance. The applicant was advised to approach the Regional Office (North) of EPD regarding the sewage treatment and disposal requirements;

- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should ensure that the applied development would not cause disturbance or water pollution to the watercourse in the vicinity of the site;
- (g) to note the comments of the Commissioner of Transport that the application site was connected to an unknown local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the Lands Authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department's (HyD) that the HyD was not responsible for the maintenance of the existing vehicular access connecting the site and Ha Chuk Yuen Road as well as Castle Peak Road - Tam Mi;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas; and
- (j) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/215 Temporary Shop and Services (Real Estate Agency) for a Period of 3
Years in “Village Type Development” zone, Lots 1306 S.B (part) and
1308 RP (Part) in D.D. 105, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/215)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper.

88. Members had no question on the application.

Deliberation Session

89. After deliberation, the Committee decided to approve the application, on a temporary basis for a period of 3 years until 7.6.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) no operation between 7:00 p.m. and 10:00 a.m. on Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation between 5:00 p.m. and 10:00 a.m. on Sundays, 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 planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.12.2013;
- (d) in relation to (c) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2014;
- (e) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.12.2013;
- (f) in relation to (e) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.3.2014;
- (g) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 7.12.2013;
- (h) in relation to (g) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 7.3.2014;

- (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;
- (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.

90. 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) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site under application comprised Old Scheduled Agricultural Lot held under the 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 to the proposed specified structure as office. The site was accessible through

an informal track on government land extended from Castle Peak Road. LandsD provided no maintenance works for this track nor 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 site. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such term and conditions, including among others the payment of premium or fee, as might be imposed by the LandsD;

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the application site and the BD was not in a position to offer comments on their suitability for the use related to the application. If the existing structures were erected on leased land without approval of the 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 containers and open sheds as temporary buildings) were to be carried out on the application site, the prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator 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 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 4.5 m wide, its permitted development intensity should be determined

under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (f) to note the comments of the Director of Environmental Protection that the applicant was reminded that all wastewater from the site should comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (g) to note the comments of the Commissioner of Transport that the application site was connected to an unknown local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the Lands Authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department at Appendix II of the RNTPC Paper;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) were required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to the Fire Services Department (FSD) for approval. In addition, the applicant should also be advised that :
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans. However, the applicant was reminded that if the proposed structure(s) was required to comply with the BO (Cap. 123), detailed fire service requirements would be formulated upon receipt of formal submission of general building plans. Furthermore, should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by FSD, the applicant was required to provide justifications to FSD for consideration; and
- (j) to note the comments of the Director of Electrical and Mechanical Services at Appendix III of the RNTPC Paper.

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-MP/216 Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” zone, Lots 1306 S.B (Part) & 1307 RP (Part) in D.D. 105, and Adjoining Government Land, Mai Po, Yuen Long

(RNTPC Paper No. A/YL-MP/216)

91. The Secretary reported that on 23.5.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to address comments from the Lands Department.

92. 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 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/432 Temporary Open Storage and Retail Sale of Construction Machinery for a Period of 3 Years in “Residential (Group D)” zone, Lots 16 S.B RP (Part) and 19 (Part) in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long

(RNTPC Paper No. A/YL-ST/432)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage and retail sale of construction machinery for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as the development would involve heavy goods vehicle for transporting the heavy construction machinery and there were residential dwellings within 100 m from the site boundary (the nearest one was about 3 m to the south of the site). However, there was no environmental complaint related to the site was received over the past three years. Other concerned departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views –PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although DEP did not support the application as there were sensitive uses in the vicinity of the site, there was no environmental complaint against the site in the past three years. To mitigate any potential environmental impacts, approval conditions on limiting the operation time, no workshop activities, maintenance of paving and provision of fencing were recommended.

94. Members had no question on the application.

Deliberation Session

95. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.6.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the northern boundary of the site to avoid encroachment upon the resumption limit of the project “Cycle Tracks Connecting NWNT with NENT – Section from Tuen Mun to Sheung Shui” as and when required by the Government to the satisfaction of the Director of Lands or of the TPB;
- (b) no operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no washing, dismantling, repairing or workshop activity including metal cutting, drilling, hammering, paint spraying, and oil/lubricant changing was allowed on the site at any time during the planning approval period;
- (e) no vehicular access point other than the vehicular access point at the west of the site, as proposed by the applicant, was allowed on the site during the planning approval period;
- (f) the maintenance of the drainage facilities on the site at all time during the planning approval period;
- (g) the maintenance of the paving on the site at all time during the planning approval period;
- (h) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within 6 months from the date of planning

approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.12.2013;

- (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 7.12.2013;
- (j) in relation to (i) 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 7.3.2014;
- (k) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2013;
- (l) in relation to (k) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.3.2014;
- (m) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2013;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) the planning permission was given to the development/use(s) and structures under application. It did not condone any other development/use(s) and structure(s) which currently found on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such development/use(s) and remove such structure(s) not covered by the permission;
- (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 nuisance to the surrounding area;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the lots within the site were Old Scheduled Agricultural Lots held under Block Government Lease under which no structures were allowed to be erected without prior approval from LandsD. No permission had been given for the occupation of government land (GL) within the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site was accessible through an informal track on GL and private land extended from Castle Peak Road – San Tin section. LandsD provided no maintenance works for this track nor guarantee right-of-way. Should planning approval be given to the application, 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 site. Furthermore, the applicant had either to 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 the LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by the LandsD. LandsD would consider taking land control action against the occupant should the GL within the site was found occupied without Government's permission;

- (f) 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 approved use under the application. Before any new building works (including containers as temporary buildings) were to be carried out on the site, the prior approval and consent of the Buildings Authority (BA) should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For the 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 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (g) to note the comments of the Director of Environmental Protection that all wastewater from the site should comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (h) to note the comments of the Commissioner of Transport that the site was connected to an unknown local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the Lands Authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (i) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Castle Peak Road – San Tin;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) at Appendix V of the RNTPC Paper;
- (k) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant should submit relevant layout plans incorporated with the proposed FSIs to the Fire Services Department (FSD) for approval. In addition, the applicant was advised that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
- (l) to note the comments of the Director of Electrical and Mechanical Services at Appendix V of the RNTPC Paper.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/433 Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 2 Years in “Village Type Development” zone, Lots 3071 S.A, 3071 RP, 3072, 3073 and 3076 in D.D.102 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/433)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) for a period of two years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of two years based on the assessments set out in paragraph 12 of the Paper.

98. Members had no question on the application.

Deliberation Session

99. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 7.6.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity was allowed on the site at any time during the planning approval period;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.12.2013;
- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2014;
- (g) 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 7.12.2013;

- (h) in relation to (g) 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 7.3.2014;
- (i) the submission of parking layout plan with dimensions within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.12.2013;
- (j) in relation to (j) above, the implementation of parking layout plan within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.3.2014;
- (k) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2013;
- (l) in relation to (k) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.3.2014;
- (m) the provision of paving on the site within 6 months from the of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2013;
- (n) the provision of boundary fencing on the site within 6 months from the of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2013;
- (o) 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;

- (p) if any of the above planning conditions (e), (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.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site and the access to the application site;
- (b) the planning permission was given to the development/use(s) and structures under application. It did not condone any other development/use(s) and structure(s) which currently found on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such development/use(s) and remove such structure(s) not covered by the permission;
- (c) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lots within the application site were Old Scheduled Agricultural Lots held under the Block Government Lease which no structures were allowed to be erected without the prior approval of LandsD. No approval was given for the proposed specified structures as site office, storeroom and toilet. No permission had been given for the

proposed use and/or occupation of government land (GL) within the application site. The act of occupation of GL without Government's prior approval should not be encouraged. Government Land Licence No. Y22348 was granted on small portion of the GL for a temporary pigsty structure. As the structure had been demolished, LandsD would arrange termination accordingly. The site was accessible from Castle Peak Road (San Tin Section) via an informal track on GL. LandsD provided no maintenance works for the track nor guarantees right-of-way. Should planning approval be given to the planning application, the lot owners concerned would still need to apply to LandsD 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 application 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. LandsD would consider taking lease enforcement action if there was any breach of lease and land control action should the GL within the application site was found occupied without Government's permission;

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site and BD was not in a position to offer comments on their suitability for the use related to the application. 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 approved use under the application. Before any new building works (including containers as temporary buildings) were to be carried out on the site, prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An

Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the 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 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 4.5 m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (f) to note the comments of the Director of Environmental Protection that all wastewater from the site should comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (g) to note the comments of the Commissioner of Transport that the application site was connected to an unknown local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the Lands Authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department at Appendix IV of the RNTPC Paper;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) were required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs, to the Fire Services Department (FSD) for approval. In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the requirements : for other

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 : (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in the above, the applicant was required to provide justifications to FSD for consideration; and

- (j) to note comments of the Director of Electrical and Mechanical Services at Appendix V of the RNTPC paper.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/291 Temporary Shop and Services (Sales Office for Sale of Goods Vehicles) For a Period of 3 Years in “Open Storage” zone, Lots 2757 RP (Part), 2758 RP (Part), 2759(Part), 2760, 2761 S.A(Part), 2761 RP(Part), 2762 (Part) and 2803 RP in D.D. 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/291)

Presentation and Question Sessions

101. 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 shop and services (sales office for sale of goods vehicles) for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper.

102. Members had no question on the application.

Deliberation Session

103. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.6.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no night-time operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the existing trees within the site should be maintained at all time during the

planning approval period;

- (e) the existing drainage facilities on the site should be maintained at all time 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 7.12.2013;
- (g) 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 7.12.2013;
- (h) in relation to (g) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.3.2014;
- (i) 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
- (j) if any of the above planning conditions (f), (g) or (h) 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.

104. 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) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the lots were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from LandsD. No approval was given for the proposed specified structures as storey container, store room, site office and porch for rain-shelter. 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. The site was accessible through an informal track on GL and private land extended from Kwu Tung Road. LandsD provided no maintenance works for this track nor guarantees right-of-way. The lot owner concerned should be reminded to apply to LandsD 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 be subject to 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 for Transport that the site was connected to an unknown local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the Lands Authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the comments of the Chief Engineer/Railway Development (2-2), Railway Development Office, Highways Department that the site was located directly above the proposed "Northern Link" alignment. Although the application was for temporary 3 years only, the applicant would have to vacate the site at the time of railway development when necessary;

- (f) to comply with the environmental mitigation measures recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” as issued by the Director of Environmental Protection in order to minimise the possible environmental nuisance;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the applicant should be fully responsible for the proper maintenance of the drainage facilities on site. The applicant should ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public stormwater drainage maintained by DSD was currently available for connection. The area was probably being served by some of the existing local village drains. The village drains, which were probably maintained by District Officer/Yuen Long (DO/YL). The applicant should approach DO/YL if the applicant wished to know more about these drains. The applicant should seek an agreement from the relevant department for the proposed drainage discharge at these local village drains. No public sewerage maintained by DSD was currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection should be obtained. The applicant was reminded that the proposed drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside DSD’s jurisdiction. The applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the application site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage works proposed by him under proper maintenance during occupancy of the site;

- (h) to note the comments of the Director of Fire Services that in formulating fire services installations (FSIs) proposal for the proposed structures, the applicant should make reference to the requirement that for open storages, open sheds or enclosed structure portable with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance

to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI as mentioned above, the applicant was required to provide justifications to the Fire Services Department for consideration; and

- (i) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site and BD was not in a position to offer comments on their suitability for the use related to the application. If the existing structures were erected on leased land without approval of the BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance 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 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) Regulation (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/852 Proposed Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Medium Goods Vehicles) for a Period of 3 Years in “Comprehensive Development Area” and “Village Type Development” zones, Lots 3216RP(Part) and 3217(Part) in D.D. 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/852)

Presentation and Question Sessions

105. 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 temporary public vehicle park (private cars, light goods vehicles and medium goods vehicles) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity of the site (the closest residential dwelling being about 23m away) and along the access road and Fung Kong Tsuen Road (a residential dwelling was abutting the local track) and environmental nuisance was expected. However, there was no substantiated pollution complaint pertaining to the site over the past 3 years. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view. The proposed car park with extensive paved area was incompatible with the adjacent village houses and the nearby rural landscape character which was dominated by village houses, farmland and tree groups. Approval of the application might

set an undesirable precedent and further degrade the nearby village environment. Other concerned departments had no objection to or adverse comment on the application;

- (d) five public comments raising objections were received during the first three weeks of the statutory publication period. The objections were from two villagers in form of two letters signed by 10 and 32 villagers of Fung Kong Tsuen, and the Designing Hong Kong Limited. The villagers objected to the application mainly the grounds that the proposed vehicle park was not in line with the planning intention of “V” zone which should be used for Small House or rural development; there was illegal filling of the site; there was no guarantee that the proposed vehicle park would only serve the villagers; it would cause environmental impact, noise nuisance and adverse traffic impacts and affect security of the local villagers. The Designing Hong Kong Limited raised concerns that the additional use of the access road being used by the villagers of Fung Kong Tsuen would create safety risk; No local objection/view was received by the District Officer/Yuen Long; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “V” zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. The proposed vehicle parking involving parking of medium goods vehicles was not congenial to the rural village settlement. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis. The site was situated in an area of rural landscape character dominated by village houses, farmland and tree group. The proposed car park with extensive paved area was incompatible to the adjacent village houses and the nearby rural landscape character. In this regard, the CTP/UD&L objected to the application from the landscape planning point of view. The DEP also did not support the application as the proposed use would cause environmental nuisance to the

domestic structures in the vicinity of the site and along the access road an environment nuisance was expected. Approval of the application would set an undesirable precedent and encourage other similar applications to proliferate into the subject “V” zone and would result in interface problems thereby frustrating the long-term planning intention of the subject “V” zone. Two supporting letters from the Yuen Long District Council Member and the Village Representative of Fung Kong Tsuen with 43 villagers’ signatures submitted by the applicant were noted. There were also local objections to the application on road safety and environmental grounds.

106. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Village Type Development” zone on the Outline Zoning Plan, which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within the zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. The development involving the parking of medium goods vehicles was incompatible with the surrounding areas which were predominantly rural and residential in character. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applicant failed to demonstrate in the submission that the development would not generate adverse environmental, drainage and landscape impacts on the surrounding areas; and

- (c) the approval of the application would set an undesirable precedent for similar applications within the “Village Type Development” zone of Fung Kong Tsuen. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/853 Temporary Public Works Regional Laboratory for a Period of 3 Years
in “Comprehensive Development Area” zone, Government Land
adjacent to Tin Yin Road, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/853)

Presentation and Question Sessions

108. The Secretary reported that Ms. Janice W.M. Lai had declared an interest in this item as she had current business dealings with the applicant, the Civil Engineering and Development Department. The Members agreed that the interest of Mr. Lai was direct and she should leave the meeting temporarily for the item.

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

109. Mr. Ernest C.M. Fung, STP/TMYL, said that one replacement page (Page 9) of the Paper was tabled at the meeting for Members’ information. Mr. Fung then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public works regional laboratory for a period of three years;
- (c) departmental comments – concerned departments had no objection to or

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

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

110. Members had no question on the application.

Deliberation Session

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.6.2016, 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 8:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays, except for providing ad hoc testing services for emergency public works, as proposed by the applicant, was allow on site during the approval period;
- (c) no vehicle queuing and no reverse movement of vehicles on public road were allowed at all time during the planning approval period;
- (d) a clearance of at least 1.5 m from the centerline of the existing water mains at the site should be maintained at all time during the planning approval period;
- (e) 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 7.12.2013;

- (f) in relation to (e), 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 7.3.2014;
- (g) 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 7.12.2013;
- (h) in relation to (g) 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 7.3.2014;
- (i) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2013;
- (j) if any of the above planning conditions (a), (b), (c) and (d) 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;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD) that the site fell within unleased and unallocated government land (GL). If planning approval was given, the applicant was required to apply to LandsD for a temporary government land allocation to implement the proposal. Such application would only be considered upon receipt of formal application by the applicant but there was no guarantee that the application for the temporary government allocation would be approved. Such application, if received by Lands Department (LandsD), would be considered at its sole discretion. In the event any such application was approved, it would be subject to such terms and conditions as might be imposed by LandsD;
- (b) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the applicant should be reminded to provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant should consult DLO/YL and seek consent from relevant owners for any works to be carried outside the site boundary before commencement of the drainage work;
- (c) 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;
- (d) to note the comments of the Commissioner for Transport that sufficient manoeuvring space should be provided within the site;
- (e) to note the comments of the Director of Fire Services on the requirements of formulating fire service installations proposal as stated in Appendix II of the RNTPC Paper; and

- (f) to note the comments of Chief Engineering/Development (2), Water Supplies Department that existing water mains would be affected and the developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the centerline of the affected water mains should be provided. No structure should be erected over this waterworks reserve and such area should not be used for storage or car parking purposes. The Water Authority and his officers and contractors, should have free access at all time with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other service across, through or under it which the Water Authority might required or authorize.

[The Chairman thanked Ms. Bonita K.K. Ho, Mr. K.C. Kan and Mr. Ernest C.M. Fung, STPs/TMYL, for their attendance to answer Members' enquires. Ms. Ho, Mr. Kan and Mr. Fung left the meeting at this point.]

Agenda Item 30

Any Other Business

113. There being no other business, the meeting closed at 5:00 p.m..