

TOWN PLANNING BOARD

Minutes of 491st Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 5.7.2013

Present

Director of Planning
Mr. K.K. Ling

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Dr. C.P. Lau

Dr. W.K. Yau

Professor K.C. Chau

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Ms. Janice W.M. Lai

Ms. Christina M. Lee

Mr. H.F. Leung

Mr. F.C. Chan

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

Principal Environmental Protection Officer (Strategic Assessment)(Atg.),
Environmental Protection Department
Mr. Johnson M.K. Wong

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

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

Secretary

Absent with Apologies

Mr. Rock C.N. Chen

Ms. Anita W.T. Ma

Mr. Lincoln L.H. Huang

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. Cindy K.F. Wong

1. The Vice-chairman said that as the Chairman had to attend another meeting and he would chair the meeting until the Chairman arrived.

Agenda Item 1

Confirmation of the Draft Minutes of the 490th RNTPC Meeting held on 21.6.2013

[Open Meeting]

2. The draft minutes of the 490th RNTPC meeting held on 21.6.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

application site boundary in order to tally with the existing shoreline and slopes;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) 29 public comments were received during the first three weeks of the statutory publication period. 14 individuals supported the application as they wanted early completion of the Ma Wan Park for public enjoyment. The remaining 15 comments were summarized as below:
 - (i) 8 comments from land owners objected to the application as they had not reached any agreement with the applicant on land resumption and raised objection to include their land in the Ma Wan Park boundary without obtaining their prior agreement; a Tsuen Wan District Councillor objected to the application as there was no access road and ancillary facilities provided for Lot 223 and this might affect its future development; the Ma Wan Main Street Village village office objected to the application on the ground that the compensation, relocation and clearance matters of the squatters should be addressed prior to the approval of the MLP; the Designing Hong Kong Limited objected to the application as the Ma Wan Customs Station was a valuable historical site and should not be left unprotected; and one individual objected to the application without giving reason;
 - (ii) the Ma Wan Rural Committee raised no objection to the application as Lot 223 was under private ownership and considered that the developer could do nothing on the gable wall which should be excluded from the Ma Wan Park boundary; one land owner raised question on whether the application would affect his lots;
 - (iii) one comment from the Ma Wan Squatters Alliance provided information on the matter of squatter clearance; and

- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. Since the subject application was mainly to delete the requirement of restoring the former Custom Station site and there were public comments urging for early completion of the Ma Wan Park, it was recommended that if the Committee decided to approve the subject application, the validity period of the planning permission should be up to 3.2.2014, which was the same as the last approval granted by the Board under Application No. A/I-MWI/37-2. Regarding the eight public comments received objecting to the application on the grounds that no agreement had been reached with the applicant on land resumption, it was noted that the applicant had taken reasonable steps to notify the affected land owners on the subject application and was prepared to pursue further negotiations with the concerned lot owners to facilitate the implementation of the Ma Wan Park development. As regards the public comments on the concern on the accessibility of Lot 223, it was noted from the applicant's proposal that the planning intention of the Ma Wan Park Phase 2 was to maintain the existing Ma Wan Village and surrounding vegetation. No new buildings would be constructed on the existing vacant land or existing footpath to block the accessibility currently enjoyed by the affected lot owner. Moreover, the suggested approval condition (d) on the submission and implementation of emergency vehicular access, footpaths, loading/unloading and drop-off areas would be able to address the accessibility issue. As for public comments on the issue of squatter clearance, it was a land administrative matter to be dealt with separately by the Lands Department according to the Government's prevailing policy.

6. Members had no question on the application.

Deliberation Session

7. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission

should be valid until 3.2.2014, 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 of a revised master layout plan taking into account conditions (b), (d), (e) and (f) below for the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised landscape master plan including a tree preservation, tree felling, and compensatory and new planting plan to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of design of façade treatment and exterior appearance of the renovation/refurbishment of existing village structures to the satisfaction of Director of Planning or of the TPB;
- (d) the submission and implementation of emergency vehicular access, footpaths, loading/unloading and drop-off areas to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the design and implementation (including the submission of the operational arrangement) of Coach Area 1 for Ma Wan Park Phase I and Coach Area 2 for future Ma Wan Park Phase II, transport contingency and overflow from other recreation/tourism developments in Ma Wan to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the design and implementation of road connection to the adjoining proposed resort hotel at Ma Wan Lots No. 151, 214, 215, 218 and 219 to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the submission and implementation of a comprehensive traffic and transport plan with an effective control mechanism for coach access to Ma Wan and contingency transport measures in case of inclement weather or other emergency situations for the entire Ma Wan development to the

satisfaction of the Commissioner for Transport or of the TPB;

- (h) the design and provision of the proposed facilities and vehicular access underneath the Lantau Link including the protective measures for the Link to the satisfaction of the Director of Highways or the TPB;
- (i) the design and provision of emergency vehicular access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (j) the submission of a noise impact assessment on existing and proposed noise sensitive receivers and the provision of mitigation measures including those to address the noise impact of railway and aircraft, and outdoor performance venues in the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB;
- (k) the design and implementation of the waste delivery arrangement to the satisfaction of the Director of Environmental Protection or of the TPB;
- (l) the submission of an ecological impact assessment with additional information on habitat and vegetation survey, fauna species record and the implementation of ecological mitigation measures to be identified therein to the satisfaction of Director of Agriculture, Fisheries and Conservation or of the TPB;
- (m) the design and provision of drainage and sewage treatment and disposal facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (n) the submission of an assessment on the impact of the proposed development and other planned developments of Ma Wan on the water supply system in Ma Wan and, if necessary, the upgrading of water supply system, not limited to submarine pipeline(s) and service reservoir(s) to cater for the additional water demand arising from the proposed

development to the satisfaction of Director of Water Supplies or of the TPB;

- (o) the submission and implementation of archaeological investigation or detailed plans for the preservation and restoration of historical relics, buildings and structures, including Tin Hau Temple at Ma Wan Town, Stone Tablets of the Old Kowloon Customs and a rock inscription 'Mui Wai' to the satisfaction of the Director of Leisure and Cultural Services or of the TPB; and
- (p) the submission of a revised development programme for full completion of Phases I and II and the implementation of the proposed development according to the programme to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approved Master Layout Plan (MLP), together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) the applicant should expedite the implementation of Ma Wan Park, in particular the land acquisition negotiations and works for Phase II, to bring the whole scheme to fruition as early as practicable;
- (c) the applicant should liaise with the Transport Department and the Lands Department (LandsD) for the compliance of the Roads (Works, Use and Compensation) Ordinance in respect of the revised proposals for the roads and emergency vehicular access;
- (d) the applicant should take into account that ferry should be the principal

transport mode for Ma Wan in terms of carrying capacity during the peak hours in planning the transport provision of Ma Wan Phase II;

- (e) LandsD advised that if it was decided to let the land under the Lantau Link, it would only be in form of short term tenancy;
- (f) the applicant should liaise with LandsD to resolve the Heads of Agreement matters;
- (g) as part of the Ma Wan Park was in close proximity to the gazetted Ma Wan Tung Wan Beach, construction works of the Park should not encroach upon the gazetted beach;
- (h) the applicant should provide Ma Wan Fisheries Rights Association Limited and the Ma Wan Rural Committee with a briefing on the detailed design for the sheltered anchorage;
- (i) the applicant should provide the Park Island Owners' Committee, the Ma Wan Rural Committee and other residents of Ma Wan with a briefing on the Ma Wan Park development;
- (j) the required landscape master plan submission should be prepared in accordance with the Joint Practice Note No. 3 issued by the Buildings Department, LandsD and Planning Department; and
- (k) the Rehabilitation and Replacement (R&R) of Water Mains Stage 4 was affected. Tentative programme of the R&R works was from 2011 to 2015. The applicant was required to liaise with the Chief Engineer/Consultants Management of the Water Supplies Department to resolve any interface issues.

[The Vice-chairman thanked Mr. Wilson W.S. Chan, DPO/TWK, Ms. Fannie F.L. Hung, STP/TWK and Mr. James K.Y. Tsui, DLO/TW&KT, LandsD for their attendance to answer Members' enquiries. Mr. Chan, Ms. Hung and Mr. Tsui left the meeting at this point.]

Sai Kung and Islands District

[Mrs. Alice K.F. Mak, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting]

A/SK-CWBN/25 Proposed 3 Houses (New Territories Exempted Houses - Small Houses) in “Green Belt” zone, Lots 416 S.A ss.1, 416 S.B, 416 S.C ss.1, 416 S.C RP, 416 RP, 417 S.A RP, 417 S.A ss.1, 417 S.A ss. 2 S.A, 417 S.A ss.2 RP and 417 S.B and Adjoining Government Land in D.D. 238, Ng Fai Tin, Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBN/25A)

9. The Secretary reported that on 24.6.2013, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information to address departmental/public comments.

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

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

Agenda Item 5

Section 16 Application

[Open Meeting]

A/SK-CWBN/29 Proposed Utility Installation for Private Project (Underground Storm Water Drain) in “Open Space” zone, Government Land in D.D. 243, Pik Sha Road, Sai Kung

(RNTPC Paper No. A/SK-CWBN/29)

11. The Secretary reported that on 27.6.2013, the applicant’s representative requested for a deferment of the consideration of the application for one meeting in order to allow time for the applicant to address departmental comments regarding the Lease.

12. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant. The Committee agreed that the application should be submitted for its consideration on 19.7.2013. The Committee also agreed to advise the applicant that two weeks were allowed to address departmental comments, and no further deferment would be granted unless under very special circumstances.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/224 Temporary Film Studio for a Period of Three Years in “Recreation” and “Green Belt” zones, Lots 287 (Part), 288 (Part), 289S.A, 289RP, 295 and 299 in D.D. 247 and Adjoining Government Land, Ho Chung, Sai Kung

(RNTPC Paper No. A/SK-HC/224)

Presentation and Question Sessions

13. Mrs. Alice K.F. Mak, STP/SKIs, presented the application with the aid of a Powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary film studio for a period of three years;

[Ms. Janice W.M. Lai returned to join the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) six public comments were received during the first three weeks of the statutory publication period. One public comment was submitted by a Sai Kung District Council Member, three were submitted by local villagers and two were submitted by members of general public. The Sai Kung District Council member relayed the villagers' objection to the application and the other five commenters objected to the application on traffic, noise nuisance, environmental and fire safety grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. As the last planning permission for the same use was revoked due to non-compliance with the approval conditions, it was considered that the application might be tolerated on a temporary basis subject to a shorter compliance period to closely monitor the progress on compliance with the approval conditions. Regarding the public comments expressing concerns on traffic, noise nuisance and environmental and fire safety, the Commissioner for Transport and the Director of Fire Services (D of FS) had no adverse comments on the application, whilst the Director of Environmental Protection and Commissioner of Police had confirmed that no noise complaints regarding the film studio use and raised no adverse comments on the application. Besides, to address the traffic, noise nuisance and fire safety concerns arising from the operation of the film studio, relevant appropriate approval conditions had been recommended.

14. A Member noted that the applicant had failed to comply with the approval condition on provision of fire service installations resulting in revocation of the previous application, but the D of FS had no objection to the subject application. The Member asked if fire safety was not a major concern for the subject application. Mrs. Alice K.F. Mak replied that fire safety was certainly a major concern. In this regard, the D of FS had no in-principle objection to the application provided that the water supplies for the fire fighting and fire service installations should be provided. To closely monitor the progress on compliance with the approval conditions, shorter compliance periods were suggested.

15. The Secretary supplemented that, as indicated in TPB Paper No. A/SK- HC/224, fire service installations proposals were submitted in July 2012 and the proposals were approved by D of FS. However, as the unauthorised building works on the site had not been demolished, the building plan submission was not approved by the Building Authority and the fire service installations proposals could not be implemented accordingly. It was noted that the application had complied with all other approval conditions under the previous application. Should the Committee consider that the application could be approved on a temporary basis, a shorter compliance period could be imposed and any failure to comply with such approval conditions would result in revocation of the planning permission.

Deliberation Session

16. In response to a Member's concern on fire safety, the Secretary said that advisory clauses were included to remind the applicant to remove all unauthorised building works/structures on the site and shorter compliance periods were imposed to monitor the compliance of the approval conditions.

17. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.7.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no outdoor shooting and related activities from 11:00 p.m. to 7:00 a.m. were allowed within the development during the approval period;
- (b) no use of pyrotechnic materials was allowed within the development at any

time during the approval period;

- (c) no medium or heavy goods vehicles were allowed to enter the film studio at any time during the approval period;
- (d) the submission of water supplies for fire fighting and fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.10.2013;
- (e) in relation to (d) above, the implementation of water supplies for fire fighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.1.2014;
- (f) the submission of landscape and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.10.2013;
- (g) in relation to (f) above, the implementation of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.1.2014;
- (h) the submission of detailed proposals to ensure no pollution would occur to the water gathering grounds within 3 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 5.10.2013;
- (i) in relation to (h) above, the implementation of detailed proposals to ensure no pollution would occur to the water gathering grounds within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 5.1.2014;
- (j) if the any of above planning conditions (a), (b) or (c) was not complied

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

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions 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 apply to the District Lands Officer/Sai Kung, Lands Department for short term waiver and short term tenancy;
- (d) to resolve any land issue relating to the development with the concerned owners of the site;
- (e) to note the following comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department (BD):
 - (i) all unauthorised building works/structures should be removed. In particular, there were unauthorised building works on site (three single-storey structures) subject to Buildings Ordinance (BO) section 24 order no. C/AT/0040/96/NT. The applicant should be advised to comply with the said order as soon as possible;
 - (ii) unless the proposed site abutted on a specified street complying with

the requirements under the Building (Planning) Regulations (B(P)R)18A(3) and not less than 4.5m wide, the development intensity of the site should be determined by the Building Authority under B(P)R19(3);

- (iii) all building works were subject to compliance with the BO;
 - (iv) Authorized Person should be appointed to coordinate all building works; and
 - (v) the granting of the planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works;
- (f) to note the following comments of the Chief Engineer/Mainland South, Drainage Services Department:
- (i) the applicant should ensure that there would have adequate stormwater drainage works to be provided in association with the proposed land use not causing adverse drainage impact to the areas in the vicinity; and
 - (ii) there were no existing public sewage facilities in the vicinity of the subject lots for connection;
- (g) to note the following comments of the Director of Fire Services:
- (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed site, fire service installations would need to be installed;
 - (ii) in such circumstances, except where building plan was circulated to

the Centralised Processing System of BD, the tenant was required to send the relevant layout plans incorporated with the proposed fire service installations to the Fire Services Department for approval. The applicant should note that:

- (1) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (2) the location of the proposed fire service installations and the access for emergency vehicles should be clearly marked on the layout plans; and
- (iii) detailed fire safety requirements would be formulated upon receipt of formal submission of the aforesaid plans. The applicant would need to subsequently provide such fire service installations according to the approved proposal.

[The Vice-chairman thanked Mrs. Alice K.F. Mak, STP/SKIs, for her attendance to answer Members' enquiries. Mrs. Mak left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 7

Section 16 Application

[Open Meeting]

A/DPA/NE-HH/37 Proposed House (New Territories Exempted House - Small House) in "Unspecified Use" Area, Government Land in D.D. 283, Hoi Ha Village, Sai Kung North
(RNTPC Paper No. A/DPA/NE-HH/37)

19. The Secretary reported that on 27.6.2013, the applicant's representative requested

for a deferment of the consideration of the application for two months in order to allow time for the applicant to address departmental concerns.

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

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-STK/8 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” zone, Lot 166 (Part) in D.D. 40, Sha Tau Kok
(RNTPC Paper No. A/DPA/NE-STK/8)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) for a period of three years;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) one public comment from a North District Council (DC) member was received during the first three weeks of the statutory publication period. The commenter supported the application on grounds that the proposed development could meet the villagers’ needs. The District Officer (North), Home Affairs Department (DO(N), HAD) advised that the Chairman of the Sha Tau Kok District Rural Committee (STKDRC), the Incumbent DC member and one Village Representative (VR) of Tam Shui Hang supported the application while other three VRs of Tam Shui Hang had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 11 of the Paper. The public comments in support the application were noted.

22. Members had no question on the application.

Deliberation Session

23. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.7.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.1.2014;
- (b) in relation to (a) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the

Director of Drainage Services or of the TPB by 5.4.2014;

- (c) the submission of fire service installations (FSIs) and water supplies for fire fighting proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.1.2014;
- (d) in relation to (c) above, the provision of FSIs and water supplies for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.4.2014; and
- (e) if any of the above planning conditions (a), (b), (c) or (d) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note the comments of the District Lands Office/North, Lands Department that the owner of the lot concerned had to apply to the District Lands Officer for a Short Term Waiver (STW) for the proposed structure. There was no guarantee that the application for STW would necessarily be successful. Should STW was granted, the grant would be made subject to such terms and conditions to be imposed as the Government should deem fit to do so including payment of STW fee;
- (b) to note the comments of the Commissioner for Transport that the existing village access connecting the site was not under the management of the Transport Department. The applicant was advised to clarify the land status, management and maintenance responsibilities of the village access with the relevant lands and maintenance authorities;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that 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 Water Supplies Department's standards;

- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no existing public sewerage connection available in the vicinity of the site; and
- (e) to note the comments of the Director of Fire Services (D of FS) that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed site, fire service installations (FSIs) would be needed. In such circumstances, except where building plan was circulated to the Centralized Processing System of the Buildings Department, the applicant was required to send the relevant layout plans incorporated with the proposed FSIs to the D of FS for approval. The applicant should note that:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans.

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

Agenda Items 9 to 11

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/500 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" zone, Lot 880 S.A in D.D. 83, Ma Liu Shui San Tsuen,
Fanling
(RNTPC Paper No. A/NE-LYT/500A, 502A and 503A)

A/NE-LYT/502 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 881 S.A in D.D. 83, Ma Liu Shui San Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/500A, 502A and 503A)

A/NE-LYT/503 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 881 S.B in D.D. 83, Ma Liu Shui San Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/500A, 502A and 503A)

25. Members noted that the three applications were grouped together under one RNTPC Paper as the applied use was the same and the application sites were close to each other and within the same “Agriculture” (“AGR”) zone. The Committee agreed that these applications should be considered together.

Presentation and Question Sessions

26. Mr. Wallace W.K. Tang, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed House (NTEH – Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the three applications from an agricultural development standpoint as active agricultural activities were noted in the vicinity of the application sites and the sites were of high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the applications as the existing trees within the application sites would likely be in conflict with the proposed Small Houses;

- (d) four public comments were received during the first three weeks of the statutory publication period. A public comment from a North District Council member indicated no comment on the Application No. A/NE-LYT/500. A public comment from the Fanling District Rural Committee (FDRC) objected to the three applications and indicated that the applications were a kind of private developer's project. As there was limited land for rural development, the FDRC hoped that the rural land could be used for Small House development of villagers. The public comment from the Kadoorie Farm and Botanic Garden Corporation raised concerns that the three applications were not in line with the planning intention of "Agriculture" zone; the area of agricultural land in Hong Kong should not be further reduced to safeguard the important public interest in respect of food supply and the Government should take all possible steps to protect Hong Kong's agricultural land to secure a stable food supply. The public comment from the Designing Hong Kong Limited objected to the three applications mainly on the grounds that they were not in line with the planning intention of "AGR" zone and incompatible with the character of the area and would set an undesirable precedent for similar application; the cumulative impact of the applications should be considered together; most villagers building houses for financial gain, but not for domestic purpose; and inadequate access and parking space provision would cause conflicts amongst villagers/resident;
- (e) the District Officer (North), Home Affairs Department (DO(N), HAD) advised that the Indigenous Inhabitants Representative (IIR) of Ma Liu Shui San Tusen raised objection to the applications on the ground that the applicants were not indigenous villagers of Ma Liu Shui San Tusen. The proposed Small House developments were cross-village applications which were not in line with the principle of Small House Policy. Traffic to and from the application sites would pass through the existing village roads which were owned by the villagers of Ma Liu Shui San Tusen; and
- (f) the Planning Department (PlanD)'s views – the PlanD had no objection to the applications based on the assessments as detailed in paragraph 11 of the

Paper. While DAFC did not support the applications as there were active agricultural activities in the area, the application sites were located to the east of the “V” zone of the Ma Liu Shui San Tsuen and within ‘VE’ of the recognised village. Regarding CTP/UD&L, PlanD’s concern, it was recommended to impose an approval condition requiring the applicants to submit and implement landscape proposal. Regarding the public comments, it was considered that the proposed Small House developments would not have significant adverse impacts on the traffic, environment and drainage of the surrounding area. Relevant government departments consulted had no adverse comment on or no objection to the applications. Besides, approval conditions on the submission and implementation of drainage and landscape proposals to address the possible drainage and landscape impacts were recommended. As regards the local objections indicating that the applicants were not indigenous villagers of Ma Liu Shui San Tsuen and hence the applications were not in line with the principle of Small House Policy, and the traffic to and from the application sites would need to pass through the existing village roads of Ma Liu Shui San Tsuen, the District Lands Officer/North, Lands Department and the Commissioner for Transport had no objection to the applications.

27. Members had no question on the applications.

Deliberation Session

28. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 5.7.2017, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each permission was subject to the following conditions :

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

satisfaction of the Director of Planning or of the TPB.

29. The Committee also agreed to advise each of the applicant of the following :
- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities of the proposed development;
 - (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
 - (i) for the provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards; 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; and
 - (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including

any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/510 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 691 S.B in
D.D.83, Kwan Tei, Fanling
(RNTPC Paper No. A/NE-LYT/510)

Presentation and Question Sessions

30. Mr. Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as active agricultural activities were noted within and in the vicinity of the application site;
- (d) three public comments were received during the first three weeks of the statutory publication period. A public comment was submitted by a North District Council member indicating support to the Small House application as it would bring convenience to villager(s). The public comment from the Kadoorie Farm and Botanic Garden Corporation expressed concern on

the application as it was not in line with the planning intention of “Agriculture” (“AGR”) zone. The area of agricultural land in Hong Kong should not be further reduced to safeguard the important public interest in respect of food supply. The comment from the Designing Hong Kong Limited objected to the application mainly on the grounds that the application site was partly zoned “AGR” and the zoning intention and character of the area was incompatible with rural sprawl; approval of the case would set an undesirable precedent for similar application; the cumulative impact and degrading of quality agricultural land should be avoided and there was a lack of plan for a sustainable village layout; the cumulative impact of developments without public sewerage would result in the contamination of ground water and nearby water bodies to the detriment of existing and future residents; informal and substandard engineering of road and parking areas might result in unsafe and inadequate provisions; and most villagers building houses for financial gain, but not for domestic purpose;

- (e) the District Officer (North), Home Affairs Department (DO(N), HAD) advised that the Chairman of the Fanling District Rural Committee (FDRC) and the Resident Representative (RR) of Kwan Tei had no comment on the application while the Indigenous Inhabitant Representatives (IIRs) of Kwan Tei supported the application; and
- (f) the Planning Department (PlanD)’s views – the 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 from an agricultural development standpoint, it was noted that the application site was located to the south of the “Village Type Development” zone of Kwan Tei and the footprint of the proposed Small House fell entirely within the village ‘environs’(‘VE’) of the same village. Besides, the proposed Small House development was not incompatible with the surrounding area which was of rural landscape character dominated by farmland and village houses. Similar applications for Small House development within/partly within the same “AGR” zone had also been approved with conditions by the

Committee. Regarding the public comments received, it was considered that the proposed Small House development would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area. Relevant government departments had no adverse comment on or no objection to the application. Besides, it was recommended to impose approval conditions on the submission and implementation of drainage and landscape proposals to address the possible drainage and landscape impacts.

[Dr. C. P. Lau and Mr. Ivan C.S. Fu left the meeting temporarily at this point.]

31. In response to a Member's query, Mr. Wallace Tang replied, with reference to the site photographs on Plan A-4, that the application site was a piece of fallow agricultural land, although it was previously under cultivation.

32. Noting that the eligibility for Small House concessionary grant for the applicant had yet to be verified as stated in the footnote on page one of the RNTPC Paper, a Member asked if the applicant was eventually found not eligible for Small House grant after obtaining planning permission, whether the applicant could sell the piece of land to another person for the Small House development, Mr. Wallace Tang replied that the District Lands Officer would not approve the Small House grant if the applicant was not eligible for Small House grant. He also explained that the planning permission ran with the land. If planning permission was granted for Small House development on the application site, the landowner, irrespective of whether he was the applicant or not, could build a Small House on the site subject to compliance with other departments' requirements. Ms. Anita K.F. Lam, Assistant Director/New Territories, Lands Department, said that land transaction between private parties would not affect consideration of Small House grant under the Small House Policy. If the applicant was not eligible, Small House grant would not be given to him. However, the applicant could sell the land to other indigenous villager who was eligible for Small House grant for development of the Small House on the site.

Deliberation Session

33. A Member had some reservation on the subject application as there were active

agricultural activities in the area and the applicant's eligibility for Small House concessionary grant had yet to be verified. This Member had concern that the granting of planning permission for Small House development at the site would encourage the conversion of agricultural land to Small House development.

34. A Member said that as shown on the aerial photographs on Plan A-3, the site was under active cultivation and it was noted that DAFC did not support the application. There were also public views requesting to preserve agricultural land in Hong Kong. It was necessary to strike a balance between reserving land for agriculture use and Small House development.

35. Another member recalled that the Committee had previously rejected an application for Small House development at Ta Kwu Ling as there was agricultural use at the site, even though there was insufficient land within the "V" zone to meet the Small House demand.

36. A Member, however, considered that it was more important to provide land for Small House development to meet the demand.

37. Mr. Wallace Tang said that the Committee approved an application for 3 Small Houses to the south of the application site on 1.3.2013 and another application for 5 Small Houses to the east of the application on 13.3.2009. He also said that the site and its surrounding were at present fallow agricultural land. Land under active cultivation was located further south and north of the application site.

38. The Secretary said that according to the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in the New Territories, sympathetic consideration could be given to the proposed Small House if it was located within the 'VE' and there was general shortage of land within the "V" zone to meet the Small House demand. However, site characteristics, including slope area, vegetation cover, etc should also be taking into account. Regard the application rejected by the Committee quoted by a Member, the Secretary said that in that village, Small House applications were only approved to the west of the "V" zone where land was fallow but not to the east where land was under active cultivation. As for the current application, as shown

on Plan A-2, the “V” zone and ‘VE’ of Kwan Tei largely covered the same area. There was only a small strip of land outside the “V” zone but within the ‘VE’, which was the only land available for village extension in the area. Similar applications for Small House development were approved within this strip of land and there was a shortage of land in meeting future Small House demand in the subject “V” zone of Kwai Tei.

39. Mr. Wallace Tang said that the aerial photo on Plan A-3 was taken on 31.1.2013 which was not updated. The site had currently been left fallow. The description under paragraph 7.1(b) was not correct and the site was not under active cultivation.

40. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 5.7.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

41. 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 the Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development and the provision of septic tank;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
 - (i) for the 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 Water Supplies Department's standards; 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; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/512 Proposed 3 Houses (New Territories Exempted Houses - Small Houses) in "Agriculture" zone, Lots 1576 S.A, 1576 S.B and 1576 S.C in D.D. 76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/512)

Presentation and Question Sessions

42. Mr. Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed 3 houses (New Territories Exempted Houses - Small Houses);
- (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 an agricultural development standpoint as active agricultural activities were noted in the vicinity of the application site and the site had high potential for agricultural rehabilitation;
- (d) three public comments were received during the first three weeks of the statutory publication period. One public comment from a North District Council member had no specific comment on the application subject to consultation to the residents nearby had been done. Another public comment from the Kadoorie Farm and Botanic Garden Corporation had concern on the application as it was not in line with the planning intention of “Agriculture (“AGR”) zone and the area of agricultural land in Hong Kong should not be further reduced to safeguard the important public interest in respect of food supply. The comment from the Designing Hong Kong Limited objected to the application mainly on the grounds that the planning intention of “AGR” zone and character of the area was incompatible with rural sprawl; approval of the case would set an undesirable precedent for similar application and cumulative impact should be considered; the proposed development would diminish the farming potential greatly; there was a lack of plan for a sustainable village layout to ensure the health and well being of current and future residents; informal and substandard engineering of road and parking areas might result in unsafe and inadequate provisions; and most villagers built houses for financial gain, but not for domestic purpose.

- (e) the District Officer (North), Home Affairs Department (DO(N), HAD) advised that the Chairman of Fanling District Rural Committee (FDRC) and the Indigenous Inhabitant Representatives (IIRs) of Kan Tau Tsuen raised objection to the application as the proposed Small Houses fell outside the village ‘environs’ (‘VE’) and would cause adverse traffic impact; and

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

- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Although the DAFC did not support the application from an agricultural development standpoint, it was noted that the application site was located to the south of the “Village Type Development” zone of Kan Tau Tsuen and the footprint of the proposed Small Houses fell entirely within the ‘VE’ of the same village. Besides, the proposed Small House developments were not incompatible with the surrounding area which was of rural landscape character dominated by farmlands and village houses. In addition, similar applications for Small House development within/partly within the same “AGR” zone had also been approved with conditions by the Committee. Regarding the local objections indicating that the application site fell outside the ‘VE’ and would cause adverse traffic impact, it should be noted that the footprint of the proposed Small Houses fell within the ‘VE’ of Kan Tau Tsuen. Regarding other public comments, it was considered that the proposed Small Houses would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area. Relevant government departments consulted had no adverse comment on or no objection to the application. Besides, approval conditions on the submission and implementation of drainage and landscape proposals were recommended to address the possible drainage and landscape impacts.

43. Members had no question on the application.

Deliberation Session

44. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 5.7.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

45. 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 the site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the application site was located within the flood pumping gathering ground;
- (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; and
- (d) to note that the permission was only given to the development under

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

Agenda Item 14

Section 16 Application

[Open Meeting]

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

46. The Secretary reported that Ms. Janice W.M. Lai had declared an interest in this item as she had current business dealings with the Civil Engineering and Development Department, the applicant of the application, and AECOM Asia Company Limited, the consultant of the application. Mr. Ivan C.S. Fu had also declared an interest in this item as he had current business dealings with AECOM Asia Company Limited. As the item was for deferral of the consideration of the application, Members agreed that Ms. Lai and Mr. Fu could stay in the meeting.

47. The Secretary said that on 20.6.2013 and 26.6.2013, the applicant submitted further information to clarify the typo relating to the drawing in the supporting statement and provided a replacement figure to incorporate the application site boundary in the detailed vegetation survey. The further information was required to be circulated to concerned departments including the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) and the Director of Agriculture, Fisheries and Conservation (DAFC), whose comments were relevant to the consideration of the application, PlanD requested the consideration of the application be deferred to the next meeting on 19.7.2013.

48. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee agreed that the application should be submitted for its consideration upon receipt of DAFC and CTP/UD&L, PlanD's comments on the further information at the next meeting on 19.7.2013.

Agenda Items 15 to 19

Section 16 Applications

[Open Meeting]

A/NE-PK/38 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 1582 S.A in D.D. 91, Kai Leng, Sheung Shui (RNTPC Paper No. A/NE-PK/38, 40 to 42)

A/NE-PK/39 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 1582 S.C in D.D. 91, Kai Leng, Sheung Shui (RNTPC Paper No. A/NE-PK/39)

A/NE-PK/40 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 1543 S.A in D.D.91, Kai Leng, Sheung Shui (RNTPC Paper No. A/NE-PK/38, 40 to 42)

A/NE-PK/41 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 1543 S.C in D.D. 91, Kai Leng, Sheung Shui (RNTPC Paper No. A/NE-PK/38, 40 to 42)

A/NE-PK/42 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 1543 S.B in D.D. 91, Kai Leng, Sheung Shui (RNTPC Paper No. A/NE-PK/38, 40 to 42)

49. Members noted that the five applications were grouped together under two RNTPC Papers (i.e. A/NE-PK/38, 40 to 42 and A/NE-PK/39) as their applied uses were the same and the sites were within the same "Agriculture" zone. The applicants of the five applications had requested for a deferment of consideration of the applications. The Committee agreed that these applications should be considered together.

50. The Secretary reported that the applicants' representative on 20.6.2013 for application No. A/NE-PK/39 and 27.6.2013 for application No. A/YL-PK/38, 40 to 42 requested for a deferment of the consideration of the five applications for two months in order to allow time for the applicants to address the comments of the Planning Department on the applications.

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

[The Vice-chairman thanked Mr. Wallace W.K. Tang, STP/STN, for his attendance to answer Members' enquiries. Mr. Tang left the meeting at this point.]

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/454 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" zone, Lot 9 S.B in D.D. 7, Tai Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/454)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The major departmental comments were highlighted below:
 - (i) the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site fell wholly outside the village ‘environs’ (‘VE’) of Tai Hang and “Village Type Development” (‘V’) zone;
 - (ii) 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; and
 - (iii) the Chief Engineer/ Development (2), Water Supplies Department (CE/Dev(2), WSD) and the Director of Environmental Protection (DEP) did not support the application because there was no information to demonstrate that the proposed Small House could be connected to the planned sewerage system in the area and the wastewater generated from the proposed Small House would have the potential to cause water pollution to the water gathering ground (WGG);
- (d) two public comments were received during the first three weeks of the statutory publication period. They were submitted by the Kadoorie Farm & Botanic Garden Corporation and the Designing Hong Kong Limited objecting to the application mainly for reasons that:
 - (i) the proposed development was not in line with the planning intention of “Agriculture” (‘AGR’) zone;
 - (ii) the site had a high potential for restoration of agricultural activities and the area of agricultural land should not be further reduced;

- (iii) the approval of the application would set an undesirable precedent for other similar applications causing cumulative impacts on the area; and
 - (iv) there was no proper sewerage and a lack of access and parking facilities in the area; and
- (e) the Planning Department (PlanD)'s views –PlanD did not support the application based on the assessments as set out in paragraph 11 of the Paper and highlighted below:
- (i) the site fell within the “AGR” zone. The proposed Small House development was not in line with the planning intention of the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. In this connection, DAFC did not support the application as the site had high potential for rehabilitation of agricultural activities;
 - (ii) the site fell entirely outside the “V” zone and the ‘VE’ of Tai Hang. There was sufficient land available to meet the future Small House demand. The DLO/TP of LandsD did not support the application;
 - (iii) the site was located within the upper indirect WGG. Both DEP and the CE/Dev(2), WSD did not support the application as there was no information to demonstrate that the proposed Small House could be connected to the planned sewerage system in the area and the wastewater generated from the proposed Small House would have potential to cause water pollution to the WGG; and
 - (iv) the proposed Small House did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories in that the site was entirely outside the “V” zone and the ‘VE’ of any recognised villages. Besides, there was still sufficient land available to meet the future Small House demand of the concerned village. There was no information to show

that the proposed development located within the WGG would be able to be connected to the planned sewerage system in the area. Approval of the application would set an undesirable precedent for other similar applications in the area. There was no exceptional circumstance or strong justification provided by the applicant to merit sympathetic consideration of the application.

53. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention;
- (b) 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” (“V”) zone and the village ‘environs’ of any recognised villages and there was still sufficient land available within the “V” zone to fully meet the future Small House demand;
- (c) the applicant failed to demonstrate in the submission why there was no alternative land available within areas zoned “V” for the proposed development; and

- (d) the applicant failed to demonstrate that the proposed development located within the water gathering ground would not cause adverse impact on the water quality in the area.

Agenda Item 21

Section 16 Application

[Open Meeting]

A/NE-LT/474 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 291 and
Adjoining Government Land in D.D. 8, Tai Mong Che, Lam Tsuen,
Tai Po
(RNTPC Paper No. A/NE-LT/474)

55. The Secretary reported that on 29.5.2013, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to revise the dimension of the proposed Small House.

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.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/475 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lots 1204 S.B
ss.4 RP and 1204 S.B ss.7 RP in D.D 19, Lam Tsuen San Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/475)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V 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;
- (d) one public comment from the Designing Hong Kong Limited was received during the first three weeks of the statutory publication period. The commenter objected to the application mainly on the grounds that the site fell within the “Agriculture” (“AGR”) zone; the proposed development would diminish the farming potential; and there was a lack of parking and access in the area; 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 considered that the site had high potential for

agricultural rehabilitation, it was considered that sympathetic consideration could be given to the application for reasons that the site fell entirely within village 'environs' of the concerned village and more than 50% of the footprint falling within "Village Type Development" ("V") zone; the proposed Small House was located immediately adjacent to a Small House development approved by the Committee; the surplus of land in the "V" zone for Small House development was very minimal and the proposed Small House could be connected to the proposed public sewerage system. Regarding the public comment on the application mainly on the grounds that the proposed Small House would diminish the farming potential and there was a lack of parking and access in emergency situations, the Commissioner for Transport and the Director of Fire Services had no adverse comment on the application.

58. Members had no question on the application.

Deliberation Session

59. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 5.7.2017, 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 and tree preservation proposals 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.

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

- (a) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should preserve the two *Dimocarpus longan* (龍眼) within the site;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that:
 - (i) septic tanks and soakaway pit systems might be permitted to be used as an interim measure for foul effluent disposal before public sewers were available subject to the approval of the Director of Environmental Protection (DEP). Any such permitted septic tanks and soakaway pit systems should be designed and maintained in accordance with the Environmental Protection Department's ProPECC Practice Note No. 5/93. The septic tanks and soakaway pit systems should be located at a distance of not less than 30m from any water course and should be properly maintained and desludged at a regular frequency. All sludge thus generated should be carried away and disposed of outside the water gathering grounds; and
 - (ii) the proposed septic tank should be within the site and within the "Village Type Development" ("V") zone;
- (c) to note the comments of the DEP that the proposed Small House should be connected to the future public sewer when available; the septic tank and soakaway system of the future sewerage connection point(s) should be within the site and within the "V" zone and adequate land should be reserved for the future sewer connection work;
- (d) 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 Lam Tsuen San Tsuen was now being carried out under DSD's project 4332 DS "Lam Tsuen Valley Sewerage" and would be completed by 2015 tentatively. The proposed Small House was located partially outside the original "V" zone and there was no existing public sewerage system connection available. Theoretically, the applicant could extend his sewer via other private/government land to the proposed public sewers by himself if he would like to discharge his sewage into the public sewerage system. It should be noted that the above information was preliminary and would be subject to revision due to actual site situation;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road from Lam Kam Road to the site was not maintained by HyD;
- (f) 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;
- (g) 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) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (ii) 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;
- (h) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submissions to LandsD to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in Practice Notes for Authorized Persons (PNAP) APP56. 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
- (i) to note that the permission was only given to the development under the 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.

61. The Chairman arrived to chair the meeting at this point.

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/452 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lots 646 S.G ss.2, S.H ss.1 and S.O RP in D.D. 15,
Shan Liu, Tai Po
(RNTPC Paper No. A/NE-TK/452)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The 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;
- (d) two public comments, submitted by the Kadoorie Farm & Botanic Garden Corporation and the Designing Hong Kong Limited, were received during the first three weeks of the statutory publication period. The commenters objected to the application for reasons that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone; as

the site was located within the water gathering ground (WGG), any effluent/runoff from the proposed development might have the potential to affect the WGG; there were some landscape changes in the village. Any “destroy first, build later” activities should not be tolerated; the approval of the application would set an undesirable precedent for other similar applications; and there would be impacts on the public infrastructures such as drainage and waterworks, street lighting, quality refuse and garbage facilities, public spaces, footpaths, roads, and parking and public amenities; 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. Whilst the DAFC did not support the application from agricultural point of view, the site was a piece of abandoned agricultural land sparsely covered with weeds. Significant adverse impact on existing landscape resources within the site was not anticipated. Regarding the public comments on the potential adverse impacts on the “AGR” zone and the WGG, the proposed development generally complied with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories in that there was a shortage of land within “Village Type Development” zone for Small House development; the proposed development would be able to be connected with the planned public sewerage system; the site was a piece of abandoned agricultural land sparsely covered with weeds; significant adverse impact on existing landscape resources within the site was not anticipated; and the concerned government departments had no adverse comment on the application. The concerns of the commenter could be addressed through imposition of relevant approval conditions and advisory clauses to minimize the potential adverse impacts on the surrounding area. Regarding the commenter’s concern on the change in landscape in the village, the site was not subject of any active enforcement case.

63. Members had no question on the application.

Deliberation Session

64. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 5.7.2017, 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.

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

- (a) the applicant was required to register, before execution of Small House grant documents, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);
- (b) to note the comments of the Director of Environmental Protection that the construction of the proposed Small House should not be commenced before the completion of the planned sewerage system. The applicant should connect the proposed Small House to the future public sewer at his own cost. Adequate land should be reserved for the future sewer connection

work;

- (c) to note the comments of the Director of Drainage Services that there was no public drain maintained by Drainage Services Department in the vicinity of the site. The applicant/owner was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was no existing public sewerage in the vicinity of the site. Nevertheless, sewerage connection might be available when the proposed village sewerage works under the “Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C” project was completed by 2013/14. The proposed Small House should not encroached onto the government land;
- (d) to note the comments of the Commissioner for Transport that the existing village access connecting the application site was not under the management of the Transport Department. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (e) 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; 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 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/167 Renewal of Planning Approval for Temporary Container
Tractor/Trailer Park for a Period of 3 Years in “Comprehensive
Development Area” zone, Lots 868 RP (Part), 869, 870, 871 (Part) ,
872, 873 and 874 in D.D.95, Kwu Tung North, Sheung Shui
(RNTPC Paper No. A/NE-KTN/167)

66. The Committee noted that Ms. Anita K.F. Lam had declared an interest in this item as she had personal business dealing with Lanbase Surveyors Ltd., the consultant of the applicant. As Ms. Lam had no direct involvement in the application, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application - a renewal application of temporary planning approval under application No. A/NE-KTN/140 which was valid until 13.7.2013;
- (b) renewal of planning approval for temporary container tractor/trailer park for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of domestic uses in the vicinity of the application site, with the nearest one located about 80m to the west of the application site and environmental

nuisance was expected. However, there was no environmental complaint regarding the application site in the past three years;

- (d) one public comment was received during the first three weeks of the statutory publication period. The public comment was from a North District Council member who did not have specific comment on the application but indicated that comments of the nearby residents should be sought;
- (e) the District Officer/North, Home Affairs Department (DO/N, HAD) advised that while the Vice-chairman of the Northern District Council, the Chairman of the Sheung Shui District Rural Committee cum Residents Representative (RR) of Ho Sheung Heung, the RR of Kwu Tung (South) and the RR of Kwu Tung (North) had no comment on the application, the Indigenous Inhabitants Representatives (IIRs) of Ho Sheung Heung raised objection to the application as the applied use would affect traffic flow in the area and large vehicles would cause traffic congestion; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Regarding DEP's comments, it was noted that no environmental complaint in relation to the application site had been received in the past three years. Besides, noise mitigation measures including the restriction of operation hours and provision of noise barriers along the site boundary had been implemented by the applicant. To minimize the potential environmental impacts on the surrounding residents, approval condition restricting the operation hours was recommended. As regard the public comments on traffic grounds, it was noted that the Commissioner for Transport had no in-principle objection to the application. The concerns could be addressed by incorporation of approval condition of restriction on operation hours and submission of an updated traffic impact assessment.

68. Members had no question on the application.

Deliberation Session

69. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 14.7.2013 until 13.7.2016, 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 9:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) the existing access road should be managed and maintained at all times during the planning approval period;
- (d) the existing noise mitigation measures should be managed and maintained at all times during the planning approval period;
- (e) the existing drainage facilities should be properly maintained and rectified if they were found inadequate/ineffective during operation at all times during the planning approval period;
- (f) the existing peripheral fencing and the installed gate should be maintained at all times during the planning approval period;
- (g) the submission of a conditional record of the existing drainage facilities on site as implemented on the same site in the previously approved application (No. A/NE-KTN/101) within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.10.2013;

- (h) the submission of tree preservation and landscape proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 13.1.2014;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 13.4.2014;
- (j) the submission of proposals for water supplies for fire fighting and fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.1.2014;
- (k) in relation to (j) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.4.2014;
- (l) the submission of an updated Traffic Impact Assessment within 6 months from date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 13.1.2014;
- (m) in relation to (l) above, the implementation of mitigation measures identified in the approved Traffic Impact Assessment within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 13.4.2014;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) was

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

70. 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 of the application site;
- (b) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that the owners of the lots concerned had to apply to DLO/N for a Short Term Waiver (STW) for the proposed/existing structures. There was no guarantee that the application for STW would necessarily be successful. If STW was granted, the grant would be made to such terms and conditions to be imposed as the Government should deem fit to do so including payment of STW fee;
- (c) to note the comments of the Chief Engineer/Railway Development, Railway Development Office, Highways Department that:
 - (i) the application site fell within the administrative route protection boundary of Northern Link. Although the programme of the proposed rail link was still under review, the area should be vacated at the time of railway development; and
 - (ii) part of the site (including D.D. 95 Lot 871) fell within the railway protection boundary of the Lok Ma Chau Spur Line. Prior to the commencement of any works on the application site, the Mass Transit Railway Corporation Limited should be consulted on the section of railway protection to ensure safe operation and proper protection of the existing Lok Ma Chau Spur Line and its associated railway related works in the areas;
- (d) to note the comments of the Director of Fire Services as follows:

- (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the application site, fire service installations (FSIs) would need to be installed;
 - (ii) in such circumstances, except where building plan was circulated to the Centralized Processing System of the Buildings Department, the applicant was required to send the relevant layout plans incorporated with the proposed FSIs to the Fire Services Department for approval. The applicant should note that:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the locations of the proposed fire service installations (FSIs) to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and
 - (iii) detailed fire safety requirements would be formulated upon receipt of formal submission of the aforementioned layout plans. The applicant would need to subsequently provide such FSIs according to the approved proposal;
- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that:
- (i) for the provision of water supply to the application site, 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 Water Supplies Department's standards;

- (ii) the application site was located within the WSD flood pumping gathering ground; and
 - (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (f) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department that one tree within the site was found dead and the number of Ficus microcarpa (細葉榕) was reduced from 86 to 83. Hence, the applicant was required to replace the dead tree and missing trees. In addition, some of the tree planting areas were disturbed by weed trees, Leucaena leucocephala (銀合歡). In this regard, these weed trees should be removed; and
- (g) to follow the environmental measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites” issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/340 Temporary Storage of Metal Ware with Ancillary Office for a Period of 3 Years in “Recreation” zone, Lots 1669 S.A ss.1 RP (Part), 1670 S.A ss.1 RP, 1671 S.A ss.1, 1673 S.A and 1675 S.B ss.1 S.A RP (Part) in D.D. 100 and Adjoining Government Land, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/340A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary storage of metal ware with ancillary office for a period of three years;

[Professor K. C. Chau arrived to join the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of domestic uses in the vicinity of the application site, with the nearest one located about 40m to the south-east of the application site and environmental nuisance was expected. Two substantiated complaints on air pollution regarding the application site were received in the past three years. Although there was no malodour spotted during the visits in relation to the two complaints, the person-in-charge of the site had been reminded about environmental legislation requirements and had been requested to adopt appropriate measures to prevent causing nuisance;
- (d) one public comment from a North District Council (NDC) member was received during the first three weeks of the statutory publication period. The NDC member had no specific comment on the application but he indicated that comments of nearby residents should be consulted;
- (e) the District Officer/North, Home Affairs Department (DO/N, HAD) advised that the drainage channel running underneath the temporary structure of the application site was linked to the upstream channel, which was constructed by the Drainage Services Department (DSD) and was maintained by the Home Affairs Department, and conveyed the stream water to the downstream channel of DSD. On 22.7.2010, a flooding happened at Ying Pun under the black rainstorm warning and caused a

72-year-old man drowned to death at home. In this regard, the drainage channel running underneath the temporary structure should be maintained in good condition and kept in fluent flow. The applicant should consult DO/N prior to the commencement of any works on the application site to ensure that the existing drainage channel underneath the application site would not be affected. DO/N also advised that the incumbent North District Council member and the Residents Representative (RR) of Ying Pun had no comment on the application while the Chairman of Sheung Shui District Rural Committee (SSDRC) had raised objection to the application on grounds that the development would obstruct road junction and traffic and would cause environmental pollution; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 11 of the Paper. Regarding DEP's comments and the air pollution complaints received related to the previous garage use at the application site, the current application was for temporary storage of metal ware with ancillary office and it was operated within two enclosed structures. The concern of DEP on possible environmental nuisance to the surrounding areas could be addressed through the incorporation of approval conditions restricting the operation hours and operation days of the development. As regards the local objection as conveyed by DO(N) on traffic and environmental grounds, The local concerns on environmental grounds could be addressed through the incorporation of approval conditions restricting the operation hours and operation days of the development. Besides, it was noted that the Commissioner for Transport considered that the application could be tolerated from traffic engineering viewpoint.

72. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years until 5.7.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicants, was allowed on the application site during the planning approval period;
- (b) no operation on Saturdays and Sundays, as proposed by the applicants, was allowed on the application site during the planning approval period;
- (c) the existing drainage facilities should be properly maintained and rectified if found inadequate/ineffective during operation at all times during the planning approval period;
- (d) the submission of records showing conditions of the drainage facilities previously implemented on site for compliance with approval conditions of planning application No. A/NE-KTS/288 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.10.2013;
- (e) the submission of tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.1.2014;
- (f) in relation to (e) above, the implementation of tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.4.2014;
- (g) the submission of proposals of water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.1.2014;
- (h) in relation to (g) above, the implementation of proposals 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 5.4.2014;

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

74. 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 note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that the owner of the lots should be advised to apply to the DLO/N for a Short Term Waiver (STW) and a Short Term Tenancy (STT) for the existing/proposed structures and the occupation of government land. There was no guarantee that the STW and STT would be granted to the applicant. If the STW and STT were granted, they would be made subject to such terms and conditions to be imposed as the Government should deem fit to do so including the payment of STW fee and STT rent;
- (c) to note the comments of the Commissioner for Transport that the vehicular access to the application site was via a village track connecting with Fan

Kam Road. The village track was not under the Transport Department's management. The applicant should check the land status of the access with the lands authority, and clarify its management and maintenance responsibilities with the relevant lands and maintenance authorities accordingly, for formation of a proper run-in where necessary;

- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department regarding the submission of records showing conditions of the drainage facilities previously implemented on site for compliance with approval condition (d) as follows:
 - (i) the records should include (i) photographs of the said drainage facilities taken within 2 weeks after the date of the TPB's approval to the subject application, and (ii) a plan showing where the photographs were taken;
 - (ii) the said drainage facilities should be thoroughly cleared of deposits, overgrowth or and other obstruction that might put the drainage facilities out of view before taking the photographs; and
 - (iii) adequate photographs should be taken to capture a complete view of the drainage facilities in sufficient details;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
 - (i) before any new building works (including open sheds as temporary buildings) were to be carried out on the application site, prior approval and consent from BD should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (ii) for UBW erected on leased land, enforcement action might be taken

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

- (iii) in connection with (i) above, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulation (B(P)R)5 and 41D respectively; and
 - (iv) if the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under B(P)R 19(3) at the building plan submission stage;
- (f) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
- (i) existing government mains were found in the close vicinity of the application site. The applicants were requested to make all necessary arrangements to avoid conflict with them and take precautionary measures to avoid damage to them during their uses/maintenance of the site. The applicants should make available at all times free access for staff of the Director of Water Supplies or his/her authorized contractor(s) for inspection, operation, maintenance and repair works to the water mains within the site; and
 - (ii) the application site was located within the flood pumping gathering ground;
- (g) to note the comments of the Director of Fire Services as follows:
- (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected

within the application site, fire service installations (FSIs) would need to be installed;

- (ii) in such circumstances, except where building plan was circulated to the Centralized Processing System of BD, the applicants were required to send the relevant layout plans incorporated with the proposed FSIs to Fire Services Department for approval. The applicants should note that:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the locations of the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and
- (iii) detailed fire safety requirements would be formulated upon receipt of formal submission of the aforementioned layout plans. The applicants would need to subsequently provide such FSIs according to the approved proposal;
- (h) to note the comments of the District Officer (North) (DO/N) that the applicant should consult DO/N prior to the commencement of any works on the application site to ensure that the existing drainage channel underneath the application site would not be affected; and
- (i) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/341 Proposed Place of Recreation, Sports or Culture (Hobby Farm) in
“Agriculture” and “Village Type Development” zones, Lots 100, 101
and 103 in D.D. 100, Cheung Lek, Sheung Shui
(RNTPC Paper No. A/NE-KTS/341A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed place of recreation, sports or culture (hobby farm);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the application site had been occupied as an organic farm for some years. The application was generally supported from the perspective of agricultural development;
- (d) three public comments from a North District Council (NDC) member, the Designing Hong Kong Limited and a member of the general public were received during the first three weeks of the statutory publication period. The NDC member supported the application as the applied use would benefit the concerned villager(s) and promote the awareness of environmental protection, whereas the member of the general public supported the application as the proposal would help revitalize farm land and improve the scenery or view of adjacent areas. The Designing Hong Kong Limited objected to the application on grounds that there was no

information on the operation of the “education tour on organic farming”; there was no appropriate road access and parking facilities for the anticipated visitors of 350 and raised concern on whether this was ‘fake farming’ planned to seek rezoning the site for further development in the future;

- (e) the District Officer (North), Home Affairs Department (DO(N), HAD) advised that the Chairman of the Sheung Shui District Rural Committee (SSDRC) and Vice-chairman of North District Council had no comment on the application while the Indigenous Inhabitants Representative (IIR) of Cheung Lek could not be reached during the consultation period. The Residents Representative (RR) of Cheung Lek had no objection to the application should the operation scale of the proposed development remain unchanged, otherwise, he would object to the application if the scale of the proposed development increased in the future as it would affect the *fung shui* of Cheung Lek;

- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 11 of the Paper. Although there was no local objection as conveyed by DO(N), the RR of Cheung Lek had expressed that he would object to the application if the scale of the proposed development increased in the future. Besides, there was a public comment objecting to the application mainly on traffic grounds and queried whether the proposed use was genuine farming. In this connection, the DAFC had advised that the application site had been used for organic farming for some years and the current application for hobby farm was supported from the perspective of agricultural development. The Commissioner for Transport considered that the application could be tolerated in view of the scale of the proposed hobby farm and the traffic management provided by the applicant. However, noting that there was no provision of parking and loading/unloading space within the application site and there were local and public concerns on traffic conditions and the possible increase in the scale of proposed development in the future, a

temporary planning approval of three years, instead of a permanent approval as applied, was recommended in order to closely monitor the traffic situation arising from the proposed development.

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 5.7.2016, 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 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.1.2014;
- (c) in relation to (b) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.4.2014;
- (d) the submission of tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.1.2014;
- (e) in relation to (d) above, the implementation of tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.4.2014;
- (f) the submission of proposals of water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.1.2014;

- (g) in relation to (f) above, the implementation of proposals 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 5.4.2014;
- (h) if planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon 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.

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

- (a) a temporary approval period of 3 years was imposed in order to monitor the traffic situation arising from the proposed development;
- (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 the District Lands Officer/North, Lands Department (DLO/N, LandsD) to apply to DLO/N for erection of the proposed structures on the lots which were not permitted by the lease. There was no guarantee that the approval would be given. In the event that an approval was given, it would be subject to such terms and conditions, including but not limited to the payment of an administrative fee and waiver fee as the Government should see fit;

- (d) to note the comments of the Commissioner for Transport that there was a village track from Fan Kam Road near the application site, which was not under Transport Department's management. The applicant should check the land status of the access with the lands authority, and clarify its management and maintenance responsibilities with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Commissioner of Police that visitors' vehicles or coaches should not cause obstruction to other road users since no parking space was provided;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that DSD had no stormwater drainage works in the vicinity of the application site and 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 aspects of the development and the provision of septic tank;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the existing trees within the site should be preserved so as to maintain the greenery of the rural landscape character;
- (h) to note the comments of the Director of Environmental Protection to follow Environmental Protection Department's Professional Persons Environmental Consultative Committee Practice Note (ProPECC PN) 5/93 in the design, operation and maintenance of the soakaway system for the hobby farm;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:

- (i) before any new building works (including temporary buildings such as storage room and toilets) were to be carried out on the application site, prior approval and consent from BD should be obtained, otherwise, they were unauthorized building works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance;
 - (ii) in connection with the above, the site should be provided with means of obtaining access thereof from a street and emergency vehicular access in accordance with Building (Planning) Regulations (B(P)R) 5 and 41D respectively; and
 - (iii) if the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under B(P)R 19(3) at the building plan submission stage;
- (j) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
- (i) for the 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 Water Supplies Department's standards; and
 - (ii) the application site was located within the flood pumping gathering ground; and
- (k) to note the comments of the Director of Fire Services as follows:
- (i) if covered structures (e.g. container-converted office, temporary

warehouse and temporary shed used as workshop) were erected within the application site, fire service installations (FSIs) would need to be installed;

- (ii) in such circumstances, except where building plan was circulated to the Centralized Processing System of the BD, the applicant was required to send the relevant layout plans incorporated with the proposed FSIs to the Fire Services Department for approval. The applicant should note that:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the locations of the proposed FSIs to be installed and the access of emergency vehicles should be clearly indicated on the layout plans; and
- (iii) detailed fire safety requirements would be formulated upon receipt of formal submission of the aforementioned layout plans. The applicant would need to subsequently provide such FSIs according to the approved proposal.

Agenda Item 27

Section 16 Application

[Open Meeting]

A/ST/816

Columbarium in “Government, Institution or Community” zone,
Government Land adjoining Chi Ha Yuen, No. 186 Pai Tau Village,
To Fung Shan, Sha Tin
(RNTPC Paper No. A/ST/816)

79. The Secretary reported that as the zoning of the subject application site was subject to outstanding adverse representation yet to be submitted to the Chief Executive in

Council (CE in C) for consideration and the substance of the representation was relevant to the subject application, Planning Department requested to defer making a decision on the application until the draft Sha Tin Outline Zoning Plan was approved by CE in C.

80. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee also agreed that the application should be submitted to the Committee for consideration after approval of the draft Sha Tin Outline Zoning Plan by the CE in C.

[The Chairman thanked Mr. C.T. Lau and Ms. Maggie M.Y. Chin, STPs/STN, for their attendance to answer Members' enquiries. Mr. Lau and Ms. Chin left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 28

Section 16 Application

[Open Meeting]

A/YL/199 Proposed Temporary Institutional Use and Religious Institution for a Period of 5 Years in "Residential (Group B)" zone, Government land in D.D. 116, Tai Kei Leng, Shap Pat Heung Road, Yuen Long
(RNTPC Paper No. A/YL/199)

81. The Secretary reported that on 4.6.2013, the applicant requested for a deferment of the consideration of the application for one month in order to allow time for the applicant to prepare further information to address the comments of the relevant government department and the public.

82. 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 29

Section 16 Application

[Open Meeting]

A/YL-PS/412 Social Welfare Facility (Private Residential Care Home for Persons with Disabilities) in “Village Type Development” zone, No. 356, Tong Fong Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/412)

83. The Secretary reported that on 20.6.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information in support of the application.

84. 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 30

Section 16 Application

[Open Meeting]

A/TM-LTY Y/259 Social Welfare Facility (Private Residential Care Home for Persons with Disabilities (Mentally Handicapped and Ex-Mentally Ill People)) in “Village Type Development” zone, Lots 2163 S.C (Part) and 2163 RP (Part) in D.D. 130, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/259)

85. The Secretary reported that on 26.6.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to respond to comments of relevant departments.

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

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

Agenda Item 31

Section 16 Application

[Open Meeting]

A/TM-SKW/82 Temporary Shop and Services (Car Body Cosmetics, Waxing and Cleaning Services) with Ancillary Office and Storeroom for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 183 (Part) and 184 (Part) in D.D. 385, Tai Lam Chung, Tuen Mun
(RNTPC Paper No. A/TM-SKW/82)

87. The Committee noted that after the issue of the Paper, the applicant’s representative requested on 4.7.2013 for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments from government departments.

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/434 Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years in “Green Belt” zone, Lots 372 S.D RP (Part), 378, 379, 380, 382(Part), 383(Part), 385, 389 RP (Part) and 390 in D.D. 99, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/434)

89. The Committee noted that Ms. Anita K.F. Lam had declared an interest in this item as she had personal business dealings with Lanbase Surveyors Ltd.. As Ms. Lam had

no direct involvement in the application, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

90. 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 three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) one public comment was received during the first three weeks of the statutory publication period. The commenter objected to the application on the ground that his land had long been taken over without his consent for temporary vehicle car park use; and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. As for the public comment objecting to the application on the ground that the land had long been taken over without the commenter's consent for temporary vehicle car park use, the applicant should be advised to resolve the land issues relating to the development with the concerned owner(s) of the application site.

91. In response to the Chairman's enquiry, Mr. K. C. Kan said that the approval condition of the previous application on the prohibition of parking and storage of vehicle

without valid licence issued under the Road Traffic Ordinance was found not complied with. A warning letter had been issued to require the applicant to comply with the approval condition. As the approval condition had still not been complied with, a letter was issued to the applicant informing the applicant that the application was revoked on 2.4.2013. Investigation was being undertaken by the Planning Authority to ascertain whether the current use of the site constituted an unauthorized development.

Deliberation Session

92. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.7.2016, 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) only private cars 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 only private cars 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 maintenance of the paving on the site at all time during the planning approval period;
- (f) the setting back of the boundary of the site to avoid encroaching onto the

Area of Influence of the proposed Northern Link when required by the Government to the satisfaction of the Director of Highways or of the TPB;

- (g) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.10.2013;
- (h) in relation to (g) above, the implementation 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 5.1.2014;
- (i) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.10.2013;
- (j) in relation to (i) 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 5.1.2014;
- (k) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.10.2013;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.1.2014;
- (m) the submission of parking layout plan with dimensions within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 5.10.2013;
- (n) in relation to (m) above, the implementation of parking layout plan within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 5.1.2014;

- (o) 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 5.10.2013;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (q) if any of the above planning conditions (g), (h), (i), (j), (k), (l), (m), (n) or (o) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (r) upon 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.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) the permission was given to the development/use(s) and structure(s) under application. It did not condone any other development/use(s) and structure(s) which were currently found on the site but not covered by the application. The applicant should take immediate action to discontinue such development/use(s) and remove the structure(s) not covered by the permission;
- (c) should the planning permission be revoked due to non-compliance with any of the approval conditions again, sympathetic consideration might not be given to any further application;

- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) the application site comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government. No approval was given for the specified structures as shroff. The private land of Lot No. 380 in D.D. 99 was covered by Short Term Waiver No. 3719 which allowed the use of the land for ancillary structures to temporary public vehicle park (excluding container vehicles) with permitted built-over-area not exceeding 15m² and height not exceeding 5m above the level of ground. The application site was accessible to Castle Peak Road – Chau Tau through Short Term Tenancy No. 2212 approved as a non-exclusive vehicular access for the operation of the site under 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. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (f) 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;

- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Castle Peak Road – Chau Tau;
- (h) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, HyD that the site fell within the administrative route protection boundary of Northern Link. Although the programme of the proposed rail link was still under review, the area should be vacated at the time of railway development;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department at Appendix VI of the RNTPC Paper;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department at Appendix VI of the RNTPC Paper;
- (k) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to the Fire Services Department (FSD) for approval. 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. 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. 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

- (l) to note the comments of the Director of Electrical and Mechanical Services at Appendix VI of the RNTPC Paper.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/217 Temporary School (Tutorial School) for a Period of 3 Years in
“Residential (Group C)” zone, Shop No. 137, 1/F, Palm Springs
Commercial Centre, Yuen Long
(RNTPC Paper No. A/YL-MP/217)

Presentation and Question Sessions

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

95. Members had no question on the application.

Deliberation Session

96. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.7.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.1.2014;
- (b) in relation to (a) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.4.2014; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied development at the application premises;
- (b) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing, Buildings Department (BD) as stipulated in his letter to the applicant dated 15.5.2013 regarding unauthorized building works (UBW) of air-conditioning condenser rested on the flat roof over the premises as follows:
 - (i) it had been noted by the Building Authority (BA) that certain building works, not being exempted works under Section 41 of the Buildings Ordinance (BO), had been carried out at the premises

without the prior approval and consent of the BA;

- (ii) the application for a licence and the existence of UBW which did not pose a risk to public safety were treated by the BA as separate issues. The applicant should note that future action might be taken under Section 24 and 40 of the BO to secure removal or rectification of the UBW. In the meantime, the applicant was strongly advised to remove or rectify the UBW voluntarily; and
 - (iii) although the BA had not recommended rejection of the application, the applicant should note that the structural integrity of the UBW had been assessed on the basis of visual inspection only. The permanent structural stability of the UBW could not be established;
- (c) 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 or referral from licensing authority;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed development should neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas; and
- (e) to note the comments of the Secretary for Education that approval would be granted to the application for registration of a proposed school subject to (i) clearance from the TPB and the Lands Department in respect of the proposed premises; (ii) safety certificates/notice in respect of the said premises issued by the Fire Services Department and the BD; and (iii) documentary proof of the right to use the relevant premises, such as tenancy agreement, rental receipts, etc.

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

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/843 Temporary Storage of Banquet Utensils and Food Preparation
(Washing and Cutting) for a Period of 3 Years in “Village Type
Development” zone, Lots 945 (Part), 968 (Part) in D.D. 125 and
Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/843)

Presentation and Question Sessions

98. 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 storage of banquet utensils and food preparation (washing and cutting) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application. He advised that the site was situated in an area of rural landscape character dominated by village houses. Although disturbance to the existing landscape character and resources arising from the applied use was not anticipated, the applied use was not quite compatible with the rural landscape character of the surrounding village environment;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 11 of the Paper. Although CTP/UD&L had some reservation on the application as the applied use was not quite compatible with the rural landscape character of the surrounding village environment, an approval condition on the submission and implementation of a landscape proposal could be imposed should the TPB decide to approve the application.

99. In response to Chairman's enquiry, Mr. Ernest Fung referred Members to Plan A-2 and said that Shi Wang Study Hall was not a historic building and it was a venue for holding festive banquets for the locals. The applicant proposed to use the application site which was covered with temporary shed for temporary storage of banquet utensils and tabletops and for food preparation. The area between Shi Wang Study Hall and the application site was a residential dwelling.

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

Deliberation Session

100. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.7.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 11:00 p.m. to 6:30 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no repairing workshop, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) only light goods vehicles not exceeding 5.5 tonnes, as proposed by the applicant, was allowed for the operation of the site during the planning approval period;

- (d) the submission of a landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.10.2013;
- (e) in relation to (d) above, the implementation 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 5.1.2014;
- (f) the submission of a drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.10.2013;
- (g) in relation to (f) above, the provision of drainage facilities as proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.1.2014;
- (h) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.10.2013;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.1.2014;
- (j) 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;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods were granted in order to monitor the situation of the fulfillment of approval conditions. Sympathetic consideration might not be given by the Committee to any further application should the applicant fail to comply with the approval condition(s) resulting in revocation of the planning permission;
- (c) to resolve any land issues relating to the development with the other concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from DLO/YL; and to confine the applied use within the private lots and avoid affecting government land as far as possible;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site from a public road should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the

relevant lands and maintenance authorities accordingly;

- (g) to note the comments of the Director of Fire Services (D of FS) to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to D of FS for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications D of FS for consideration; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
 - (i) the existing structures were erected on leased land without approval of the BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including containers as temporary buildings) were to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they were 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 the UBW erected on leased land, enforcement action might be taken by the Building Authority (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 BO;

- (iv) the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
- (v) if the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. Detailed comments on the proposal, including the provision of an emergency vehicular access under B(P)R 41D, would be made at the formal building plan submission stage;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that existing water mains would be affected. The applicant should bear the costs of any necessary diversion works affected by the development. Water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (j) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that the relevant food business licence or permit should be obtained from DFEH for carrying on any food business.

Agenda Item 35

Section 16 Application

[Open Meeting]

A/YL-HT/844 Temporary Open Storage of Recyclable Materials (Plastic, Paper and Metal) with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Short Term Tenancy No. 1869 (Part), Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/844)

102. The Secretary reported that on 20.6.2013, the applicant submitted further information in response to the comments of the Fire Services Department (FSD) regarding the fire service installations proposal. Since the departmental comments would be relevant to the consideration of the application, the Planning Department requested that the application be deferred for one month pending FSD's comments on the further information. The Planning Department's request for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that more time was required to consult the relevant government departments, the deferment was not indefinite and that the deferment would not affect the right or interest of other parties.

103. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee agreed that the application should be submitted for its consideration within one month upon receipt of FSD's comment. No further deferment would be granted unless under very special circumstances.

Agenda Item 36

Section 16 Application

[Open Meeting]

A/YL-HT/845 Temporary Open Storage of Used Electrical Appliances with Ancillary Workshop and Office for a Period of 3 Years in "Undetermined" zone, Short Term Tenancy No. 1869 (Part), Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/845)

104. The Secretary reported that on 20.6.2013, the applicant submitted further information in response to the comments of the Fire Services Department (FSD) regarding the fire service installations proposal. Since the departmental comments would be relevant to the consideration of the application, the Planning Department requested that the application be deferred for one month pending FSD's comments on the further information. The Planning Department's request for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations,

Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that more time was required to consult the relevant government departments, the deferment was not indefinite and that the deferment would not affect the right or interest of other parties.

105. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee agreed that the application should be submitted for its consideration within one month upon receipt of FSD's comment. No further deferment would be granted unless under very special circumstances.

Agenda Item 37

Section 16 Application

[Open Meeting]

A/YL-LFS/235

Proposed Residential Development with Minor Relaxation of Plot Ratio from 0.2 to 0.2334 in "Residential (Group C)" and "Residential (Group D)" zones, Lots 10 RP, 12 RP, 14 S.B RP, 14 RP, 15 S.A RP, 15 RP, 16 RP, 17 S.A RP, 17 S.B, 17 S.C and 17 RP in D.D. 128, Lots 2153 S.A and 2388 S.A ss.2 in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/235C)

106. The Secretary reported that the application was submitted by a subsidiary of New World Development Company Limited (New World). Mr. Ivan C.S. Fu had declared an interest in this item as he had current business dealings with New World. As the item was for deferral of the consideration of the application, the Committee agreed that Mr. Fu could stay in the meeting.

107. The Secretary reported that on 24.6.2013, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information taking into account the advice sought in the meeting with Planning Department on 24.6.2013.

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

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

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/667 Temporary Open Storage of Building Materials, Second-hand Vehicles and Automotive Parts with Ancillary Staff Canteen for a Period of 3 Years in "Agriculture" zone, Lots 1832 RP (Part), 1840 (Part), 1860 S.B RP (Part), 1861, 1864 RP (Part), 1865 (Part), 1866 (Part), 1867 (Part) and 1868 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/667)

Presentation and Question Sessions

109. Ms. Bonita K.K. Ho, STP/TMYL, advised that further comments from the Director of Fire Services (D of FS) were received after the issuance of the RNTPC paper. Relevant parts of the paper were revised to take into account D of FS's comments and the replacement pages 11, 14, 15, 17 and 19 were 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 open storage of building materials, second-hand vehicles and automotive parts with ancillary staff canteen for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers including residential dwellings in the vicinity of the site, the closest of which was about 40m to the south of the site, and environmental nuisances were expected. However, he also advised that there was no environmental complaint received for the site in the past three years. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site fell entirely within the “Agriculture” (“AGR”) zone. The agricultural life in its vicinity remained active and the potential for agricultural rehabilitation of the site was high;
- (d) one public comment from the Kadoorie Farm & Botanic Garden Corporation was received during the first three weeks of the statutory publication period. The commenter objected to the application as the applicant did not demonstrate that the development would not cause additional environmental impact on the surroundings. The runoff from the site might carry pollutants from the second-hand vehicles, automotive parts and building materials to the watercourse and there was no information on the sewage treatment facility/arrangement for the proposed staff canteen. The applicant should also clarify the discrepancy in flow direction between the drainage proposal plan and the site plan; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Regarding DEP’s comments, there was no environmental complaint received by DEP in the past three years. To address the concerns 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. DAFC did not support the application from the agriculture point of view as potential for agricultural rehabilitation of the site was high. To address DAFC's concern, an approval condition requiring the applicant to reinstate the site for agricultural uses was recommended. It was considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the "Agriculture" ("AGR") zone. As for the public comment on environmental impact, no workshop-related activity was proposed within the site and the areas in the vicinity were predominated by open storage/storage yards and warehouses. Regarding the sewerage concern, the applicant indicated that the sewerage from the toilet would be discharged into the septic tank and the applicant would conduct regular cleaning for the septic tank and the two grease traps within the site. The relevant departments including the DEP and the Director of Food and Environmental Hygiene (DFEH) also had no adverse comment on the sewerage aspect of the application. As for the drainage concern, the Chief Engineer/Mainland North, Drainage Services Department had no adverse comment on the application and the applicant would be required to submit a drainage proposal and to provide drainage facilities according to approval conditions as recommended.

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 5.7.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site 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) no diversion and no filling of the watercourse within the site was allowed 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 5.10.2013;
- (g) in relation to (f) 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 5.1.2014;
- (h) the submission of tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.10.2013;
- (i) in relation to (h) above, the implementation of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.1.2014;
- (j) 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 16.8.2013;
- (k) the implementation of the accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the

Director of Fire Services or of the TPB by 5.10.2013;

- (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.

112. 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 owners of the site;
- (c) shorter compliance periods were imposed to monitor the progress of compliance. Should the applicant fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration might not be given to any further application;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site under application comprised government land (GL) and Old Scheduled Agricultural Lots. The lots were held from the government under 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 erection of structures under application. For the GL within the site, there was no approval given for occupation of the GL. The act of occupation of GL without government's prior approval should not be encouraged. LandsD would consider taking lease enforcement action and land control action against the site if structures were found on the lots and GL found being occupied without government's permission. 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. LandsD provided no maintenance work for the GL involved and did not guarantee right-of-way. The landowner(s) 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 Chief Engineer/Mainland North, Drainage Services Department that the development should not generate adverse drainage impact to the adjacent areas. Regarding the drainage proposal submitted, the information on the gradients and invert levels of the proposed 375mm x 375mm surface u-channel, the proposed 400mm drain pipe and catchpits, as well as the ground levels of the site (to demonstrate the fall from north to south) should be provided. The last manhole should be replaced by desilting manhole. The details of the catchpits and desilting manhole should be provided. Moreover, the applicant should demonstrate how the surface runoff and the overland flow would be collected and discharged for consideration;

- (f) to note the comments of the Commissioner of Transport that vehicle was not allowed to reverse into or out of the application site. The site was connected to the public road network via a section of a local access road which might not be managed by the Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to adopt environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to alleviate any potential environmental nuisance;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that there were 28 Ficus microcarpa (細葉榕) trees in planter within the site. However, only 22 trees were indicated on the submitted Landscape Proposal (LP). The applicant should revise the LP if necessary;
- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation that as there was an existing stream/watercourse along the boundary of the site, the applicant should adopt good site practice and implement necessary measures during operation to avoid causing water pollution and disturbance to the stream/watercourse;
- (j) to note the comments of the Director of Fire Services that the good practice guidelines for open storage sites in Appendix V of the RNTPC Paper should be adhered to. Besides, the installation / maintenance / modification / repair work of fire service installation should be undertaken by an Registered Fire Service Installation Contractor (RFSIC). The RFSIC should after completion of the installation / maintenance / modification / repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the

certificate to the Fire Services Department for consideration. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to the Fire Services Department for approval;

- (k) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person should be appointed to coordinate all building works;
- (m) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for the 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;
- (n) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and

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

- (o) to note the comments of the Director of Food and Environmental Hygiene that any food business carrying on the site should be granted with a licence issued by his department. The applicant should also prevent creating environmental nuisance affecting the public.

Agenda Items 39-41

Section 16 Applications

[Open Meeting]

A/YL-KTN/370 Proposed Residential Development (Houses) in “Comprehensive Development Area” and “Undetermined” zones, Various Lots in D.D. 107 and Adjoining Government Land, Kam Tin (to the East of the Fishery Research Station of the Agriculture, Fisheries and Conservation Department), Yuen Long
(RNTPC Paper No. A/YL-KTN/370E)

A/YL-KTN/371 Proposed Residential Development (Houses) in “Comprehensive Development Area” and “Undetermined” zones, Various Lots in D.D. 107 and Adjoining Government Land, Kam Tin (to the South of Cheung Chun San Tsuen), Yuen Long
(RNTPC Paper No. A/YL-KTN/371E)

A/YL-KTN/378 Proposed Residential Development in “Undetermined” zone, Lots 215 S.C, 264 S.B RP (Part), 266 S.A (Part), 266 RP (Part), 267, 268, 269 S.B RP (Part), 269 S.B ss.2 RP (Part), 270 (Part), 271 (Part), 272, 275, 277 (Part) and 295 (Part) in D.D. 103 and Adjoining Government Land, Ha Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/378D)

113. The Committee noted that these three applications No. A/YL-KTN/370, 371 and 378 were similar in nature and the application sites were located in close proximity to one another. The Committee agreed that these three applications could be considered together.

114. The Secretary reported that the three applications were submitted by the subsidiaries of Sun Hung Kai Properties Ltd. (SHK). Ms. Janice W.M. Lai had declared an interest in these items as she had current business dealings with SHK, AECOM Asia Co. Ltd. which was the consultant of the applications No. A/YL-KTN/370 and 371, and Urbis Ltd which was the consultant of the three applications. Mr. Ivan C.S. Fu also had declared an interest in this item as he had current business dealings with SHK., AECOM Asia Co. Ltd. and Belt Collins International (HK) Ltd. which were the consultants of application No. A/YL-KTN/370 and 371, and Urbis Ltd. and Environ Hong Kong Ltd. which were the consultants of the three applications. As the items were for deferral of the consideration of the applications, the Committee agreed that Ms. Lai and Mr. Fu could be allowed to stay in the meeting.

115. The Secretary reported that since the last deferment, the applicant had held two meetings with the relevant departments in April and May 2013 and liaised with Agriculture, Fisheries and Conservation Department to further review and substantiate the technical feasibility of the proposed development taking into account the cumulative impacts. On 21.6.2013, the applicant’s representative requested for a deferment of the consideration of the applications for two months in order to allow time for the applicant to prepare a consolidated report for the application.

116. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the applications should be submitted for its

consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant of applications No. A/YL-KTN/370, 371 and 378 that a further period of two months were allowed for preparation of the submission of the further information, and since a total of 12 months had been allowed for applications No. A/YL-KTN/370 and 371 and 10 months had been allowed for application No. A/YL-KTN/378, no further deferment would be granted unless under very special circumstances.

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/602 Renewal of Planning Approval for Temporary “Open Storage of Electricity Generators and Compressors with Maintenance Work” for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 391 RP (Part), 392 RP and 1356 RP (Part) in D.D. 106, Shek Wu Tong, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/602)

Presentation and Question Sessions

117. 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 - a renewal application of temporary planning approval under application No. A/YL-KTS/567 which was valid until 10.7.2013;
- (b) renewal of planning approval for temporary “open storage of electricity generators and compressors with maintenance work” for a period of three years;
- (c) departmental comments – departmental comments were set out in

paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures/development, located to the north (the nearest one was about 2m away) and in the vicinity of the site, and environmental nuisance was expected. However, there was no environmental complaint received in the past three years;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of one year based on the assessments as detailed in paragraph 12 of the Paper. Regarding DEP's comments, there was no environmental complaint received by DEP in the past three years and no local objection was received during the statutory publication period. To address the concern of the DEP on the possible nuisance generated by the temporary use, approval conditions restricting operation hours, prohibiting paint spraying activity at the open area of the site and maintaining the peripheral fence wall of 2.5m high were also recommended. Whilst the applicant requested the Committee to grant a 3-year planning approval, it should be noted that a shorter approval period of one year granted under last application was for monitoring the situation on the site owing to its proximity to the Small House development (comprising six Small Houses) located to its south which were under construction at that time. Given the completed Small Houses had yet to be occupied, a shorter period of one year was recommended as continuous monitoring of the site was still necessary.

118. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 1 year, from 11.7.2013 until 10.7.2014 instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and statutory holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no paint spraying activity should be carried out at the open area of the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (e) the vehicular access/run-in between the site and the public road should be maintained at all times during the planning approval period;
- (f) the stacking height of the materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence;
- (g) the peripheral fence wall of 2.5m high should be maintained at all times during the planning approval period;
- (h) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (i) the existing drainage facilities within the site should be maintained at all times during the planning approval period;
- (j) the submission of a record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning

approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.10.2013;

- (k) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.8.2013;
- (l) the submission and implementation of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.1.2014;
- (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 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.

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) shorter approval period was granted and short compliance periods were imposed accordingly so as to monitor the situation on the site given a Small Houses development (comprising six Small Houses) was located close to

the site to its south;

- (c) to note the comments of the District Lands Officer/Yuen Long that the site under the application comprised Old Scheduled Agricultural Lots held from Government under the Block Government Lease with restriction that no structures were allowed to be erected without prior approval of the government. Lot 391 RP and 392 RP in D.D.106 was covered by a Short Term Waiver No. 2504 which was issued to permitting the erection of structures with built-over area not exceeding 495m² and height not exceeding 5.2m, for the use of an office and a workshop ancillary to the open storage of electricity generators and compressors. Lands Department (LandsD) would consider taking lease enforcement action against the site if structures were found on Lot No. 1356 RP(Part) in D.D. 106 without Government's permission and any irregularities were found in breach of the conditions of Short Term Waiver No. 2504 on Lots No. 391 RP(Part) and 392 RP in D.D.106. The access route of the site to and from Kam Sheung Road would require traversing through a short stretch of open government land (GL). LandsD provided no maintenance works for the GL involved and did not guarantee right of way. The lot owner(s) 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 LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others payment of premium or fee, as might be imposed by LandsD;
- (d) to note the comments of the Commissioner of Transport that the site was connected to the public road network via a section of a local access road which might not be managed by the Transport Department. The land status of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers of heavy goods vehicles should drive slowly with great care, particularly when there was an opposing stream of traffic on the local road;

- (e) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any possible environmental nuisances;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt good site practice and implement necessary measures as far as practicable to prevent polluting the adjacent watercourse which would connect to a nearby channel with gabion linings as the ecological mitigation measures;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to the Fire Services Department for approval. In formulating FSIs proposal for the proposed structures, 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 VI of the RNTPC Paper. 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, the applicant was required to provide justifications to the Fire Services Department for consideration. To address the approval condition related to provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to the Fire Services Department for approval;
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or

overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, 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 Supplier Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carry out works in the vicinity of the electricity supply lines; and

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

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/603 Renewal of Planning Approval for Temporary “Open Storage of Vehicles, Metal, Plastic Pipes, Machinery, Vehicle Parts and Construction Materials” for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 476 RP (Part) and 477 in D.D.106, Kam Sheung Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/603)

Presentation and Question Sessions

121. 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 - a renewal application of temporary planning approval under application No. A/YL-KTS/496 which was valid until 13.7.2013;
- (b) renewal of planning approval for temporary “open storage of vehicles, metal, plastic pipes, machinery, 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 there were sensitive receivers, i.e. residential dwellings, located to the south (the nearest one about 5m away) and in the vicinity of the site, and environmental nuisance was expected. However, there was no substantiated environmental complaint received in the past three years;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Regarding DEP’s comments, no local objection had been received during the statutory publication period and there was no substantiated environmental complaint 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 prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended.

122. Members had no question on the application.

Deliberation Session

123. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, from 14.7.2013 until 13.7.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (d) the boundary fence along the application site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of a record of the existing drainage facilities on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.1.2014;
- (g) the submission of a tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 13.1.2014;

- (h) in relation to (g) above, the implementation of a tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 13.4.2014;
- (i) the submission of proposal on provision of buffer zone at the entrance of the site fronting Kam Sheung Road to avoid queuing on Kam Sheung Road within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 13.1.2014;
- (j) in relation to (i) above, the implementation of proposal on provision of buffer zone at the entrance of the site fronting Kam Sheung Road to avoid queuing on Kam Sheung Road within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 13.4.2014;
- (k) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.8.2013;
- (l) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.1.2014;
- (m) in relation to (l) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.4.2014;
- (n) 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;

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

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

- (a) to resolve any land issues relating to the development with other concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that LandsD would consider taking lease enforcement action against the site if structures were found in breach of the conditions of Short Term Waiver No. 2795 and Building Licence No. BL308 for the site. The access route of the site to and from Kam Sheung Road would require traversing through a short stretch of open government land (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 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 of fee, or as might be imposed by LandsD;
- (c) to adopt environmental mitigation measures as set out in the “Code of

Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any possible environmental nuisances;

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should provide an updated tree survey and photo record on the conditions of the existing trees within the site boundary for consideration;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to the Fire Services Department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The good practice guidelines for open storage sites in Appendix VI of the RNTPC Paper should also be adhered to. 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, the applicant was required to provide justifications to the Fire Services Department for consideration. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to the Fire Services Department for approval; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West,

Buildings Department that all unauthorized building works/structures should be removed. All building works were subject to compliance with Buildings Ordinance (BO). Authorized Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

Agenda Item 44

Section 16 Application

[Open Meeting]

A/YL-SK/187 Proposed Excavation of Land for Swimming Pool and Plant Room
Ancillary to an Existing House in “Residential (Group D)” zone, Lot
259 S.A RP (Part) in D.D. 112, Yuen Long
(RNTPC Paper No. A/YL-SK/187)

125. The Secretary reported that on 3.7.2013, the applicant requested for a deferment of the consideration of the application for one month in order to allow time for the applicant to address the comments of the Buildings Department.

126. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that 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 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

127. 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 minor relaxation of building height restriction from 15m to 17m for permitted industrial use (not elsewhere specified);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper.

128. Members had no question on the application.

Deliberation Session

129. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 5.7.2017, 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 run-in/out proposal to the satisfaction of the Director of Highways or of the TPB;
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the design and provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approval of the application did not imply that the proposed development parameters of the application site could be achieved ultimately. The proposed development should also be conformed to any other relevant legislation, the conditions of the government lease concerned, and any other government requirements, as might be applicable;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owner would need to apply to LandsD for a lease modification. The lease modification would only be considered upon receipt of formal application to LandsD by the lot owner but there was no guarantee that the application for lease modification would be approved. Such application, if received by LandsD, would be considered by LandsD acting in the capacity as landlord at its sole discretion. In the event that any such application was approved, it would be subject to such

terms and conditions, including among others the payment of premium and administrative fee, as might be imposed by LandsD. Besides, the registered site area of Lot 1996 in D.D. 121 was 4,462m² but not 4,462.1m² as quoted in the Supplementary Planning Statement;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that for Alteration & Addition submission resulting in vertical extension of the existing building, the new gross floor area concession policy and the quality and sustainable built environment (QBE) requirements would be applicable. It appeared that the QBE requirements would not be complied with in the indicative scheme provided. The applicant should seek advice from the Authorized Person to ensure compliance with the QBE requirements;
- (d) to note the comments of the Chief Architect/Advisory & Statutory Compliance, Architectural Services Department that opportunity to step up measures to improve the visual relationship with the environment should be further explored;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that opportunity to provide appropriate landscape planting along San Hi Tsuen Street should be explored. Planting opportunities by the means of vertical greening on building façade where practical should also be explored for enhancing the landscape quality of the local environment and greening effect of the building;
- (f) to note the comments of the Commissioner of Transport that sufficient manoeuvring spaces should be provided within the application site. Also, no vehicle was allowed to queue back to public road or reverse onto/from the public road;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the run-in/out to be constructed at the access point at the road near San Hi Tsuen Street should be in accordance

with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains. HyD should not be responsible for maintenance of any access connecting the application site and San Hi Tsuen Street; and

- (h) 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.

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

Agenda Item 46

Any Other Business

131. There being no other business, the meeting closed at 4:35 p.m..