

TOWN PLANNING BOARD

Minutes of 494th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 16.8.2013

Present

Director of Planning
Mr K.K. Ling

Chairman

Mr Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr F.C. Chan

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr K.F. Tang

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

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

In Attendance

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

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

Town Planner/Town Planning Board
Mr Terence Leung

Agenda Item 1

Confirmation of the Draft Minutes of the 493rd RNTPC Meeting held on 2.8.2013

[Open Meeting]

1. The draft minutes of the 493rd RNTPC meeting held on 2.8.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

[Mrs Margaret W.F. Lam and Mrs Alice K.F. Mak, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCTC/45 Temporary Eating Place for a Period of 3 Years in “Open Space” zone,
Lot Nos. 2259-2261 in D.D. 3, G/F, No.2 Wong Nai Uk Village, Tung
Chung, Lantau Island
(RNTPC Paper No. A/I-TCTC/45)

Presentation and Question Sessions

3. Mrs Margaret W.F. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

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

- (b) the temporary eating place for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) commented that a complaint had been lodged against the unauthorized use of Lot Nos. 2259 and 2260 as food premises and illegal occupation of Government land in front of these two lots, causing noise nuisance and law and order problems arising from the operation of the food business. In a recent site inspection, it was found that the use of Government Land for outside seating accommodations (OSA) at the site had been extended to the roadside. The Director of Environmental Protection (DEP) had no in principle objection to the application, but noted that environmental complaints against polluting effluent discharge and flytipping/dumping of wastes were substantiated. If the restriction on business hours was properly complied with, the noise nuisance could have been avoided. The Hong Kong Police Force (Lantau District) (HKPF (LTDIST)) noted that Lantau Police District had received two noise complaints against the subject restaurant. Illegal parking complaints in the vicinity had also been received and fixed penalty tickets had been issued. The Project Manager (Hong Kong Island and Islands), Civil Engineering and Development Department (PM(HKI&I), CEDD) had no in-principle objection to the application, but commented that as the premises fell within the study area of Planning and Engineering Study on the Remaining Development in Tung Chung (the Tung Chung Study) commissioned in January 2012 for completion in 2014/2015, the approval should be granted on a short-term basis (e.g. 1 year), subject to extension upon further application;
- (d) during the first three weeks of the statutory publication period, one public comment was received. An individual complained that the eating place

had not complied with the conditions imposed by the Committee on restricting the operating hours from 7:00am to 11:00pm and implementing the noise mitigation measures by 12.4.2013. It actually operated until 2:00am and even later on Fridays and weekends causing nuisance to Wong Nai Uk villagers. The eating place also generated car parking, road safety, security and environmental hygiene problems despite the enforcement action by the Food and Environmental Hygiene Department; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 10 of the Paper. Part of the site was the subject of two previous applications (No. A/I-TCTC/40 and 42). Both were approved by the RNTPC but were subsequently revoked for failing to comply with approval conditions, even though the Board had advised the applicant that sympathetic consideration to further planning application would not be given if the permission was revoked again due to non-compliance with the approval conditions. Furthermore, the applicant had attracted complaints from the public as the eating place failed to comply with the condition on operating hours from 7:00am to 11:00pm. In the current application, there was no information on how the foul water from the eating place would be handled and no technical proposal on sewer connection had been submitted. Although a warning letter had been issued by PlanD to the applicant, complaints on late night operation and noise nuisance were still received. There was no clear information on how the public concern on noise nuisance from the eating place could be addressed. In this regard, further sympathetic consideration for the approval of the application was not warranted.

[Professor Edwin Chan and Ms Christina Lee arrived to join the meeting at this point.]

4. Members had no question on the application.

Deliberation Session

5. After deliberation, the Committee decided to reject the application. Members

then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) there was insufficient information in the submission to demonstrate that the development would not generate adverse sewerage and noise impacts on the surrounding areas; and
- (b) previous planning permissions granted to the applicant under Applications No. A/I-TCTC/40 and 42 were revoked due to non-compliance with approval conditions. Approval of the application with repeated non-compliance would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with approval conditions, thus nullifying statutory planning control.

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/132 Proposed Utility Installation for Private Project (A Proposed Drainage Pipe about 17.9m long) with Excavation of Land and Filling of Land in “Coastal Protection Area” zone, Government Land in D.D. 332 close to the intersection of South Lantau Road and Tung Chung Road, Lantau Island

(RNTPC Paper No. A/SLC/132)

6. The Secretary reported that the application was submitted by Bao Wei Enterprises Ltd. represented by Masterplan Ltd. Mr Ivan Fu had declared an interest in this item as he had current business dealings with Masterplan Ltd and his company was the architect of a residential development under construction at Lots No. 724 & 726 in D.D. 332 which would be served by the proposed drainage pipe. As Mr Fu’s interest was direct and substantial, Members agreed that he should leave the meeting temporarily during the discussion and deliberation of this item.

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

Presentation and Question Sessions

7. Mrs Margaret W.F. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed utility installation for private project (a proposed drainage pipe about 17.9m long) with excavation of land and filling of land;
- (c) departmental comments – the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) had no objection to the application, but suggested that tree felling proposal should be one of the approval conditions to be imposed. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application. However, should the application be approved, the applicant should be required to submit and implement tree preservation and landscape proposals to the satisfaction of PlanD or the Board.
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Islands); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. To ensure that the compensatory planting would be carried out to the satisfaction of relevant government departments, an approval condition on the submission and implementation of tree preservation and landscape proposals was recommended for Members' consideration.

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

8. In response to a question from a Member, Mrs Margaret W.F. Lam said that she had no information at hand regarding the timeframe for the reinstatement works of the proposed project.

Deliberation Session

9. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 16.8.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

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

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

- (a) to note the comments of the District Lands Officer/Islands, Lands Department (LandsD) in respect of obtaining an Excavation Permit from LandsD before commencement on any works on the site;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department, that as there was one existing tree outside the site proposed to be felled, approval for the tree preservation proposal and compensatory planting proposal on Government Land should be obtained from LandsD prior to commencement of work. For the compensatory planting proposal, relevant maintenance departments should be consulted;
- (c) to note the comments of the Director of Leisure and Cultural Services that the applicant was required to identify the maintenance parties of the compensatory planting of 16 nos. of trees for future maintenance;

- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that sufficient space and suitable gradient should be ensured for the compensatory plantings. They should make reference to GEO Publication No. 1/2011 on Technical Guidelines on Landscape Treatment for Slope and the proposed species for compensatory planting should be revised for his further review; and
- (e) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that details of the proposed excavation and lateral support and drainage works on the Government land should be submitted to relevant department(s) for approval/consent, if the proposed works were deemed to be appropriate under Section 16 of the Town Planning Ordinance.

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/27 Proposed Minor Relaxation of Plot Ratio and Site Coverage
Restrictions for Permitted House Development in “Residential (Group
C) 6” zone, Lot 501 and Extension in D.D. 238, Clear Water Bay, Sai
Kung
(RNTPC Paper No. A/SK-CWBN/27)

Presentation and Question Sessions

11. Mrs Alice K.F. Mak, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of plot ratio and site coverage restrictions for

permitted house development;

- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) commented that although the applicant claimed that the proposed increase in site coverage would help reduce the building height as compared with the approved general building plans under the previous scheme approved under application No. A/SK-CWBN/11, the potential visual improvement was only marginal. There was insufficient planning and design merit for the relaxation sought;
- (d) during the first three weeks of the statutory publication period, two public comments were received. Designing Hong Kong Limited objected to the application on the grounds that there was insufficient information on the landscape aspect; there was a lack of public gain from the proposed development; and it would set an undesirable precedent for similar applications. Another commenter objected to the application mainly on the grounds that: (i) the site was located within a conservation area which had already been damaged by garden extensions of the nearby houses; (ii) there were damages to the habitats within the adjoining “Conservation Area”; (iii) the proposed development would overload the access road (Hang Hau Wing Lung Road) which was not maintained by the Government; (iv) it would create visual impacts/incompatibility with existing houses in the area; (v) it would create slope stability hazard; (vi) it would set an undesirable precedent; and (vii) it would create adverse fung shui impacts; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The current lease entitlement of the application site was the same as that of the previous approved scheme (No. A/SK-CWBN/11). No strong justification had been provided on why the proposed relaxation of plot ratio and site coverage restrictions was required. Although the applicant claimed that there would be improvement to the building height variation, building form, greening ratio and building layout and transparent and

natural materials would be used in the proposed development, there was no reason why the improvements could only be achieved by an increase in plot ratio and site coverage. Further relaxation of the development restrictions without sufficient design merits, however minor, would set an undesirable precedent for similar applications within the “R(C)” zones in Clear Water Bay. The cumulative effect of approving such similar applications would undermine the integrity of the zoning concept and result in a general visual degradation of the scenic value of the Clear Water Bay area.

12. In response to a question from a Member, Mrs Alice Mak said that the development scheme approved under application No. A/SK-CWBN/11 had not been implemented, although the general building plans had been approved.

Deliberation Session

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

- (a) there were insufficient design merits in the submission for the proposed minor relaxation in plot ratio and site coverage; and
- (b) the approval of the application would set an undesirable precedent for other similar applications within the “Residential (Group C)” zone. The cumulative effect of approving such similar applications would result in a general visual degradation of the scenic value of the Clear Water Bay area.

Agenda Items 6 and 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/202 Temporary Eating Place (Outside Seating Accommodation of Restaurant) for a Period of 3 Years in areas shown as 'Road', Open area in front of Shop 10C, G/F, Po Tung Road, Lot 1827 (Part) in D.D. 221, Sai Kung
(RNTPC Paper No. A/SK-PK/202 and 203)

A/SK-PK/203 Temporary Eating Place (Outside Seating Accommodation of Restaurant) for a Period of 3 Years in areas shown as 'Road', Open area in front of Shops 10A and 10B, G/F, Po Tung Road, Lot 1827 (Part) in D.D. 221, Sai Kung
(RNTPC Paper No. A/SK-PK/202 and 203)

14. Noting that the two applications were similar in nature and were located in close proximity to each other, the Committee agreed that the two applications could be considered together.

Presentation and Question Sessions

15. Mrs Alice K.F. Mak, STP/SKIs, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the temporary eating place (outside seating accommodations (OSA) of a restaurant) for a period of 3 years at each of the application site;
- (c) departmental comments – the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) had no objection to the applications as the applications were on a temporary basis for three years and would not affect Hiram's Highway Improvement Stage 2 Project which would only commence by late 2016. The Director of Food and

Environmental Hygiene (DFEH) commented that the OSAs were part of the licenced restaurant;

- (d) during the first three weeks of the statutory publication period, five public comments were received (three for A/SK-PK/202 and two for A/SK-PK/203). They objected to the applications as the OSAs had attracted customers including cyclists at the nearby pedestrian walkway and make it difficult for pedestrians to walk through. The OSAs would also attract customers who would generate air pollution and noise nuisance to the residents nearby. Both the Director of Environmental Protection (DEP) and the Commissioner of Police (C of P) reported that no complaints regarding air and noise nuisance had been received against the eating place since June 2010; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments made in paragraph 10 of the Paper. Regarding the public comments, it should be noted that the OSAs were accommodated within a private lot and were small in scale. The dessert houses and OSAs had to comply with the relevant Ordinances and should not obstruct public areas and passageways. The pedestrian walkway in front of the dessert houses had a width of about 4m for pedestrian circulation. According to DEP and C of P, no complaint regarding air and noise nuisance in the past 3 years had been received. Nonetheless, an advisory clause could be included to remind the applicants to take necessary steps to minimize any potential nuisance which might affect the nearby residents.

16. In response to a question from a Member, Ms Anita Lam said that as the sites were within a private lot and the OSAs had not contravened the lease conditions, the applicant did not have to pay additional premium for the OSAs.

17. In response to a question from another Member, the Secretary said that temporary uses would need to comply with the provisions of the relevant OZP. Temporary uses within a permanent building were generally regarded as a permanent use. However, temporary

uses operated on a make-shift nature were regarded as a temporary use in land use planning terms. Unless the temporary use was column 1 use in a land use zone, a s.16 application would be required to be submitted to the Board. The Chairman added that as the subject OSA fell within an area shown as 'Road', planning permission was required from the Committee.

Deliberation Session

18. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 16.8.2016, on the terms of the applications as submitted to the Town Planning Board (TPB).

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

- (a) prior planning permission should have been obtained before continuing the applied use at the Premises;
- (b) to take necessary steps to minimize any potential nuisance which might affect the nearby residents;
- (c) to note the District Lands Officer/Sai Kung (DLO/SK)'s comments that:
 - (i) Special Condition No.7 of New Grant No. 6720 under which the Lot was held restricts the ground floor of any buildings erected thereon to non-industrial use whereas the upper floors to residential use. Special Condition No.8(f) further stipulated that no structure other than boundary walls and fences should be erected or constructed within the non-building area (NBA) except with the written approval of his office; and
 - (ii) provided that they were wholly within the lot boundary and that, except boundary walls and fences, no other structures were erected within the NBA, the proposed outside seating accommodations would not contravene the lease conditions; and

- (d) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s advice that:
- (i) for provision of water supply to the application sites, 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 connection, operation and maintenance of the inside services within the private lots to WSD's standards; and
 - (ii) existing water mains might be affected. A waterworks reserve within 1.5m from the centreline of the water main within or near the Sites should be provided to his department. No structure should be erected over the waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains. All other services across, through or under the waterworks reserve were required to seek authorization from the Water Authority. If diversion of the water main was necessary, the applicant should bear the cost of any necessary diversion works affected by the applications.

[The Chairman thanked Mrs Margaret W.F. Lam and Mrs Alice K.F. Mak, STPs/SKIs, for their attendance to answer Members' enquires. Mrs Lam and Mrs Mak left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 8

Section 12A Application

[Open Meeting]

Y/TP/17

Application for Amendment to the Draft Tai Po Outline Zoning Plan No. S/TP/23 from “Green Belt” to “Government, Institution or Community (2)” and “Government, Institution or Community (3)”, Lots 6 R.P., 54 R.P., 56, 440 S.A R.P., 441 R.P., 443 S.A, 443 R.P. 445 in D.D. 24 and Adjoining Government Land, No. 43 Ma Wo Road, Tai Po

(RNTPC Paper No. Y/TP/17)

20. The Secretary reported that the application had been deferred once. On 8.8.2013, the applicant’s representative wrote to the Committee and said that they wished to defer consideration of the application for two months in order to allow time for them to discuss with Transport Department on the traffic issues and to provide measures and facilities to address the air pollution issue. Since the last deferment, the applicant had submitted five sets of further information (FI) to address public and departmental comments mainly on traffic and environmental impacts. The latest FI submitted on 1.8.2013 included responses to departmental and public comments, a revised master layout plan with minor revisions to the emergency vehicular access and a revised master landscape plan.

21. 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. Since this was the second deferment of the application, the Committee had already allowed a total of four months for his discussion with Transport Department on traffic issues and provision of measures and facilities to address the air pollution issue. This should be the last deferment and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-MTL/2 Proposed Temporary Government Refuse Collection Point for a Period of 5 Years in “Agriculture” zone, Government Land in D.D. 93, Liu Pok Village, Sheung Shui
(RNTPC Paper No. A/DPA/NE-MTL/2)

Presentation and Question Sessions

22. 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 government refuse collection point (RCP) for a period of 5 years;
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment was received. A North District Council member supported the proposed temporary government RCP as it would bring convenience to the villagers and meet their needs; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper.

23. Members had no question on the application.

Deliberation Session

24. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 16.8.2018, 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 proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.11.2013;
- (b) in relation to (a) above, the implementation of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.2.2014;
- (c) the submission of landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.11.2013;
- (d) in relation to (c) above, the implementation of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.2.2014; and
- (e) if any of the above planning conditions (a), (b), (c) or (d) was not complied with by the specific date, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

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

- (a) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions; and

- (b) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/168 Temporary Container Vehicle Park (including Light and Heavy Goods Vehicles) for a Period of 5 Years in “Open Storage” zone, Lots 91 (Part) and 94 S.A RP (Part) in D.D. 95, Ho Sheung Heung, Sheung Shui

(RNTPC Paper No. A/NE-KTN/168)

Presentation and Question Sessions

26. 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 container vehicle park (including light and heavy goods vehicles) for a period of 5 years;
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment was received. A North District Council member stated that he had no comment on the application. District Officer (North) reported that the Resident Representatives (RRs) of Kwu Tung (South and North) had raised objection to the application mainly on the grounds that there were

many existing container storage sites in the area which affected the living environment of the nearby residents. The application site was located at the curve of Ho Sheung Heung Road which was a busy road. The container vehicle park would pose risk to the area; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary container vehicle park could be tolerated for a period of 5 years based on the assessments made in paragraph 12 of the Paper. Although a local objection was received against the application, the concerned departments had no adverse comments or no objection to the application. To address the concerns raised by the local resident, approval conditions restricting the operation hours and the maximum number of parking spaces to be provided within the application site were recommended.

27. In response to a question from a Member, Ms Maggie Chin said that the temporary container vehicle park for a period of 5 years would not affect the planning and implementation of the Kwu Tung North New Development Area (the NDA) under the North East New Territories New Development Areas Planning and Engineering Study. However, if the applicant would like to renew the temporary planning permission in the future, relevant government departments would have to be consulted regarding its impacts on the implementation of the NDA.

Deliberation Session

28. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 16.8.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 10:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) the proposed development should not be opened for public use during the planning approval period;

- (c) not more than 24 vehicles were allowed to be parked on the application site during the planning approval period;
- (d) no vehicle repairing and other workshop activities were allowed to be carried out on the application site during the planning approval period;
- (e) the submission of proposals for vehicular access, parking and loading/unloading facilities within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 16.11.2013;
- (f) in relation to (e) above, the provision of vehicular access, parking and loading/unloading facilities within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 16.2.2014;
- (g) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.11.2013;
- (h) in relation to (g) above, the implementation of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.2.2014;
- (i) the submission of proposals for water supplies for fire-fighting and fire service installations within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 16.11.2013;
- (j) in relation to (i) above, the provision of water supplies for fire fighting and fire service installations within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 16.2.2014;
- (k) the submission of tree preservation and landscape proposals within

3 months from the date of approval to the satisfaction of the Director of Planning or of the TPB by 16.11.2013;

- (l) in relation to (k) above, the implementation of tree preservation and landscape proposals within 6 months from the date of approval to the satisfaction of the Director of Planning or of the TPB by 16.2.2014;
- (m) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (n) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were allowed to monitor the progress of compliance of approval conditions;
- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the TPB to any further application;
- (d) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (e) to apply to the District Lands Office/North, Lands Department for a Short Term Waivers (STW) for the regularization of structures to be erected on

the application site. There was no guarantee that the STW would be granted. If the 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 the payment of STW fee;

- (f) to note the following comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD):
 - (i) before any new building works (including temporary buildings office/store/toilet) 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; and
 - (ii) in connection with the above, the site should be provided with emergency vehicular access in accordance with Building (Planning) Regulation 41D respectively;
- (g) to note the comments of the Commissioner for Transport that the vehicular access to the application site was via a narrow strip of land between the application site and Ho Sheung Heung Road which was not under Transport Department's management. The land status of the access leading to the application site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the Chief Engineer/Development(2), Water Supplies Department's comments that the application site was within flood pumping ground;
- (i) to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in

order to minimize any possible environmental nuisances;

- (j) to note the comments of the Director of Fire Services that:
 - (i) if no building plan would be circulated to his department via the Centralized Processing System of BD and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed site, the applicant was required to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval and to subsequently provide the FSIs in accordance with the approved proposals. In preparing the submission:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the location of the proposed FSI to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (k) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:

the application site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development.
- (l) to note the comments of the Director of Electrical and Mechanical Services that:

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

- (i) 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 suppliers lines.

Agenda Items 11 and 12

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/345 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1421 S.C in D.D. 100, Tsiu Keng Village,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/345 and 346)

A/NE-KTS/346 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1421 S.B in D.D. 100, Tsiu Keng Village,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/345 and 346)

Presentation and Question Sessions

30. Ms Maggie M.Y. Chin, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted Houses - Small Houses) at each of the application sites;
- (c) departmental comments – concerned departments had no objection to or no comment on the applications as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, three public comments for each application were received. They were submitted by a North District Council (NDC) member, Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation (KFBG). The NDC member supported the applications as the approval of the applications would facilitate the construction of houses by concerned villagers. Designing Hong Kong Limited and KFBG objected to the two applications on the grounds that (i) the proposed developments were incompatible with rural environment. Supply of farmland should be safeguarded and area of agricultural land in Hong Kong should not be further reduced; (ii) sufficient infrastructure was required to ensure health and well-being of current and future residents; (iii) concerned departments should review the current practice in relation to the Small House Policy, the issue of emergency vehicular access for village houses, as well as infrastructure and funding of roads and parking for meeting the demand of existing houses; and (iv) approval of the applications would set an undesirable precedent for similar applications;
- (e) the District Officer (North) reported that the Resident Representative (RR) of Tsiu Keng objected to the two applications on grounds that land was still available within the “V” zone of Tsiu Keng Village for Small House development;

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments made in paragraph 11 of the Paper. Regarding the local objection and public comments, the two applications generally met the Interim Criteria in that the footprints of the two proposed Small Houses fell entirely within the village 'environ' of Chan Uk Po of Tsiu Keng Village and there was insufficient land within the "V" zone of the same village to meet the Small House demand. Sympathetic consideration could be given to the two applications. The proposed Small House development was not incompatible with the surrounding land uses. Similar applications for Small House development within/partly within the same "AGR" zone in the vicinity of the two application sites had been approved with conditions by the Committee before. Significant adverse traffic, drainage, landscape and environmental impacts on the surrounding area were not anticipated.

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

31. Members had no question on the applications.

Deliberation Session

32. 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 16.8.2017, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions:

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

33. The Committee also agreed to advise each of the applicants of the following :
- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment / disposal aspects of 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 provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
 - (ii) the application site was located within the flood pumping gathering ground;
 - (c) to note the comments of the Director of Fire Services to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD) and 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) would comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB

where required before carrying out the road works.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/347 Proposed Temporary Private Swimming Pool Ancillary to a Permitted House for a Period of 3 Years in “Village Type Development” zone, Lots 1304 RP and 2598 in D.D. 92, Kam Tsin, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/347)

34. The Secretary reported that the application was submitted by Richery Honour Development Limited represented by Lanbase Surveyors Limited. Ms Anita Lam had declared an interest in this item as she had current business dealings with Lanbase Surveyors Limited. As she had no involvement in the application, her interest was not direct. Members agreed that she could stay in the meeting.

Presentation and Question Sessions

35. 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 temporary private swimming pool ancillary to a permitted house for a period of 3 years;
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment from a North District Council (NDC) member was received.

The NDC member had no specific comment on the application, but indicated that comments of nearby residents should be consulted. The District Officer (North) reported that an Indigenous Inhabitant Representative of Kam Tsin raised objection to the application on grounds that the application site fell within the village 'environs' of Kam Tsin and it was not suitable for the implementation of the proposed development; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Regarding the local objection, it should be noted that the proposed development was ancillary to the permitted house development in the western portion of the application site and the temporary swimming pool use for a period of 3 years would not frustrate the long-term planning intention of the “V” zone.

36. In response to a question from the Chairman, Ms Maggie Chin said that the application site comprised entirely of private lots.

Deliberation Session

37. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.8.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the implementation of accepted drainage proposal, including proposal to deal with discharge from the swimming pool within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.2.2014;
- (b) the implementation of accepted tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.2.2014;
- (c) the implementation of accepted water supplies for firefighting and 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 16.2.2014; and

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

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

- (a) shorter compliance periods for approval conditions were imposed in order to closely monitor the progress of compliance with the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (b) to note the comments of the District Lands Officer/North, Lands Department that no proposed structures should be erected on the application site unless the Short Term Waiver (STW) application was approved by his office. There was no guarantee that the STW application would necessarily be successful. If the STW was granted, it 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;
- (c) to note the comments of the Commissioner for Transport that the unnamed local tracks connecting the application site, Kam Tsin South Road and Kam Tsin Road were not under his department's management. In this regard, the land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Director of Environmental Protection that the

recommendations in Environmental Protection Department Practice Note for Professional Persons (ProPECC PN 5/93) for the discharges from the swimming pool including filtration plant backwash should be followed;

(e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:

(i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and

(ii) the application site was located within the flood pumping gathering ground; and

(f) to note the comments of Director of Electrical and Mechanical Services as follows:

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

(i) 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.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/85 Temporary Open Storage of Construction Machinery, Construction Material and Ancillary Workshop for a Period of 3 Years in “Agriculture” zone, Lots 90 (Part) and 91RP (Part) in D.D. 81 and Adjoining Government Land, Man Uk Pin
(RNTPC Paper No. A/NE-MUP/85)

Presentation and Question Sessions

39. 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 temporary open storage of construction machinery, construction material and ancillary workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were village houses in close proximity of the application site. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the subject application as the application site was of high potential for rehabilitation of agricultural activities even though it was already hard paved. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L,

PlanD) objected to the application as the site was located in an area of rural landscape character dominated by wooded area, farmland and scattered village houses and temporary structures. The proposed open storage use under application was considered incompatible with the surrounding rural character. The current use in the application site was a suspected unauthorized development. The site originally covered with vegetation and trees had been replaced by hard paving. Significant disturbance to landscape resources and character had taken place. Approval of the application would set an undesirable precedent for similar applications. The Commissioner for Transport (C for T) could not render his support to the application as the applicant had not provided the loading/unloading bays and car parking spaces within the site and had not provided clarification on the transportation arrangement of construction machinery and construction materials;

- (d) during the first three weeks of the statutory publication period, four public comments were received. A North DC member had no comment on the application and requested the administration to consult the villagers nearby. The other three public comments were from an individual, Designing Hong Kong Limited (DHKL) and Kadoorie Farm & Botanic Garden Corporation (KFBGC). The individual commenter objected to the application for the reasons of traffic impact, congestion, adverse impact on the daily life of the local residents, road safety, environmental pollution and damage to Sha Tau Kok Road. DHKL objected to the application for the reasons that it was incompatible with the “Agriculture” (“AGR”) zone and it would lead to degradation of land. KFBGC expressed concern on the application as it did not comply with the planning intention of the “AGR” zone and the designation of “AGR” zone was to safeguard and retain good quality agriculture land;
- (e) the District Officer (North) reported that one Village Representative (VR) of Man Uk Pin raised strong objection because the relevant section of Sha Tau Kok Road had never been widened after the war and many heavy vehicles travelled through the road. Besides, many villagers needed to go

through the application site and its vicinity daily to take public transport to the market. The Government should think carefully in considering the case as the proposed development might cause unnecessary accidents; and

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The application was not in line with the planning intention of the “AGR” zone and the development was incompatible with the surrounding areas which were predominantly rural with fallow farmland and village houses to its north and west and green areas to the east and south. The temporary use under application would cause nuisance to the nearby residents. The application did not comply with TPB PG-No. 13E in that the application site was not subject to any previous approval for similar open storage use; the proposed development was incompatible with the surrounding land uses; there were adverse departmental comments and public objections; and the applicant had not submitted any technical proposals to demonstrate that the proposed development would not have adverse traffic and environmental impacts on the surrounding areas. Approval of the application would set an undesirable precedent and encourage more open storage uses in the surrounding areas, leading to the degradation of the rural environment.

40. In response to a question from the Chairman, Mr Wallace Tang said that the application site was subject to enforcement action for unauthorized storage and workshop use. An Enforcement Notice was issued to the concerned landowners on 9.4.2013, requiring that the unauthorized development be discontinued by 9.6.2013. Since the unauthorized development was not discontinued upon expiry of the statutory notice, the concerned parties were subject to prosecution action.

Deliberation Session

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

- (a) the application was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that the proposed development was not compatible with the surrounding land uses which were predominantly rural in character; there was no previous planning approval granted at the site; there were adverse comments from the relevant government departments and local objections against the application; and there was no information in the application to demonstrate that the proposed development would have no adverse traffic, environmental and landscape impact on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/86 Temporary Open Storage of Recycled Materials (Plastic) for a Period
of 1 Year in “Agriculture” zone, Lot 171 RP in D.D. 38, Man Uk Pin,
Sha Tau Kok Road
(RNTPC Paper No. A/NE-MUP/86)

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 temporary open storage of recycled materials (plastic) for a period of 1 year;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were domestic structures/village houses within 30m of the application site. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the subject application as the application site was of high potential for rehabilitation of agricultural activities even though it was already hard paved. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had strong reservation against the application and commented that the site was located in an area with a rural landscape character but was disturbed by open storage uses. Most of the open storage uses were suspected unauthorized developments. The proposed open storage was not compatible with the landscape character of the surrounding environment. The existing trees along the southern boundary and in the middle part of the site had been removed. Disturbance to existing landscape resources and character had taken place. Approval of the application would likely encourage more open storage use in the area leading to the further deterioration of the rural landscape character. In addition, no tree preservation and landscape proposal was submitted. The Commissioner for Transport (C for T) could not render his support to the application as there was no loading/unloading bays and car parking spaces provided for the site, and the applicant had not provided clarification on the transportation arrangement of their plastic recycled materials;

- (d) during the first three weeks of the statutory publication period, three public comments were received. An individual supported the application on the ground that the Government had a responsibility to support the recycling trade. The Sha Tau Kok District Rural Committee (STKDRC) objected to the application and considered that there were already many storage sites in the surrounding which had caused pollution to the environment and seriously affected many villages in the district. A North DC member had no particular comment on the application and requested the administration to consult the villagers nearby;
- (e) the District Officer (North) reported that one Village Representative (VR) of Man Uk Pin and the Chairman of Sha Tau Kok District Rural Committee (STKDRC) raised objection to the application for the reasons that there were adverse impacts on the environment and pollution caused by the proposed development; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone and the development was incompatible with the surrounding areas which were predominantly rural areas with vacant land and domestic structures/village houses to the south across Sha Tau Kok Road. The temporary open storage use would cause nuisance to the nearby residents. The application did not comply with TPB PG-No. 13E in that the proposed development was incompatible with the surrounding land uses; there were adverse departmental comments and public objections against the application. Approval of the application would likely encourage more open storage use in the area, leading to further deterioration of the rural landscape character. Besides, no tree preservation and landscape proposal had been submitted.

43. Members had no question on the application.

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

- (a) the application was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that the proposed development was not compatible with the surrounding land uses which were predominantly rural in character; there was no previous planning approval granted at the site; there were adverse comments from the relevant Government departments and local objections against the application; and there was no information in the application to demonstrate that the proposed development would have no adverse traffic, environmental and landscape impact on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Agenda Item 16

Section 16 Application

[Open Meeting]

A/NE-TKL/427 Industrial Use (Laundry Workshop) in “Open Storage” zone, Lots 825, 834 and 836 in D.D. 77 and Adjoining Government Land, Ping Che
(RNTPC Paper No. A/NE-TKL/427A)

45. The Secretary reported that the application had been deferred once. On 2.8.2013, the applicant’s representative requested for deferment of the consideration of the application for one more month in order to allow time for preparation of further information to address relevant departments’ concerns on the application. Since the last deferment, the applicant had submitted on 19.6.2013 further information including a site plan showing the proposed car parking and loading/unloading arrangement within the site.

46. 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 more month, resulting in a total period of three months, for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/458 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” zones, Lots 1458 R.P.,
1459 R.P. & 1460 R.P. in D.D. 17, Lo Tsz Tin Village, Tai Po
(RNTPC Paper No. A/NE-TK/458)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment from Designing Hong Kong was received. It objected to the application mainly for the reasons that the proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone and did not comply with TPB-PG No. 10. There would also be cumulative impacts on ground water and the quality of nearby waters, parking and farming potentials; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 12 of the Paper. Regarding the adverse public comment, although the proposed development was not in line with the planning intention of the “GB” zone, the proposed Small House development was generally in line with the requirements of TPB-PG No. 10 as the proposed development would have no adverse impacts on landscape, drainage and slope stability in the surrounding areas. Strictly speaking, the proposed Small House did not meet the Interim Criteria as there was currently no shortage of land within the “V” zone to meet the Small House demand. However, the current application was the same as the previous approved Application No. A/NE-TK/266 and the processing of the Small House grant was already at advance stage. Considering that more than 50% of the footprint of the proposed Small House fell within the village ‘environ’, and the proposed development was not incompatible with the surrounding rural environment

and was not expected to generate adverse landscape, drainage and traffic impacts on the surrounding areas, sympathetic consideration could be given to the application.

48. Members had no question on the application.

Deliberation Session

49. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 16.8.2017, 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 landscaping proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain in the vicinity of the site. The applicant/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 existing public sewerage available for connection in the vicinity of the Site. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (b) to note the comments of the Chief Engineer/Development(2), Water

Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend their inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (c) to note the comments of the Director of Fire Services that the applicant was reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department. Detailed fire safety requirements would be formulated at the land grant stage;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road from Ting Kok Road to the application site was not maintained by HyD; and
- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) would comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/459 Proposed House (New Territories Exempted House - Small House) in
"Green Belt" zone, Government Land in D.D. 27, Sha Lan, Shuen
Wan, Tai Po
(RNTPC Paper No. A/NE-TK/459)

Presentation and Question Sessions

51. 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 – the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) objected to the application as the proposed Small House would likely require slope cutting and foundation construction, and would affect an area larger than the site, potentially including the root zone of the woodland trees growing on the upper hillside, and there were no details on site formation nor landscape and tree preservation proposal to demonstrate how the potential adverse impacts from the proposed development would be mitigated. The approval of this application would set an undesirable precedent for similar applications. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application unless the applicant could revise the Small House design to avoid felling of trees. The Head of Geotechnical Engineering Office, Civil Engineering & Development Department (H(GEO), CEDD) commented that the site was overlooked by a steep natural hillside and met the Alert Criteria requiring the preparation of a Natural Terrain Hazard Study (NTHS). Therefore, he tendered an in-principle objection to the application unless the applicant was prepared to undertake a NTHS and provide suitable mitigation measures, if found necessary, as part of the proposed development.
- (d) during the first three weeks of the statutory publication period, four public comments from Designing Hong Kong Limited, Kadoorie Farm & Botanic Garden Corporation and two indigenous villagers were received. They objected to the application mainly on the grounds that the proposed

development was not in line with the planning intention of “Green Belt” (“GB”) zone. The approval of the application would cause cumulative adverse impacts on the subject “GB” zone. There was also a lack of access and parking spaces in the area. One of the indigenous villagers also objected to the application on the ground that the proposed development involving excavation of land would affect the slope stability and the safety of the village houses nearby; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone. Although the proposed Small House footprint fell entirely within the village ‘environ’ and there was a general shortage of land in meeting the future Small House demand, the proposed development did not meet the Interim Criteria in that the proposed development would cause adverse geotechnical and landscape impacts on the surrounding areas. As the site was located on a slope, the construction of the proposed Small House and the associated site formation works would likely involve clearance of natural vegetation and cutting of slopes affecting an area larger than the site. No information had been provided to demonstrate the extent of formation works required and the potential adverse impacts on existing landscape resources of the surrounding area. The proposed Small House did not comply with the TPB-PG No. 10 as the proposed development and its associated site formation works would affect the existing natural landscape of the surrounding environment and slope stability. It should also be noted that the planning circumstances of the approved planning applications No. A/NE-TK/117 and 270 quoted by the applicant were not comparable to the current application. Application No. A/NE-TK/117 was basically an application to renew a previous planning permission, while application No. A/NE-TK/270 was approved considering that the proposed development complied with the Interim Criteria with a majority of the application site falling within the “Village Type Development” (“V”) zone and there was a general shortage of land in the “V” zone in meeting the demand for Small House development.

52. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. The applicant failed to provide information in the submission to justify a departure from this planning intention;
- (b) the application did not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse geotechnical and landscape impacts on the surrounding area. There was no information in the submission to address the geotechnical and landscape concerns;
- (c) the application did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the natural landscape of the surrounding area and slope stability; and
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.

Agenda Items 19 and 20

Section 16 Applications

[Open Meeting]

A/NE-TK/460 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lots 455 S.A ss.1, 455 S.B ss.1, 455 S.G and 459 S.A in D.D. 23, San Tau Kok, Tai Po
(RNTPC Paper No. A/NE-TK/460 and 461)

A/NE-TK/461 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lots 459 S.B, 474 S.N and 474 S.M ss.1 in D.D. 23, San Tau Kok, Tai Po
(RNTPC Paper No. A/NE-TK/460 and 461)

54. The Secretary reported that this was the first deferment for both applications. On 30.7.2013, the applicants’ representative requested for deferment of the consideration of the applications for two months in order to allow more time to address comments from the government departments.

55. 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.

Agenda Items 21 and 22

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/462 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 672 S.H, 673 R.P. and 674 S.A in D.D. 15 and Adjoining Government Land, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/462 and 463)

A/NE-TK/463 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 672 S.G and 673 S.A in D.D. 15 and Adjoining Government Land, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/462 and 463)

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed houses (New Territories Exempted House - Small House);
- (c) departmental comments –

Application No. A/NE-TK/462

- (i) The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as less than 50% of the footprint of the proposed Small House fell within the village ‘environ’ (‘VE’) of Shan Liu. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had a high potential for rehabilitation of agricultural activities. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had reservation on supporting the proposed development as there had been flooding around the stream

course at the downstream area and advised that the applicant to submit a Drainage Impact Assessment including flood relief mitigation measures for his consideration;

Application No. A/NE-TK/463

- (ii) DLO/TP, LandsD had no objection to the application as more than 50% of the footprint of the proposed Small House fell within the 'VE' of Shan Liu. DAFC did not support the application as the site had a high potential for rehabilitation of agricultural activities. CE/MN, DSD had reservation on supporting the proposed development as there had been flooding around the stream course at the downstream area. The applicant was advised to submit a Drainage Impact Assessment including flood relief mitigation measures for his consideration;

- (d) during the first three weeks of the statutory public inspection period, two public comments were received from Designing Hong Kong Ltd. and Kadoorie Farm & Botanic Garden Corporation. They objected to the applications mainly for the reasons that the proposed developments were not compatible with the "Agriculture" ("AGR") zone. The concerned agricultural land should be retained to safeguard the food supply for Hong Kong. Approval of the applications would have cumulative adverse impacts on the access road, public sewerage and parking facilities in the area; and

- (e) the Planning Department (PlanD)'s views –

Application No. A/NE-TK/462

- (i) PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the "AGR" zone. Even though the proposed Small House development was not incompatible with the surrounding environment, it did not meet the Interim Criteria in that less than 50% of the footprint of the

proposed Small House fell within the 'VE' and DLO/TP did not support the application. It did not warrant sympathetic considerations from the Committee. Furthermore, CE/MN, DSD advised that there had been flooding around the stream course at the downstream area. There was no information in the application to demonstrate that the proposed development would not cause adverse drainage impact on the surrounding area;

Application No. A/NE-TK/463

- (ii) PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The proposed Small House development complied with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell within the 'VE'; there was a general shortage of land in meeting the demand for Small House development in the "V" zone; and the proposed development could be connected to the planned sewerage system in the area. Although the proposed development was not in line with the planning intention of the "AGR" zone and the DAFC did not support the application, the site was a piece of abandoned agricultural land covered with weeds. Significant adverse impacts on the existing landscape resources within the site were not anticipated. Sympathetic consideration should be given to the application. To address CE/MN, DSD's concern on flooding, a relevant approval condition was recommended for Members' consideration. As regards the public comments, relevant approval conditions and advisory clauses would be imposed to minimize the potential adverse impacts of the proposed Small House on the surrounding area;

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

57. In response to a question from a Member, Mr C.T. Lau referred to Plan A-2a of the Paper and said that the planning permission of the previous application No. A/NE-TK/423 covering part of the subject application sites was still valid. Compared with

the subject applications which sought planning permission for two Small Houses, the previous applicant applied for only one Small House at its application site.

58. In response to a question from another Member, Mr C.T. Lau said that the proposed Small Houses could be connected to the public sewerage system in the area, although it would require to pass through private lots. Owner consents for the proposed sewage pipes to pass through the concerned private lots had been obtained by the applicants.

Deliberation Session

For Application No. A/NE-TK/462

59. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.2 of the Paper and considered that they were appropriate. The reasons were :

- (a) the application did not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that more than 50% of the footprint of the proposed Small House fell outside “Village Type Development” zone or the village ‘environs’; and
- (b) there was no information in the submission to demonstrate that the proposed development would not cause adverse drainage impact on the surrounding area.

For Application No. A/NE-TK/463

60. 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 16.8.2017, 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 of drainage impact assessment and implementation of the flood relief mitigation measures identified therein 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 would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) construction of the proposed Small House should not be commenced before the completion of the public sewerage system. Upon completion of the public sewerage system, the applicant should connect the proposed house to the public sewer at his own costs. Adequate land should be reserved for the future sewer connection work;
- (b) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots and resolve all necessary Government land (GL) issues with the Lands Department (LandsD) in order to demonstrate that it was both technically and legally feasible to install sewage pipes from the proposed house to the planned sewerage system via the concerned private lot(s) and GL;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the

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

- (d) to note the comments of the Director of Fire Services that the applicant was reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements would be formulated at the land grant stage;
- (e) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make necessary submission to the LandsD to verify if the site would satisfy the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption was not granted, the applicant should submit site formation plan to the Buildings Department in accordance with the provision of the Buildings Ordinance; 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) would comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/464 Proposed Houses (New Territories Exempted Houses - Small Houses)
in “Agriculture” zone, Lots 608 S.B, 608 S.C and 608 R.P. in D.D. 15,
Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/464)

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 three proposed houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had a high potential for rehabilitation of agricultural activities. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had reservation on supporting the proposed developments as there had been flooding around the stream course at the downstream area. The applicants were required to submit a Drainage Impact Assessment including flood relief mitigation measures for his consideration;
- (d) during the first three weeks of the statutory public inspection period, two public comments were received from Designing Hong Kong Ltd. and Kadoorie Farm & Botanic Garden Corporation. They objected to the applications mainly for the reasons that the proposed developments were not compatible with the “Agriculture” (“AGR”) zone. The concerned agricultural land should be retained to safeguard the food supply for Hong

Kong. Approval of the applications would have cumulative adverse impacts on the access road, public sewerage and parking facilities in the area; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The site fell within the “AGR” zone. However, the Committee on 7.12.2012 agreed to a rezoning proposal submitted by PlanD to expand the “Village Type Development” (“V”) zone, and the site fell within the proposed extension area of the “V” zone. The proposed Small House developments were not incompatible with the surrounding environment which was predominantly rural. Even though the DAFC did not support the application, the site was a piece of abandoned agricultural land covered with weeds and significant adverse impacts on the existing landscape resources within the site were not anticipated. The application complied with the Interim Criteria in that more than 50% of the footprint of the three proposed Small Houses fell within the village ‘environ’, there was a general shortage of land in meeting the demand for Small House development in the “V” zone, and the proposed development could be connected to the planned sewerage system in the area. Sympathetic consideration should be given to the application. To address CE/MN, DSD's concerns, a relevant approval condition had been recommended for Members' consideration.

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 16.8.2017, 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 of drainage impact assessment and implementation of the flood relief mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation would occur 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) construction of the proposed Small Houses should not be commenced before the completion of the public sewerage system. Upon completion of the public sewerage system, the applicants should connect the proposed houses to the public sewer at their own costs. Adequate land should be reserved for the future sewer connection work;
- (b) the applicants were required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots and resolve all necessary Government land (GL) issues with the Lands Department (LandsD) in order to demonstrate that it was both technically and legally feasible to install sewage pipes from the proposed houses to the planned sewerage system via the concerned private lot(s) and GL;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the

development, the applicants might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (d) to note the comments of the Director of Fire Services that the applicants were reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements would be formulated at the land grant stage;
- (e) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicants were reminded to make necessary submission to the LandsD to verify if the Site would satisfy the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption was not granted, the applicants should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (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) would comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/535 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” zone, Lot 179 S.A ss.3 in D.D. 23, Wai Ha Village,
 Shuen Wan, Tai Po

 (RNTPC Paper No. A/TP/535)

Presentation and Question Sessions

66. 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 – the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that the site was overlooked by steep natural hillside and met the Alert Criteria requiring a Natural Terrain Hazard Study (NTHS). He would tender in-principle objection to the application unless the applicant was prepared to undertake a NTHS and to provide suitable mitigation measures as necessary. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD & L, PlanD) objected to the application as the site and its surrounding areas were predominantly undisturbed by development and was currently in good conditions. As there had been no approved Small House applications within the “GB” to the south of Tung Tsz Road, approval of the application would set an undesirable precedent and encourage similar Small House developments encroaching onto the “GB” zone and deteriorate the existing rural landscape quality of the area;

- (d) during the first three weeks of the statutory public inspection period, four

public comments from a member of the public, Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Ltd. and WWF were received. The commenters were against the application mainly for the reasons that the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone; the proposed Small House would affect the traffic, environment and ecology in the surrounding area; and the approval of the application would set an undesirable precedent for similar developments within the “GB” zone; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The site fell entirely within the “GB” zone where there was a general presumption against development. Although there was a general shortage of land in meeting the Small House demand in the “V” zone, the application did not meet the Interim Criteria and TPB PG-No. 10 as the proposed development would have adverse impacts on the existing natural landscape and slope stability in the area. Two similar planning applications (No. A/TP/291 and 506) for Small House developments had been rejected by the Board on 4.10.2002 and 7.10.2011 respectively, and the current application was similar to both applications in terms of locality and site characteristics. There was no strong reason in the submission to approve the current application.

67. Members had no question on the application.

Deliberation Session

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

- (a) the proposed house (New Territories Exempted House (NTEH) - Small House) was not in line with the planning intention of the “Green Belt” (“GB”) zone, which was to define the limits of urban and sub-urban

development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong justification in the submission to justify a departure from this planning intention;

- (b) the proposed development did not comply with the Interim Criteria for consideration of application for NTEH/Small House in New Territories in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas;
- (c) the proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would adversely affect existing natural landscape and slope stability in the area; and
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.

[Ms Narelle Hamey, Senior Landscape Architect, PlanD (SLA, PlanD), was invited to the meeting at this point.]

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/805 Further Consideration of Application No. A/ST/805
Proposed Public Utility Installation (Sewage Pumping Station) in
“Green Belt” zone, Government Land in D.D. 171, Kau To, Sha Tin
(RNTPC Paper No. A/ST/805B)

69. The Secretary reported that the application was submitted by Drainage Services

Department with AECOM Asia Co. Ltd. as one of the consultants. Ms Janice Lai had declared an interest in this item as she had current business dealings with Drainage Services Department and AECOM Asia Co. Ltd. Members noted that she had already left the meeting. Mr Ivan Fu had also declared an interest in this item as he had current business dealings with AECOM Asia Co. Ltd. As he had no involvement in the application, his interest was not direct. Members agreed that he could stay in the meeting.

70. The Secretary further reported that a replacement page of the first page of the paper revising some typos in para. 1.1 of the Paper had been tabled at the meeting for Members' information.

Presentation and Question Sessions

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

- (a) background to the application - the proposed sewage pumping station (SPS) was located beside Yung Ping Path, Kau To and was intended to serve Kau To Village. To implement the project, a total of 15 trees, including 8 non-invasive trees and 7 invasive trees, would need to be felled. On 5.4.2013, the Committee decided to defer consideration of the application pending the submission of further information on (i) the feasibility of retaining the mature *Cinnamomum camphora* (which was among the 8 non-invasive trees proposed to be felled); and (ii) the kinds of trees that would need to be felled under the two options tested by the applicant;
- (b) the further information submitted by the applicant –
 - (i) the applicant stated that the tree survey had been rectified. Based on the revised tree survey, a total of 24 trees, including 13 non-invasive trees and 11 invasive/dead trees would need to be felled in order to implement the project. The mature *Cinnamomum camphora* was among the non-invasive trees proposed to be felled;

- (ii) besides the original proposal, two other options (Options A and B) had been provided by the applicant in the last submission. In the further information, two more options (Options C and D) had been explored for comparison purposes. Compared with the proposed original proposal, Options A and C were to shift the proposed SPS westward, while Options B and D were to shift it eastward;
- (iii) same as the original proposal, 13 non-invasive trees would be affected by Options A and C. In comparison, 17 and 16 non-invasive trees would be affected by Options B and D;
- (iv) compared with the original proposal, Options A to D would involve more total reduction in greenery as measured by the aggregate tree trunk diameter, therefore causing higher landscape impacts;
- (v) the kinds of trees that would need to be felled in the four options were indicated on Drawings A-17 to A-20 of the Paper. All options would affect mature trees with diameter breast height (DBH) greater than 400mm which was similar to the concerned *Cinnamomum camphora*. For Options A and C, a *Machilus chekiangensis* and a *Bridelia tomentosa* would be affected, while in Options B and D, another *Machilus chekiangensis* would be affected;
- (vi) during the site selection process, the landscape, visual, traffic and construction noise impacts, the land requirement, construction cost and the public acceptance of different options had been considered by the applicant. It was considered that the original proposal had the least impacts. Therefore, the applicant maintained to adopt the original proposal for the construction of the proposed SPS;
- (vii) the applicant had considered the feasibility of transplanting the *Cinnamomum camphora*. However, the existing Yung Ping Path was not wide enough to allow the passage of crane truck that was

able to lift the tree. The transplanting location was at least 30m away located on sloping ground, and the survival rate of the tree on steep slope was not high. Erection of temporary support frame for the tree would also affect the greenery;

- (viii) when the feasibility of retaining the *Cinnamomum camphora* in the original proposal was further accessed, it was found that the location of the concerned tree roots would be in conflict with the proposed permanent works and temporary works for the construction of the SPS. The concerned tree was required to be removed to make room for the construction of a lay-by, which was essential for minimizing the impact on the local traffic during normal operation and maintenance of the SPS. Besides, as there would be a power pole in the vicinity, the tree might pose electrocution and fire hazards;

- (c) departmental comments – CTP/UD&L, PlanD had no comment on the further information and maintained that he had no in-principle objection to the application. The applicant had demonstrated that there was no better alternative site and the submitted compensatory planting proposal was considered acceptable. According to the proposed tree compensatory plan, 21 trees, including 7 *Cinnamomum camphora*, 6 *Sapium sebiferum* and 8 *Schefflera heptaphylla* were proposed to be planted. To enhance the compatibility of the existing green buffer, the applicant should maximize the variety of the proposed native tree species instead of using limited tree species for compensation;

- (d) the Planning Department (PlanD)'s views – PlanD's assessment of the application was in paragraph 5 of the Paper. The proposed SPS was an essential utility serving the local community and addressing the water pollution problem in the area. The applicant had previously put forward four potential SPS sites for public consultation. Only the application site was not opposed by the local villagers. In terms of scale and design, the proposed pumping station was considered not incompatible with the

surrounding environment. The proposed sewerage network and the SPS had been gazetted in January 2013 and no objection related to the SPS was received. The proposed development was not envisaged to have significant visual, traffic, drainage and water supply impacts. Regarding the impact on landscape, all options provided by the applicant would affect some of the mature trees close to the application site, including *Cinnamomum camphora*, *Machilus chekiangensis* and *Bridelia tomentosa*. CTP/UD&L, PlanD considered that these trees were equally valuable and the applicant had demonstrated that there was no better alternative site in terms of tree preservation. With regard to the feasibility of transplanting the *Cinnamomum camphora*, CTP/UD&L, PlanD considered that the survival rate of such a mature tree after transplanting was not promising. Apart from tree preservation, there were other considerations in assessing these options. In terms of land requirement, Options B and D would occupy more land due to the need to provide a longer sewer connection and an internal access within the SPS, thereby necessitating higher construction cost. Options A and C would create more nuisance during the construction phase as they were closer to the residential developments. Options A and C were also closer to Site 4 which was one of the potential sites opposed by local residents during the previous consultation conducted by the applicant.

72. A Member said that it was difficult to understand why an alternative location for the SPS could not be found so as to preserve the mature *Cinnamomum camphora*. It was considered that the mature *Cinnamomum camphora* was a valuable tree and could screen the proposed SPS to reduce its adverse visual impacts.

73. The Chairman asked whether the applicant had submitted a summary table showing the landscape impacts of the four options. In response, Mr Anthony Luk said that a comparison of the four options could be found in Annex B of the Paper. He then referred to Drawing A-19 and said that Option C (i.e. shifting the SPS to the west) would affect a *Machilus chekiangensis* and a *Bridelia tomentosa*. In addition, the retaining wall along the proposed lay-by might cut across a footway connecting Yung Ping Path and Kau To Path and therefore staircases might have to be constructed. Furthermore, the location might be too

close to the nearby residential developments and would not be welcomed by the local residents.

74. Mr Anthony Luk then referred to Drawing A-20 and said that Option D (i.e. shifting the SPS to the east) would affect a *Machilus chekiangensis*. The location further away from the residential developments implied that a longer sewer connection would be required for collecting the sewage from the village houses. Furthermore, as the site was located close to a road bend, it might not be possible to construct a lay-by. Therefore, a new access road might have to be built, and more land would be needed for the project.

75. Mr Anthony Luk further said that Options A and B would affect the *Cinnamomum camphora* as the excavation required for the foundation of the retaining wall and the temporary works might affect the roots of the concerned tree. The applicant had also considered other options besides Options A to D but they were either too far away from the residential developments or were technically not feasible. In sum, the applicant considered that the original proposal would have the least impacts as compared with all other options.

76. In response to a question from a Member, Mr Anthony Luk referred to Drawings A-13 and A-22 and said that Option C was close to Site 4 which was a proposed site for SPS previously put forward by the Drainage Services Department for public consultation. As Site 4 was objected to by the local villagers, it might be difficult for Option C to gain local support.

77. A Member said that the location of Option C and Site 4 were not the same and given that the public had not been consulted on Option C, it would not be appropriate to draw the conclusion that the local residents would object Option C. The Member considered that the mature *Cinnamomum camphora* was more valuable than the *Machilus chekiangensis* and *Bridelia tomentosa* and therefore priority should be accorded for the preservation of the *Cinnamomum camphora*.

78. A Member said that the summation of the squares of the diameters of the tree trunks might be more appropriate than the aggregated tree trunk diameter in quantifying the magnitude of the aggregate impacts of tree felling.

79. A Member said that the applicant had not thoroughly explored all possible options in finding an alternative site and the public had not been consulted on the options available. The public might raise their concerns on the project if they knew the *Cinnamomum camphora* would be affected.

80. Ms Narelle Hamey referred to Appendix B of Annex C of the Paper and said that the applicant had provided a summary table comparing the impacts of the different options on the existing trees. She had looked at all the options provided by the applicant and considered that the *Cinnamomum camphora*, *Machilus chekiangensis* and *Bridelia tomentosa* were all valuable trees. All the options provided by the applicant would lead to a loss of some of these valuable trees. Noting that the applicant had to take into account other concerns such as traffic impacts and local views in selecting the preferred option, she did not have a strong preference on the options provided by the applicant from a landscape point of view.

81. Referring to the table in Appendix B of Annex C of the Paper, a Member asked what species of trees were affected in Option D. Ms Narelle Hamey referred to Drawing A-20 and said that most of the species that were proposed to be felled were native species and most of the species that would be retained were invasive species. She considered that Option D was not the best option from the perspective of tree preservation.

82. In response to a question from the same Member, Ms Narelle Hamey said that the landscape impact of Option C was similar to that of Option D, as most of the species that were proposed to be felled were native species and most of the species that would be retained were invasive species. However, compared with Option D, fewer trees of native species would be affected by the proposed SPS.

83. A Member asked whether it was necessary for the lay-by to be located adjacent to the SPS. Another Member referred to Drawing A-19 and asked whether the existing lay-by for refuse collection vehicles (RCVs) could be combined with the proposed lay-by for the SPS so that the location of Option C could be shifted to the north, thereby preserving three trees to its southwest, including one *Machilus chekiangensis*. Mr Anthony Luk said that he had no information at hand regarding the design requirements of the lay-by and how many

maintenance vehicles were going to use the lay-by at one time. However, it was noted that the RCV lay-by was shorter than the proposed lay-by for the SPS. If the two lay-bys were to be combined, an existing ramp connecting Yung Ping Path and Kau To Path might have to be re-aligned.

84. In response to a question from a Member, Ms Narelle Hamey said that the tree species represented by blue circles in Drawing A-19 had not been specified as the drawing only presented a general picture of the tree survey.

Deliberation Session

85. The Vice-Chairman said that it appeared that the applicant had not exhausted all possible options in selecting the most appropriate location for the proposed SPS. Therefore, he proposed that the consideration of the application be deferred to allow the applicant to explore other options with a view to minimizing the adverse landscape impacts, in particular the impacts on the valuable trees. The applicant should also consult the local residents on the different options before submitting the revised proposal to the Board. He said that by deferring the consideration of the application, the Board's intention on tree preservation was clearly demonstrated.

86. A Member agreed with the suggestion of the Vice-Chairman and said that the preservation of trees should not be a matter to be considered after the layout had been confirmed. Instead, the preservation of trees should be taken into account in the formulation of the proposed layout for the SPS.

87. Another Member agreed with the suggestion of the Vice-Chairman and said that the applicant should conduct a more comprehensive and thorough study and consider other possible locations along Yung Ping Path.

88. The Chairman said that in assessing the impacts on the existing trees, the applicant should consider the overall site context, rather than simply rely on figures such as the diameter of tree trunks. In the subject case, the *Cinnamomum camphora* was located just on the roadside and was very visible. The impact on felling of the tree should be carefully assessed. The Chairman further said that the applicant should also explore

alternative layouts and configurations for the proposed SPS. For example, the lay-by could be moved to either end of the SPS so as to minimize the impact on the existing trees.

89. After further deliberation, the Committee decided to defer a decision on the application 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. No further deferment would be granted unless under very special circumstances.

[The Chairman thanked Ms Narelle Hamey, SLA, PlanD, for her attendance to answer Members' enquires. She left the meeting at this point.]

Agenda Item 26

Section 16 Application

[Open Meeting]

A/ST/822 Proposed Office, Shop and Services in "Residential (Group A)" zone,
60-68 Chik Chuen Street, Tai Wai
(RNTPC Paper No. A/ST/822)

90. The Secretary reported that this was the first request for deferment for the subject application. On 5.8.2013, the applicant requested for deferment of the consideration of the application for two months to allow sufficient time for the applicant to respond to the departmental comments on the application.

91. 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 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/823 Shop and Services (Real Estate Agency) in “Industrial” zone, Unit F1
(Portion), G/F, On Wah Industrial Building, 41-43 Au Pui Wan Street,
Fo Tan
(RNTPC Paper No. A/ST/823)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (real estate agency);
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. A temporary approval of three years was recommended in order not to jeopardize the long term planning intention of “Industrial” zone and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

93. Members had no question on the application.

Deliberation Session

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.8.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 16.2.2014 respectively;
- (b) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 16.5.2014 respectively; and
- (c) if the above planning condition (a) or (b) was not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;

- (d) to note the comments of the District Lands Officer/Shu Tin, Lands Department that a temporary waiver (W530) was granted to permit Unit F1 on G/F having an area of 18m² (about) for real estate agency purpose for a term of one year certain commencing on 3.8.2012 and thereafter quarterly. However, the premise under the subject application had not included the shop front area and a meeting room/office at the back which were ancillary to the real estate agency;

- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that:
 - (i) the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining workshop should not be adversely affected;

 - (ii) the applicant should also engage an authorized person to co-ordinate the building works, if any, including the sub-division of the unit / premises;

- (f) to note the comments of the Director of Fire Services that:
 - (i) detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application;

 - (ii) regarding matters in relation to fire resisting construction of the application premises, the applicant was advised to comply with the requirements as stipulated in Part C of Code of Practice for Fire Safety in Buildings 2011 which was administered by the BD; and

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/824 Temporary Shop and Services (Fast Food Shop) for a Period of 3 Years
in “Industrial” zone, Unit C3, Factory C, G/F, Block 1, Kin Ho
Industrial Building, Nos. 14-24 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/824)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (fast food shop) for a period of 3 years;
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper.

97. Members had no question on the application.

Deliberation Session

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.8.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 16.11.2013;
- (b) the implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 16.2.2014; and
- (c) if the above planning condition (a) or (b) was not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises. The permission was for 'Shop and Services (Fast Food Shop)' use without any seating accommodation;
- (b) apply to the District Lands Officer/Sha Tin, Lands Department for a temporary waiver to permit the applied use;
- (c) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by fire

barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining workshop should not be adversely affected. Building safety requirements would be formulated upon receipt of food premises licence application;

- (d) to note the comments of the Director of Fire Services that the proposed “fast food shop” should only be licensed as “food factory” or “factory canteen”. A fast food shop licensed and operated as “general restaurant” and “light refreshment restaurant” would not be accepted. Detailed fire service requirements would be formulated upon receipt of formal submission of general building plans;
- (e) to note the comments from the Director of Environmental Protection that the proposed “fast food shop” should obtain a Water Pollution Control Ordinance licence from the EPD’s Regional Office;
- (f) refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations; and
- (g) should the applicant fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application .

[The Chairman thanked Mr Otto K.C. Chan, Ms Maggie M.Y. Chin, Mr Wallace W.K. Tang, Mr C.T. Lau and Mr Anthony K.O. Luk, STPs/STN, for their attendance to answer Members’ enquires. Messrs. Chan, Tang, Lau, Luk and Ms Chin left the meeting at this point.]

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

[The meeting was adjourned for a short break of 5 minutes and resumed at 4:55p.m.]

Tuen Mun and Yuen Long District

Agenda Item 29

Section 12A Application

[Open Meeting]

Y/YL-PN/5 Application for Amendment to the Approved Sheung Pak Nai & Ha Pak Nai Outline Zoning Plan No. S/YL-PN/9, to rezone the application site from “Coastal Protection Area” to “Other Specified Uses” annotated “Columbarium”, Lot 118 in D.D. 135 and Adjoining Government Land, Nim Wan Road, Pak Nai
(RNTPC Paper No. Y/YL-PN/5)

100. The Secretary reported that this was the first request for deferment for the subject application. On 30.7.2013, the applicant requested for deferment of the consideration of the application for two months in order to allow sufficient time to address the comments from concerned government departments and the public comments received. The application site was the subject of a previous application (No. Y/YL-PN/4) with a larger site area and for the same columbarium use which was submitted by the same applicant. On 4.5.2012, the Committee agreed to defer consideration of the previous application for one month, instead of two months as requested by the applicant. As the current application was substantially the same as the previous application and the columbarium was already in operation with strong local objections received against the application, PlanD recommended that the application should be deferred for a period of one month instead of two months as requested by the applicant.

101. After deliberation, the Committee decided to defer a decision on the application pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration as soon as comments from concerned departments on the further information was received and, in any case, no later than three months from the date of receipt of further information from the applicant. The

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

Agenda Item 30

Section 12A Application

[Open Meeting]

Y/YL/7 Application for Amendment to the Approved Yuen Long Outline Zoning Plan No. S/YL/21, to rezone the application site from “Other Specified Uses” annotated “Business” to “Residential (Group E)1”, 21-35 Wang Yip Street East, Yuen Long
(RNTPC Paper No. Y/YL/7)

102. The Secretary reported that the application was submitted by Star Success International Limited with Environ Hong Kong Ltd. as one of the consultants. Mr Ivan Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd. As the applicant had requested to defer consideration of the application, Mr Fu should be allowed to stay at the meeting.

103. The Secretary then reported that this was the first request for deferment for the subject application. On 18.7.2013, the applicant requested for deferment of the consideration of the application for two months in order to allow time to prepare supplementary information to address the comments raised by concerned government departments.

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

[Mr C.C. Lau, Mr Vincent T.K. Lai, Mr K.C. Kan, Ms Bonita K.K. Ho, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), Ms Kennie M.F. Liu and Mr Edmond S.P. Chiu, Town Planner/Tuen Mun and Yuen Long (TP/TMYL), were invited to the meeting at this point.]

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/444 Proposed Dangerous Goods Godown (Cat. 5 Dangerous Goods) in
 “Industrial (Group 3)” zone, Portion of 1/F, 96 Ho Yeung Street, Tuen
 Mun

 (RNTPC Paper No. A/TM/444)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed dangerous goods godown (Cat. 5 Dangerous Goods);
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper.

106. Members had no question on the application.

Deliberation Session

107. 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 16.8.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

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

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

- (a) to note the comments of the District Lands Officer/Tuen Mun, Lands Department that if planning approval was given, the applicant would need to apply to Lands Department (LandsD) for a lease modification or temporary waiver for the above proposal. The proposal would only be considered upon the receipt of formal application from the applicant. There was no guarantee that the application, if received by LandsD, would be approved. The application would be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application was approved, it would be subject to such terms and conditions as the Government should deem fit to do so, including among others, charging of premium, waiver fee and administrative fee;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that prior approval and consent from BD for the proposed use should be obtained. An authorized person should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance; and

- (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 the licensing authority.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/446 Proposed Utility Installation for Private Project (Electricity Package Substation) in “Village Type Development” zone, Lot 667 S.P (Part) in D.D. 132, Siu Hang Tsuen, Tuen Mun
(RNTPC Paper No. A/TM/446)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity package substation);
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 8 of the Paper;
- (d) during the first three weeks of the statutory public inspection period, four public comments were received. All of them objected to the application on the grounds of adverse impacts on radiation, noise, and safety caused by the proposed electricity package substation; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments made in paragraph 10 of the Paper. Regarding the public comments, concerned departments had no adverse comments on or no objection to the application and relevant approval conditions had been recommended to minimize the adverse impacts. According to the Director of Health, the guidelines of International Commission on Non-Ionising Radiation Protection (ICNIRP) stated that exposure to extremely low frequency electromagnetic fields by electrical facilities would not pose any significant adverse effects to the public.

110. A Member said that the proposed planters were small. In response to a question from this Member, Mr C.C. Lau said that he had no information at hand on the materials to be used for the 3m-high boundary wall surrounding the proposed development. If Members were concerned about the design of the boundary wall, an approval condition could be imposed should the application be approved by the Committee.

Deliberation Session

111. A Member said that as the application site was located in a rural environment, an approval condition should be imposed to make sure that the height and design of the boundary wall should be compatible with the surrounding village environment, and more greenery should also be provided. After discussion, Members agreed to impose an approval condition on the design of the boundary wall and considered that the approval condition as recommended in paragraph 11.2 of the Paper requiring the submission and implementation of landscape proposal would be sufficient to ensure the provision of greenery for the proposed development.

112. 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 16.8.2017, 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 the design of the boundary wall to the satisfaction of the Director of Planning or of the TPB;

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

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

- (a) to note the District Lands Officer/Tuen Mun, Lands Department's (LandsD) comments that the proposed electricity package substation with a built-over area of 15m² and a height of 3.2m contravened the conditions of Short Term Waiver (STW) No.740. The site was accessible from Tong Hang Road via an unnamed road and an informal track on Government land and other private land. His office did not provide maintenance works for this road/track and did not guarantee any right-of-way to the site. The applicant had to make his own arrangement for acquiring a right-of-way over the concerned private lots. If planning approval was given, the waivee of STW No.740 was required to apply to his office for relaxation of the permitted built-over area and height under the STW. The proposal would only be considered upon his receipt of formal application from the waivee. There was no guarantee that the application, if received by his office, would be approved and he reserved his comment on such. The application would be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application was approved, it would be subject to such terms and conditions as the Government should deem fit to do so, including charging of administrative fee and additional waiver fee and deposit;
- (b) to note the Commissioner of Transport's comment that the existing local

track / emergency vehicular access (EVA) to the site from Tong Hang Road was not managed by Transport Department;

- (c) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should demonstrate that the proposed development would not cause any increase in the flooding susceptibility of the adjacent areas. The site was in an area where no public sewerage connection was available. The Director of Environmental Protection should be consulted regarding the sewage treatment and disposal aspects of the proposed development;
- (d) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the proposed planters were too small. To soften the impact arisen from the proposed electricity substation and enhance the greenery of the site, larger planter with tree and shrub planting should be provided;
- (e) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. The water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that before any new building works were to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO). For UBW erected on leased land, enforcement action might be taken by the

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

- (g) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The Emergency Vehicular Access (EVA) provision in the site should comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the B(P)R 41D which was administered by the BD;
- (h) to note the Director of Health's comments that the project proponent had to ensure that the installation complied with the relevant International Commission on Non-Ionising Radiation Protection guidelines or other established international standards. World Health Organization also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities; and
- (i) to note the Electrical and Mechanical Services Department's comments that the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractor(s) when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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/199A)

114. The Secretary reported that a replacement page (page 11) revising a typo concerning the period of compliance was tabled at the meeting for Members’ information.

Presentation and Question Sessions

115. Mr Vincent T.K. Lai, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary institutional use and religious institution for a period of 5 years;
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 8 of the Paper;
- (d) during the first three weeks of the statutory public inspection period, five public comments were received. Three of them objected to the application. The Village Representative (VR) of Tai Kei Leng Tsuen objected to the application mainly on the grounds that the villagers did not welcome religious and institution use which would attract strangers to the village. The proposed period of 5 years was also too long. The Owners’ Committee (OC) of Sereno Verde also objected to the application and requested the applicant to clarify the details of the institution, operation mode and religious activities to be held in the proposed buildings.

Another commenter objected to the application mainly for the reasons that the site was remote and inconvenient. He also expressed concerns on the environmental and security aspects of the proposed development. A Member of a Yuen Long District Council also expressed concerns on the environmental impact of the application and requested the applicant to make clarifications to address the concerns of the local residents. Another VR of Tai Kei Leng Tsuen had no objection to the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. Regarding the public comments, concerned government departments had no objection to/no adverse comment on the application. An advisory clause advising the applicant to liaise with the nearby villagers and residents to further explain the proposed development and address their concerns had been recommended.

116. Members had no question on the application.

Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 16.8.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the opening hours from 8a.m to 6p.m, as proposed by the applicant, was allowed on the site during the approval period;
- (b) the maintenance of the existing vegetation at all times during the planning approval period to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of drainage proposal within 6 months from the date of approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.2.2014;

- (d) the implementation of drainage proposal within 9 months from the date of approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.5.2014;
- (e) the submission of tree preservation proposal within 6 months from the date of approval to the satisfaction of the Director of Planning or of the TPB by 16.2.2014;
- (f) the implementation of tree preservation proposal within 9 months from the date of approval to the satisfaction of the Director of Planning or of the TPB by 16.5.2014;
- (g) the submission of fire service installations within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 16.2.2014;
- (h) the provision of fire service installations within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 16.5.2014;
- (i) if any the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (j) if any the above planning conditions (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

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

- (a) should the applicant fail to comply with any of the approval conditions

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

- (b) note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the application site was only accessible to and from Shap Pat Heung Road via an existing village footpath. His office gave no guarantee of any right-of-way to it. Moreover, the northern, southern and south-eastern boundaries of the application site might encroach upon existing village footpaths, which eventually led to adjoining Lot Nos. 4339 S.A, 4339 S.B, 4339 S.C ss.1, 4339 S.C RP, 4341 S.B and 4342 S.B ss.2. Setback of the site to exclude the above-mentioned footpaths was suggested so as to avoid any potential private dispute on access aspect. The site area 1,150m², including the open and covered areas of 585m² and 565m² respectively, as stipulated in the application was subject to clarification. The applicant was required to apply to LandsD for occupation of the Government land (GL) by way of direct grant. However, there was no guarantee that the application for such direct grant would be approved. Such application with relevant policy support would be dealt with by LandsD acting in the capacity as the landlord at our discretion, and if it was approved under such discretion, the approval would be subject to such terms and conditions including, among others, the payment of rental and administration fee as might be imposed by LandsD.
- (c) note Buildings Department's comments that there was no record of approval by the Building Authority for the structures existing at the site. He noted that the site was a GL and the application did not involve alternations to the existing structures. If the site was leased out to the applicant in the future, any building alternation works carried out thereafter was subject to the control under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (d) note the Commissioner of Transport's comments that the land status of the road/path/track leading to the site should be checked with the lands

authority. The management responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (e) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that the existing water mains would be affected. A waterworks reserve within 1.5 metres from the centerline of the water main shown on Plan A-2 of the Paper should be provided to WSD. No structure should be erected over this Waterworks Reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all time to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. Besides, water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (f) note the Director of Fire Services' comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his department for approval. In formulating FSIs proposal for the proposed structures, the applicant should make reference to the requirements at Appendix III of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in Appendix III of the Paper, the applicant was required to provide justifications to his department for consideration;
- (g) note the Director of Social Welfare's comments that his Department should have no financial commitment of any form;
- (h) note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that any new development at the proposed area, extensive geotechnical investigation would be required. Such investigation might reveal the need for a high level of involvement of an experienced geotechnical engineer both in the design and in the

supervision of geotechnical aspects of the works required to be carried out on the application site; and

- (i) liaise with the residents of Tai Keng Leng and the Owners' Committee of Sereno Verde to further explain the proposed development and address their concerns.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/200 Proposed Shop and Services (Retail Shop) in “Open Space” zone, G/F, 1/F & Flat Roof, Lot 4582 S.A. (Part) and Lot 4583 RP (Part) in D.D. 116, Tai Kei Leng Road, Yuen Long
(RNTPC Paper No. A/YL/200)

Presentation and Question Sessions

119. Mr Vincent T.K. Lai, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (retail shop);
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 8 of the Paper;
- (d) during the first three weeks of the statutory public inspection period, four public comments were received. Two of them did not support the application. The Owners' Committee (OC) of Sereno Verde, based on the results of a questionnaire, objected to the application, mainly on the ground that the proposed development would cause noise nuisances and hygienic

problems and that the subject site should be used as an open space. A Member of Yuen Long District Council (YLDC) also expressed similar concerns of the local residents on the application. The other two commenters supported the application. A Member of YLDC supported the application on the grounds that the proposed frozen food shop could be beneficial to local residents. The proposed operation hours and operation mode would not cause significant nuisance and the proposed use was compatible with the nearby areas. Another Member of YLDC commented that the application should be approved mainly on the grounds that there was a lack of community facilities and commercial uses in Shap Pat Heung. The proposed development could facilitate the local residents in the area. He had no objection to the application provided that the applicant would maintain the area in good environmental hygiene conditions; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed shop and services (retail shop) could be tolerated on a temporary basis for a period of 3 years based on the assessments made in paragraph 10 of the Paper. Regarding the public comments, relevant government departments had no adverse comment on the application. A temporary approval had been recommended for close monitoring of the situation and an advisory clause advising the applicant to liaise with the nearby villagers and residents to further explain the proposed development and to address their concerns had been recommended.

120. In response to a question from the Chairman, Mr Vincent Lai referred to Plans A-2 and A3 and pointed out that Sereno Verde was located to the north of the application site. The application site could be accessed from Tai Kei Leng Road and access to Sereno Verde was via another road.

Deliberation Session

121. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.8.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the operation hours of the development was restricted from 3:00 p.m. to 8:00 p.m. daily, as proposed by the applicant, during the planning approval period;
- (b) the submission of proposal on water supplies for firefighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.11.2013;
- (c) in relation to (b) above, the provision 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 16.2.2014;
- (d) if any of the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (e) if the above planning conditions (b) or (c) 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.

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

- (a) a temporary approval of 3 years was granted for close monitoring of the situation;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) shorter compliance periods were given to monitor the progress of compliance with approval conditions;
- (d) should the planning permission be revoked due to non-compliance with any

of the approval conditions again, sympathetic consideration might not be given by the Committee to any further application;

- (e) to note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the private land involved in the application were Old Schedule Agricultural Lots held under Block Government Lease which no structures were allowed to be erected without prior approval from his office. Modification of Tenancy (MOT) Permit No. MNT 1830 had been granted for erection of structures over Lot 4582 in D.D. 116 (the parent Lot of Lot 4582 S.A) for agricultural use. If structures of other purposes were found on the lot, his office would consider termination of the MOT as appropriate. No approval had been given for the specific structures as shop and services (retail shop) purposes. The site was accessible through a footpath on Government land (GL) extended from Tai Kei Leng Road. His office provided no maintenance works on this GL and did not guarantee right-of-way. Should the application be approved, the lot owners would still need to apply to his office to permit 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 applications were approved, it would be subject to such terms and conditions, including among others the payment of premium or fees, as might be imposed by LandsD;

- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there was no record of approval by the Buildings Authority (BA) for the structures existing at the site. If the existing structures were erected on leased land without BD's approval, they were unauthorized under Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including temporary buildings) were to be carried out on the site, prior approval and consent of the BA should be obtained, otherwise they were unauthorized buildings works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed

building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the proposed use under application was subject to the issue of a licence, any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (g) to note the Director of Environmental Protection's comment that the subject site was adjacent to a previous application for place of recreation (including outdoor BBQ area) which he had previously advised that it was environmental undesirable. His advice to this application was provided without prejudice to his future position on other applications in the adjacent areas;
- (h) to note the Commissioner of Transport's comment that the loading/unloading activities should not be carried out on Tai Kei Leng Road. Its lands status 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;
- (i) to note the Chief Engineer/Mainland North, Drainage Services Department's comment that the applicant should provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point;

- (j) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and if building plan would be circulated to his department via the Centralized Processing System of BD. Emergency Vehicular Access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administrated by BD;
- (k) to note the Director of Food and Environmental Hygiene's (DFEH) comments that any food business carrying on thereat should be granted with a license issued by the DFEH. The applicant should also prevent creating environmental nuisance affecting the public; and
- (l) to liaise with the residents of Sereno Verde and nearby villagers/residents to further explain the proposed development and address their concern.

Agenda Items 35 and 36

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TSW/58 Proposed School (Tutorial School) in "Residential (Group B)" zone,
Shop A93, Portion B, G/F, Kingswood Richly Plaza, 1 Tin Wu Road,
Tin Shui Wai, Yuen Long
(RNTPC Paper No. A/TSW/58)

A/TSW/59 Proposed School (Tutorial School) in "Residential (Group B)" zone,
Shop B12, Rear Portion, 1/F, Kingswood Richly Plaza, 1 Tin Wu
Road, Tin Shui Wai, Yuen Long
(RNTPC Paper No. A/TSW/59)

123. Noting that the two applications were similar in nature and were located in close proximity to each other, the Committee agreed that the two applications could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed school (tutorial schools) at each of the application sites;
- (c) departmental comments – concerned departments had no objection to or no comment on the applications as detailed in paragraph 9 of both 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 applications based on the assessments made in paragraph 11 of the Paper.

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

125. Members had no question on the applications.

Deliberation Session

126. 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 16.8.2017, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following condition :

- the provision of fire service installations for the proposed school to the satisfaction of the Director of Fire Services or of the TPB.

127. The Committee also agreed to advise the applicant of Application No. A/TSW/58 of the following :

- (a) to note the District Lands Officer/Yuen Long's comments that pursuant to the lease conditions, the concerned lot should not be used for any purpose other than non-industrial (excluding godown) purposes;
- (b) to note Secretary for Education's comments that approval would be granted to the application for registration of a proposed school subject to the provision of the following documents:
 - (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 Buildings Department (BD);
and
 - (iii) Documentary proof of the right to use the relevant premises, such as tenancy agreement, rental receipts, etc;
- (c) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans or referral from the relevant authority; and
- (d) to note the Chief Building Surveyor/New Territories West, BD's comment that he had no objection in principle under the Buildings Ordinance to the application subject to detailed scrutiny of the building plans for the proposed school submitted by the applicant. Application for Education Ordinance s.12(1) certificates had been submitted and was being processed separately.

128. The Committee also agreed to advise the applicant of Application No. A/TSW/59 of the following :

- (a) to note the District Lands Officer/Yuen Long's comments that pursuant to the lease conditions, the concerned lot should not be used for any purpose other than non-industrial (excluding godown) purposes;
- (b) to note the Secretary for Education's comments that approval would be granted to the application for registration of a proposed school subject to the provision of the following documents:
 - (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 Buildings Department (BD); and
 - (iii) Documentary proof of the right to use the relevant premises, such as tenancy agreement, rental receipts, etc;
- (c) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans or referral from the relevant authority; and
- (d) to note the Chief Building Surveyor/New Territories West, BD's comment that he had no objection in principle under the Buildings Ordinance to the application subject to detailed scrutiny of the building plans for the proposed school submitted by the applicant. Application for Education Ordinance s12(1) certificates (if received in future) would be processed by their Licensing Unit based on four aspects, namely, structure, means of escape, fire resisting construction and unauthorized building works affecting public safety.

Agenda Item 37

Section 16 Application

[Open Meeting]

A/YL-MP/206 Proposed Temporary Shop and Services (Real Estate Agency) for a
Period of 3 Years in “Open Space” zone, Lot 2874 in D.D. 104, Mai
Po, Yuen Long

(RNTPC Paper No. A/YL-MP/206A)

129. The Secretary reported that on 7.12.2012, the Committee considered the application and noted that the site involved filling of land and clearance of vegetation and decided to defer a decision on the application to allow time for the Planning Authority to investigate whether any unauthorized site formation works were involved. After investigation, the Planning Authority issued an Enforcement Notice (EN). Subsequent site inspection indicated that the unauthorized development was discontinued and the Planning Authority issued a Compliance Notice. The application was scheduled for consideration at this meeting. However, recent site inspection by PlanD indicated that some of the vegetation at the site was cleared and structures (converted-containers), building materials and vehicles were found at the site, which might constitute a new suspected unauthorized development. In view of the situation, PlanD recommended that the application be further deferred pending the investigation of the suspected unauthorized development so as to ascertain whether any unauthorized development was involved which might constitute an abuse of the planning application process.

130. After deliberation, the Committee decided to defer a decision on the application pending the investigation of the suspected unauthorized development at the site. The Committee agreed that the application should be submitted for its consideration within two months after the completion of the above investigation.

Agenda Item 38

Section 16 Application

[Open Meeting]

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

131. The Secretary reported that the application had been deferred for three times. On 31.7.2013, the applicant requested for deferment of the consideration of the application for two more months so as to allow more time to further revise the noise and landscape aspects of the preliminary environmental review (PER) as required by Director of Environmental Protection (DEP). Since the last deferment, the applicant had demonstrated efforts in responding to the requirements of the DEP by submitting a revised PER on 4.7.2013. However, the applicant stated that he needed more time to further revise the noise and landscape aspects of the PER to meet the requirements of the DEP.

132. 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 more months were allowed for preparation of the submission of the further information. As this was the fourth deferment of the application and the Committee had already allowed a total of eight months of deferment, this should be the last deferment and no further deferment would be granted.

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/435 Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (including a refreshment kiosk) for a Period of 3 Years in “Undetermined” zone, Lot 372 S.D RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/435)

133. The Secretary reported that the application was submitted by Treasure Day Inc. Limited represented by Lanbase Surveyors Limited. Ms Anita Lam had declared an interest in this item as she had current business dealings with Lanbase Surveyors Limited. As she had no involvement in the application, her interest was not direct. Members agreed that she could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park (for private cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses only) with ancillary facilities (including a refreshment kiosk) for a period of 3 years;
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 10 of both 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 Planning Department considered that the temporary development could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper.

135. Members had no question on the application.

Deliberation Session

136. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.8.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the western boundary of the site at least 1.5m from the centerline of the existing 150mm diameter water mains at any time during the planning approval period;
- (b) 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;
- (c) only private cars as defined in the Road Traffic Ordinance and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses were allowed to be parked on the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that only private cars as defined in the Road Traffic Ordinance and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses were allowed to be parked on the site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity was allowed on the site at any time during the planning approval period;

- (f) the maintenance of the paving on the site at all times during the planning approval period;
- (g) the maintenance of the buffer area within the site fronting Castle Peak Road – Chau Tau as proposed by the applicant to avoid queuing on Castle Peak Road - Chau Tau at all times during the planning approval period;
- (h) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.2.2014;
- (i) in relation to (h), the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.5.2014;
- (j) 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 16.2.2014;
- (k) in relation to (j), 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 16.5.2014;
- (l) 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 16.2.2014;
- (m) in relation to (l) 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 16.5.2014;
- (n) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.2.2014;

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

137. 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 currently exist on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such development/use(s) and remove the structure(s) not covered by the permission;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land under application site comprised Old Scheduled Agricultural Lots held under 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, container site office and refreshment kiosk. No permission had been given for the proposed use and/or

occupation of the Government land (GL) (about 6,270m² subject to verification) within the application site. The act of occupation of GL without Government's prior approval should not be encouraged. Access to site abutted directly onto Castle Peak Road – Chau Tau section. His Office provided no maintenance work for the GL involved and did not guarantee right-of-way. Application of Short Term Waiver and Short Term Tenancy were received from the current operator. The land owner concerned would need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. Furthermore, the applicant had to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such applications would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (d) to 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;
- (e) 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;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department at Appendix IV of the Paper;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department at Appendix IV of the Paper;

- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised: (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his Department, the applicant was required to provide justifications to his Department for consideration. 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;
- (i) to note the comments of the Director of Electrical and Mechanical Services at Appendix IV of the Paper;
- (j) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that relevant food business licence or permit had to be obtained from DFEH for carrying out any food business; and
- (k) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that there were “Replacement and Rehabilitation of Water Mains” works within the site. The developer should liaise with his Consultant Management Division about any interface problem between the proposed development and the rehabilitation works. Other existing water mains would also be affected by the development. The developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, Waterworks Reserve with 1.5 metres measuring from the centerline of the affected water mains should be provided to WSD. No structures should be erected over this Waterworks

Reserve and such area should not be used for storage or car-parking purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize.

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/436 Temporary Public Vehicle Park (Private Cars Only) for a Period of 3 Years in “Village Type Development” zone, Lot 674 RP (Part) in D.D. 99, Lots 3059 (Part), 3060 (Part), 3061 (Part), 3062, 3064 (Part), 3065, 3067 (Part) in D.D. 102 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/436)

Presentation and Question Sessions

138. Mr K.C. Kan, STP/TMYL, said that there were typos in paragraphs 1.3 and 6.8 of the Paper. The expiry dates of the planning permission of Applications No. A/YL-ST/397 and A/YL-ST/398 should be revised from 18.3.2014 and 18.3.2013 to 28.3.2014 and 28.3.2013 respectively. He also said that letters dated 8.8.2013 and 13.8.2013 from three public commenters had been received and they had been tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park (private cars only) for a period of 3 years;

- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 10 of the Paper;

- (d) during the first three weeks of the statutory public inspection period, three public comments were received. Two commenters stated that they were the land owners of Lot 675 S.B and 675 S.A in D.D. 102. They objected to the application on the grounds that there were potential environmental nuisances onto their residential development; the site fell within Category 3 areas in accordance with TPB PG-No. 13E; the requirement that a distance of 100m was required from any residential building as stated in EPD's "Code of Practice on Handling the Environmental Aspects of the Temporary uses and Open Storage Sites" (COP) was not complied with; the previous planning permission was revoked; it was not in line with planning intention of the "Village Type Development" ("V") zone; there was increased flooding risk to the village house cluster; there was adverse impact on the traffic flow of the Castle Peak Road; and that Government land in the site should not be granted for the proposed development as commercial use of any Government land should be granted through public tendering process. An administrator of the estate of Lot No. 3063 in D.D. 102 also objected to the application on the grounds that her lot was illegally occupied without her consent by the development under the previous planning permissions; local footpaths around the abandoned agricultural land were included into the site of the development thereby blocking the access to her lot; previous agreement with the applicant allowing access to her lot was not honoured by the applicant; fencing had been erected near the entry point of her lot thereby blocking her entry point; the privacy of her activities to and from her lot was breached by the CCTV erected within the development; and previous application No. A/YL-ST/398 was revoked due to non-compliance with approval conditions;

- (e) the three public commenters further wrote to the Board on 8.8.2013 and 13.8.2013 repeating some of the comments in their previous submissions. They requested the Board to reject the application and considered that PlanD should take enforcement action against the unauthorized

development; and

- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary public vehicle park (private cars only) could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. As regards the public comments, it should be noted that Director of Environmental Protection (EPD) had no objection to the application and advised that the 100m separation distance stipulated in the COP was related to heavy vehicles. Adverse environmental impact from the private car park would be limited. Commissioner for Transport (C for T) advised that the car park at the site had been operating for many years. The traffic flow generated had become part of the traffic at Castle Peak Road and he had no objection to the application. Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) considered that the drainage facilities implemented under the previous application were satisfactory and reiterated that approval conditions on the submission and implementation of drainage proposal should be imposed should the application be approved. The occupation of Government Land within the site was a land administration matter outside the purview of the Committee. As for the specific concerns of the administrator of the estate of Lot 3063 in D.D. 102, it should be noted that Lot 3063 in D.D. 102 had not been included in the application site. As the objection concerned private land matters, the applicant should be advised to liaise with the commenter to address her concerns. Since the permission of the previous application No. A/YL-ST/398 was revoked due to non-compliance with approval conditions, the applicant should be advised that should the planning permission be revoked again due to non-compliance with any of the approval conditions, sympathetic consideration might not be given to any further application.

139. The Vice-Chairman asked whether any action had been taken to address the concerns of the public commenters. Mr K.C. Kan said that PlanD had written to the applicant asking him to check whether the temporary vehicle park had encroached onto Lot 3063 in D.D. 102 and whether any objects or structures had been placed within that lot. The

applicant had subsequently removed some bulky objects that had been placed within that lot. As for the concerns of the land owners of Lot 675 S.B and 675 S.A in D.D. 102, which was only brought to the attention of PlanD during the processing of the subject application, PlanD could advise the applicant to liaise with the concerned land owners to address their concerns after the meeting.

140. In response to a question from a Member, Ms Anita Lam said that whether a right-of-way had to be provided within a lot would depend on the relevant lease conditions. In general, block government leases demised for agricultural use did not have provisions for right-of-way. Villagers would normally agree among themselves on the access arrangement between their private lots. In building licence for New Territories Exempted Houses, there were express provisions saying that there was no guarantee for right-of-way. LandsD would only under special circumstances, for example, when an existing village road used by villagers at large falling within a private lot had been used for a long time, issue a building licence subject to a condition requiring the landowner to allow public access over the relevant portion of his lot.

141. In response to a question from the Chairman, Mr K.C. Kan said that the planning permission of Application No. A/YL-ST/398 was revoked as the applicant had not complied with two approval conditions. The first approval condition required that vehicles without valid licences should not be parked within the site, while the second condition specified that a notice had to be posted at a prominent location at the site to indicate that no medium or heavy goods vehicles were allowed to be parked/stored on the site.

142. A Member said that there was a typo in paragraph 13.2(l) of the Paper. “In relation to (l) above, ...” should be revised to “in relation to (k) above, ...”

Deliberation Session

143. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.8.2016, 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 were allowed to be parked 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 were allowed to be parked on the site at any time during the planning approval period;
- (d) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity was allowed on the site at any time during the planning approval period;
- (e) only a vehicular ingress/egress at the northeastern corner of the site facing Tung Wing On Road, as proposed by the applicant, was allowed at any time during the planning approval period;
- (f) the maintenance of paving on the site at all times during the planning approval period;
- (g) 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 16.2.2014;
- (h) in relation to (g) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.5.2014;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.2.2014;
- (j) in relation to (i) above, the implementation of fire service installations

proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.5.2014;

- (k) the submission of parking layout plan with dimensions within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 16.2.2014;
- (l) in relation to (k) above, the implementation of parking layout plan within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 16.5.2014;
- (m) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.2.2014;
- (n) in relation to (m) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.5.2014;
- (o) the provision of boundary fencing on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.2.2014;
- (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.

144. 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) prior planning approval should have been obtained before commencing the applied development/use at the application site;
- (c) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (d) should the planning permission be revoked due to non-compliance with any of the approval condition again, sympathetic consideration might not be given to any further application;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land under application site comprised Old Schedule 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 had been given for the specified structures as 2-storey site office (about 15m² subject to verification) and shelters for parking of private vehicles (about 1.534m² subject to verification). No permission had been given for the proposed use and/or occupation of the Government land (GL) (about 864m² subject to verification) included into the application site. The act of occupation of GL without Government’s prior approval should not be encouraged. The application site was accessible to Tung Wing On Road via a short stretch of GL. His Office provided no maintenance works for the GL involved and did not guarantee right-of-way. No applications for Short Term Waiver

and Short Term Tenancy were received as far as the planning application was concerned. The lot owner would need to apply to his Office to permit structures to be erected or regularize any irregularities on site. Furthermore, the applicant had to either exclude the GL portion from the application site or apply for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site and BD was not in a position to offer comments on their suitability for the use related to the application. If the existing structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers/open shed as temporary buildings) were to be carried out on the site, prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5 m wide, its permitted development

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

- (g) to note the comments of the Director of Environmental Protection that the applicant was reminded that all wastewater from the site should comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (h) to note the Commissioner of Transport's comments that the size of private car parking stall should be 5m x 2.5m and the minimum width of aisle should be 6m;
- (i) 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 Tung Wing On Road;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department at Appendix IV of the Paper;
- (k) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) were required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs, to his Department 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. Should the applicant wish to apply for exemption from the provision of FSI as prescribed by his Department, the applicant was required to provide justifications to his Department for consideration. 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;

- (l) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the existing water mains would be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a waterworks reserve within 1.5 metres from the centerline of the water mains should be provided to WSD. No structures should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. The Government should not be liable to any damage whatsoever and howsoever caused arising from burst and leakage of the public water mains within and in close vicinity of the site;
- (m) to note comments of the Director of Electrical and Mechanical Services at Appendix IV of the Paper; and
- (n) to liaise with the administrator of the estate of Lot 3063 in D.D. 102 to address her concerns.

Agenda Item 41

Section 16 Application

[Open Meeting]

A/YL-KTN/402 Proposed School (International School Development Comprising Kindergarden, Primary Section, Secondary Section Cum Ancillary Dormitory and Facilities) in “Undetermined” zone, Government Land in D.D. 109, Ha Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/402A)

145. The Secretary reported that the application was submitted by Pubo Investment

Ltd. with Environ Hong Kong Ltd. and AECOM as two of the consultants. Mr Ivan Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd. and AECOM. Ms Janice Lai had also declared an interest in this item as she had current business dealings with AECOM. As the applicant had requested to defer consideration of the application, they should be allowed to stay at the meeting.

146. The Secretary reported that the application had been deferred once. On 30.7.2013, the applicant requested for deferment of the consideration of the application for two months in order to allow sufficient time to liaise with the relevant departments including the Education Bureau and to prepare further information to address the comments of the relevant government departments. Since the last deferment, the applicant had submitted the responses to relevant departmental comments with a revised Master Layout Plan, a revised Drainage Impact Assessment and a revised Sewerage Impact Assessment in June 2013.

147. 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 more months were allowed for preparation of the submission of the further information. Since this was the second deferment of the application, the Committee had already allowed a total of four months for preparation of further information. No further deferment would be granted unless under very special circumstances.

Agenda Item 42

Section 16 Application

[Open Meeting]

A/YL-KTN/410 Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of 5 Years in “Agriculture” zone, Lots 1486 (Part), 1489 (Part), 1493 (Part) and House Lot Block (Part) in D.D. 107 and Adjoining Government Land, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/410)

148. The Secretary reported that this was the first request for deferment for the subject application. On 29.7.2013, the applicant requested for deferment of the consideration of the application for two months in order to allow sufficient time to address the comments of the relevant government departments.

149. 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 Items 43 and 44

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/411 Temporary Vehicle Park (Private Cars) for a Period of 3 Years in
“Village Type Development” zone, Lot 237 S.B ss.3 S.A (Part) in D.D.
103, Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/411)

A/YL-KTN/412 Temporary Vehicle Park (Private Cars) for a Period of 3 Years in
“Village Type Development” zone, Lot 237 S.B ss.4 S.A (Part) in D.D.
103, Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/412)

150. Noting that the two applications were similar in nature and were located in close proximity to each other, the Committee agreed that the two applications could be considered together.

Presentation and Question Sessions

151. Ms Bonita K.K. Ho, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) the temporary vehicle park (private cars) for a period of 3 years at each of the application sites;
- (c) departmental comments – concerned departments had no objection to or no comment on the applications as detailed in paragraph 9 of the Papers;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary vehicle parks (private cars) could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Papers.

152. Members had no question on the applications.

Deliberation Session

153. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 16.8.2016, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the applications was subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including

container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;

- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out at the site at any time during the planning approval period;
- (e) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (f) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owners of the site;
- (b) note the District Lands Officer/Yuen Long's (DLO/YL) comments that the private lot within the site was Old Scheduled Agricultural Lot held under Block Government Lease under which no structure was allowed to be erected without prior approval from Lands Department (LandsD). The site was accessible to Kam Tin Road via other private land and Government land (GL). LandsD did not provide maintenance works on the affected

GL and did not guarantee right of way. The lot owner was required to apply to LandsD for the erection of any structure. 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 the application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (c) adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (d) note the Commissioner of Transport’s comments that the site was connected to the public road network via a section of a local access road which might not be managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department’s comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Tin Road;
- (f) note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the proposed development would neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL and seek consent from relevant lot owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (g) note the Chief Building Surveyor/New Territories West, Buildings

Department's comments that all building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person had to 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; and

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

Agenda Item 45

Section 16 Application

[Open Meeting]

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

155. The Secretary reported that the application was submitted by Super Asset Development Ltd. which was a subsidiary of Henderson Land Development Co. Ltd. Mr Ivan Fu and Ms Janice Lai had declared an interest in this item as they had current business dealings with Henderson Land Development Co. Ltd. As the applicant had requested to defer consideration of the application, they should be allowed to stay at the meeting.

156. The Secretary further reported that the application had been deferred twice. On 9.8.2013, the applicant wrote to the Committee and requested the Committee to further defer consideration of the application for two months in order to allow more time to prepare the technical assessments to address the departmental comments related to the noise and visual impacts. Since the first deferment in January 2013, the applicant had submitted supplementary information including a landscape proposal in June 2013 but additional time was required for the applicant to prepare relevant technical assessments to address the departmental concerns particularly on the environmental and visual aspects.

157. 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. Since this was the third deferment of the application and the Committee had already allowed a total of six months for preparation of submission of further information, this should be the last deferment and no further deferment would be granted unless under very special circumstances.

Agenda Item 46

Section 16 Application

[Open Meeting]

A/YL-KTS/607 Proposed Temporary Public Vehicle Park (Excluding Container Vehicles) for a Period of 3 Years in “Residential (Group C)” zone, Lots 341, 342, 344 (Part), 348 and 350 in D.D. 109, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTS/607)

158. The Secretary reported that this was the first request for deferment for the subject application. On 29.7.2013, the applicant requested for deferment of the consideration of the application for two months in order to allow sufficient time to prepare the Traffic Impact Assessment to address the relevant departmental comments.

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

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/213 Proposed Columbarium in “Government, Institution or Community” zone, Portion of 1/F of the planned administrative building, Lot 1630 (Part) in D.D. 115, Au Tau, Nam Sang Wai, Yuen Long (RNTPC Paper No. A/YL-NSW/213C)

160. The Secretary reported that Mr Ivan Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd. and MVA Hong Kong Ltd.

The Vice-Chairman also declared an interest in this item as he was a consultant for the “Dreams Come True for the Elderly” scheme organized by the applicant. As Mr Ivan Fu and the Vice-Chairman had no direct involvement in this application, Members agreed that they should be allowed to stay at the meeting. Professor Edwin Chan had also declared an interest in this item as he was a co-opted member of a committee of the Hospital Authority (HA), which had submitted a public comment against the application. Members considered that Professor Chan’s interest was direct and he should withdraw from the meeting temporarily during the discussion and deliberation of the item.

[Professor Edwin Chan left the meeting at this point.]

Presentation and Question Sessions

161. Ms Kennie M.F. Liu, TP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed columbarium;
- (c) departmental comments –
 - (i) the Secretary for Food and Health (SFH) (Health Branch) did not support the application in view of HA’s objection to the application;
 - (ii) the Chief Executive of HA objected to the proposed columbarium within the Pok Oi Hospital (POH) compound for the following main reasons:
 - a) there would be unavoidable operational conflicts between the proposed columbarium and the hospital. HA’s primary concern was to ensure 24-hour unimpeded traffic access to and from POH, particular for emergency vehicles. The proposed columbarium would adversely affect the daily operation of POH,

especially during Ching Ming and Chung Yung festivals;

- b) the assumptions in the Consolidated Traffic Report that no private cars would be allowed to go to the subject columbarium during festival periods and visitors to the proposed columbarium would use public transport or walk from the West Rail/Light Rail stations to the proposed columbarium were unrealistic;
- c) although the applicant proposed a separate and designated pedestrian entrance at the rear of POH compound, HA considered that visitors would instead walk along the pedestrian footpaths from the hospital's main entrance to the columbarium during festival periods. The barriers used to block off the pedestrian access from POH to the proposed columbarium would affect the operation of the liquid oxygen vacuum insulated evaporator (VIE) tank which was considered not acceptable;
- d) traffic congestion would occur at Pok Oi Interchange and the junction when additional traffic was attracted during the festivals periods. Besides, patients requiring emergency care would not only travel by ambulance but also by public and private transport. An "Ambulance Only" Lane could not cater for all patients travelling to POH;
- e) the proposed alternative access for emergency vehicles required the ambulances to turn into the driveway from Castle Peak Road at a considerably high speed. It also required the ambulances to pass through the narrow internal service road before reaching the A&E ambulance pick-up/drop-off areas. However, the existing internal service road was not designed as an EVA. HA considered that the proposal was not feasible;

- f) the applicant had not properly addressed the cumulative impacts of having two columbaria (one under the current application and the other under application No. A/YL-NSW/204 at the adjoining Pun Uk site) operating concurrently, assuming that both were eventually approved and built;
 - g) the proposed columbarium was in close proximity to the VIE tank. There were concerns about the ability to effectively enforce the ban on smoking and ritual burning within the POH compound; and
 - h) the proposed columbarium was visible at the main entrance of POH. It would create adverse visual impact and negative psychological effects on patients of POH;
- (iii) the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) commented that if planning approval was given, the lot owner had to apply to the LandsD for a lease modification. The portion of the proposed drop-off area and the adjoining new gate were erected outside the boundary of the POH lot on the existing pavement. The proposed alternative access for emergency vehicles would involve an additional vehicular access to the POH lot and other private lots and adjoining government land. The applicant should clarify how the proposed alternative access could be implemented and how it would be managed and maintained. Regarding the applicant's suggestion to include planning approval conditions into the lease conditions, he would consider the lease modification application when it was submitted;
- (iv) the Commissioner for Transport (C for T) had no objection to the proposed development. The traffic due to the proposed 1,000 niches would be minimal. The traffic impact assessment (TIA) had demonstrated that the adjacent junctions would have sufficient reserve capacities for a relatively small increase in traffic volume.

Highways Department's improvement works at Pok Oi Interchange were scheduled for completion in 2015. The high percentages of franchised buses/green mini buses (GMB) and railways to be taken by the visitors to the columbarium were not unreasonable. He also had no in-principle objection to the alternative access for POH. In the event that both the subject columbarium and the adjacent Pun Uk columbarium were operating concurrently, the operational performance of the surrounding road network was still acceptable. The implementation of the Traffic Management Plan had addressed HA's concerns for unimpeded operation of POH. It was considered that the operational and administrative matters of the POH should be resolved between the HA and the applicant;

- (v) the Commissioner of Police (C of P) commented that the traffic management plan should take into consideration of the traffic impact of the proposed columbarium at the Pun Uk site. There were no detailed specifications shown on the proposed drop-off area at the end of Siu Sheung Road. There was also no safety measure for visitors/pedestrians going from or to the entrance of proposed drop-off area when they crossed the road;

- (vi) the Director of Fire Services (D of FS) had no objection to the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction. The applicant should also be advised that a safety distance requirements of 6m between the existing licensed Oxygen VIE tank and the administration building was required. He had no objection in principle to the proposed "Ambulance Only" Lane. During Ching Ming and Chung Yeung Festivals, consideration should be given to adopting measures, if possible, to minimize vehicular traffic causing obstruction to passage of ambulances to the A&E Department. He noted from the comments of HA that the access into POH would become a convenient drop-off or pick-up point for visitors coming to or leaving the proposed columbarium. He had grave concern

over the possible adverse effects to the operation of ambulances. The proposed alternative access route would apparently require ambulances to enter the hospital by changing from the second lane of Castle Peak Road through both the first lane and a cycling track while travelling at a considerable high speed. In this connection, sufficient measures had to be in place to ensure safety of other road users;

- (vii) the Director of Environmental Protection (DEP) had no objection to the application on the condition that there would not be any furnaces and no burning of ritual papers and joss sticks at the site at all time during operation of the proposed columbarium;
- (d) during the first three weeks of the statutory publication periods of the application and the further information, a total of 541 public comments objecting to the application were received. The commenters considered that (i) POH should aim at providing medical services instead of providing columbarium niches. The development of columbarium would adversely affect the medical and emergency services of POH; (ii) the proposed columbarium was not compatible with the hospital use or the nearby residential developments; (iii) there would be adverse psychological impacts on people, including the patients; (iv) there would be adverse traffic impact during Ching Ming and Chung Yeung Festivals. The current traffic capacity could not support the visitors to the columbarium and the future columbarium users would worsen the parking facilities within Yuen Long; (v) the existing pavement along Castle Peak Road was narrow and the proposed columbarium would lead to increased crowdedness at the pavement; (vi) the proposed columbarium would impose environmental problems, affect the *feng shui* of the nearby villages, and affect the property price of the nearby residential developments; and (vii) it would set an undesirable precedent which would encourage similar applications for more columbaria in the area; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the

application based on the assessments made in paragraph 12 of the Paper. While the planning intention of the “Government, Institution or Community” (“G/IC”) zone was primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory, the subject site was within a hospital compound. The proposed columbarium was not entirely in line with the planning intention of the subject site. Conversion of part of the planned administration building to a columbarium use was not compatible with the hospital use. In this regard, HA considered that there would be unavoidable conflicts between the proposed columbarium and POH. The proposed development would adversely affect the normal operation of the existing GIC facilities and hence it was not in line with TPB-PG No. 16. HA was also concerned that the proposed columbarium would share the same vehicular access leading from Pok Oi Interchange to POH. In this regard, C for T had no objection to the application but noted that the operational and administrative matters of POH should be resolved between HA and the applicant.

162. In response to a question from the Chairman, Ms Kennie Liu referred to Plan A-2 of the Paper and said that ambulances travelling along Castle Peak Road from Pok Oi Interchange had to make a left turn from the outer lane and cut through the inner lane and a cycle track at a considerably high speed before entering the proposed alternative access. Both HA and D of FS were concerned about the feasibility of the proposed alternative access. Once inside the POH compound, ambulances had to travel along a narrow internal service road before reaching the ambulance pick-up/drop-off areas. HA was concerned about this traffic arrangement as the internal service road was not designed for use as an Emergency Vehicular Access (EVA).

163. In response to a question from a Member, Ms Kennie Liu said that the POH compound was owned by the BOD of POH, but the hospital and the vehicular access were managed by the HA.

164. In response to a question from a Member, Ms Kennie Liu said that the BOD of POH did not submit a public comment on the planning application for the proposed

columbarium at the Pun Uk site.

Deliberation Session

165. Members generally did not agree to the applicant as they considered that it was important to maintain the unimpeded operation of the hospital.

166. The Secretary said that there were some typos on pages 17 and 18 of the Paper. It was suggested that replacement pages correcting the typos be prepared for record purpose. Members agreed.

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

- (a) the proposed development was not in line with the planning intention of the subject “Government, Institution or Community” (“G/IC”) zone which was intended for hospital use. There was no strong planning justification of locating the proposed columbarium use at the application premises;
- (b) the proposed development was not in line with the Town Planning Board Guidelines No. 16 for “Application for Development/Redevelopment within “G/IC” zone for Uses other than GIC Uses in that the proposed development was not compatible in land-use terms with the GIC uses on site and would adversely affect the normal operation of the existing GIC facilities within the “G/IC” site;
- (c) the implementability and enforceability of the proposed traffic management measures of the traffic management plan and traffic enhancement proposals were doubtful; and
- (d) the approval of the proposed columbarium use would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications would result in adverse impact on the

operation of the existing hospital services.

Agenda Items 48 and 49

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/220 Renewal of Planning Approval for Temporary Private Car Park for a Period of 1 Year in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lot 1212 S.A ss.3 (Part) in D.D. 115, Chung Yip Road, Nam Sang Wai , Yuen Long
(RNTPC Paper No. A/YL-NSW/220)

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/221 Renewal of Planning Approval for Temporary Container Tractor/Trailer Park for a Period of 1 Year in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lots 1212 S.A ss.2 and 1212 S.A ss.3 (Part) in D.D. 115, and Adjoining Government Land, Chung Yip Road, Nam Sang Wai , Yuen Long
(RNTPC Paper No. A/YL-NSW/221)

168. Noting that the two applications were similar in nature and were located in close proximity to each other, the Committee agreed that the two applications could be considered together.

Presentation and Question Sessions

169. Ms Kennie M.F. Liu, TP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the renewal of planning permission for temporary private car park for a

period of 1 year under application No. A/YL-NSW/220 and the renewal of planning permission for temporary container tractor/trailer park for a period of 1 year under application No. A/YL-NSW/221;

- (c) departmental comments –

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concerned departments had no objection to or no comment on the application as detailed in paragraph 10 of the Paper;

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the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest one being about 50m away to its northwest) and environmental nuisance was expected;

- (d) no public comment was received during the first three weeks of the statutory publication period. The District Officer (Yuen Long) reported that four letters from the Chairman of Shap Pat Heung Committee, a member of Yuen Long District Council, the village representatives of Shui Chiu San Tsuen and Shan Pui Tsuen had been received. They supported the applications considering that the sites were suitable for parking purpose and there was a shortage of parking spaces in the area; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary developments could be tolerated for one more year based on the assessment made in paragraph 12 of the Papers. Regarding DEP's concern on the temporary container tractor/trailer park under application No. A/YL-NSW/221, it should be noted that no environmental complaint had been received against the site in the past three years. To mitigate any potential environmental impacts arising from the temporary container tractor/trailer park, relevant approval conditions had been recommended for Members' consideration. When considering the previous applications at the subject application sites, the Committee had noted that there would be

residential development proposals in the “R(E)1” zone in the adjacent Tung Tau Industrial Area (TTIA). The transformation of the adjacent area to residential use was beginning to take pace. Two planning applications No. A/YL/191 and 194 for residential use had been approved by the Committee on 21.12.2012 and 11.1.2013 respectively, and one government site for residential use would be disposed of in 2013/14 in the “R(E)1” zone to the immediate south of the subject application sites. To avoid undesirable interface issues with the proposed residential developments and to facilitate the early implementation of the subject “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone, the applicant would be advised that this would be last temporary permission and further renewal would not be granted. The applicant should identify suitable sites for relocation.

170. Members had no question on the applications.

Deliberation Session

171. After deliberation, the Committee decided to approve the applications on a temporary basis for a further period of 1 year, and be renewed from 22.8.2013 until 21.8.2014, on the terms of the applications as submitted to the Town Planning Board (TPB). The planning permission of Application No. A/YL-NSW/220 would be subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle other than private cars and light goods vehicles with valid licence/registration and not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, was allowed to be parked or stored on the site during the

planning approval period;

- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site during the planning approval period;
- (e) the existing fencing on the site should be maintained at all times during the planning approval period;
- (f) the existing trees within the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities implemented should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities 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 21.11.2013;
- (i) the submission of parking layout and provision of parking facilities 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 21.2.2014;
- (j) the submission and provision of fire service installations proposal for the site 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 21.2.2014;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately

without further notice;

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

172. The Committee also agreed to advise the applicant of Application No. A/YL-NSW/220 of the following :

- (a) an approval period of 1 year was granted but no further renewal would be allowed. The applicant should identify suitable sites for relocation;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) resolve any issues relating to the use of Chung Yip Road which was managed and maintained by Hong Kong School of Motoring;
- (d) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that access of the site required passing through adjacent site under application No. A/YL-NSW/221. His office did not provide maintenance works for such track and did not guarantee right-of-way. Application for Short Term Waiver (STW) at Lots No. 1212 S.A ss.2 and 1212 S.A ss.3 in D.D. 115 for the purpose of ancillary use to container tractors/trailers and private car park with permitted built over area of about 130m² had been approved pending offer of basic terms. The STW 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) 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) note the comments of the Director of Agriculture, Fisheries and Conservation that to avoid causing disturbance to the nearby pond;
- (g) note the comments of the Director of Fire Services (D of FS) that the layout plans to incorporate the proposed fire service installations should be drawn to scale and depicted with dimensions and nature of occupancy and the locations of the proposed fire service installations (FSIs) to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by D of FS, the applicant was required to provide justification to his department for consideration. However, the applicant was reminded that if the proposed structure(s) was required to comply with the Buildings Ordinance (BO), detailed fire service requirements would be formulated upon receipt of formal submission of general building plans;
- (h) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. An emergency vehicular access under Building (Planning) Regulation (B(P)R) 41D should be provided. Formal submission of any proposed new works (if any), including any temporary structure for approval under the BO was required. Since the site was not abutting and accessible from a street having a width not less than 4.5m, the site access and the development intensity should be determined under B(P)R 5 and 19(3) at building plan submission stage; and

- (i) note the comments of the Director of Electrical and Mechanical Services that to 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 plan obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary 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. 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 away from 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 consultant when carrying out works in the vicinity of the supply lines.

173. The planning permission of Application No. A/YL-NSW/221 would be subject to the following conditions :

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

- (e) the existing drainage facilities implemented should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities 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 21.11.2013;
- (g) the submission of parking layout and provision of parking facilities 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 21.2.2014;
- (h) the submission and provision of fire service installations proposal for the site 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 21.2.2014;
- (i) 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;
- (j) if any of the above planning conditions (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.

174. The Committee also agreed to advise the applicant of Application No. A/YL-NSW/221 of the following :

- (a) an approval period of 1 year was granted but no further renewal would be allowed. The applicant should identify suitable sites for relocation;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) resolve any issues relating to the use of Chung Yip Road which was managed and maintained by Hong Kong School of Motoring;
- (d) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that access of the site opened directly onto Chung Yip Road. His office did not provide maintenance works and did not guarantee right-of-way. Application for Short Term Waiver (STW) at Lots No. 1212 S.A ss.2 and 1212 S.A ss.3 in D.D. 115 for the purpose of ancillary use to container tractors/trailers and private car park with permitted built over area of about 130m² had been approved pending offer of basic terms. The STW application was to permit 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) 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) note the comments of the Director of Agriculture, Fisheries and Conservation that to avoid causing disturbance to the nearby pond;
- (g) note the comments of the Director of Fire Services (D of FS) that the layout plans to incorporate with the proposed fire service installations should be

drawn to scale and depicted with dimensions and nature of occupancy and the locations of the proposed fire service installations (FSIs) to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by D of FS, the applicant was required to provide justification to his department for consideration. However, the applicant was reminded that if the proposed structure(s) was required to comply with the Buildings Ordinance (BO), detailed fire service requirements would be formulated upon receipt of formal submission of general building plans;

- (h) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. An emergency vehicular access under Building (Planning) Regulation (B(P)R) 41D should be provided. Formal submission of any proposed new works, including any temporary structure as containers used as offices for approval under the BO was required. If the site was not abutting and accessible from a street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage; and

- (i) note the comments of the Director of Electrical and Mechanical Services that to 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 plan obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary 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. 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 away from 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 consultant when carrying out works in the vicinity of the supply lines.

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/831 Proposed Temporary Open Storage of Containers and Container Tractors for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 71, 72 (Part), 140 (Part), 141 (Part), 142 (Part), 143 (Part), 144 (Part), 145, 148 (Part), 149 (Part), 150 (Part), 151, 152 (Part), 153 (Part), 157 (Part) and 158 (Part) in D.D. 125, Ha Tsuen, Yuen Long

(RNTPC Paper No. A/YL-HT/831)

175. The Secretary reported that the application was submitted by Wah Tung Development Co. Ltd. with Environ Hong Kong Ltd. as one of the consultants. Mr Ivan Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd. As Mr Ivan Fu had no direct involvement in this application, he should be allowed to stay at the meeting.

Presentation and Question Sessions

176. Mr Edmond S.P. Chiu, TP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of containers and container tractors for a period of 3 years;

- (c) departmental comments – the Director of Environmental Protection (DEP) commented that the on-site nuisance could be tolerated as the closest residential dwelling was located 105m away from the site. However, the applicant was advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP) issued by the DEP as heavy vehicle traffic was expected to travel along an access road within 50m from the nearest sensitive uses, and it was environmentally undesirable to allow such nuisances to begin or continue to affect the residents;
- (d) during the first 3 weeks of the statutory public inspection periods of the application and the further information, three public comments were received. A Yuen Long District Council member objected to the application on the grounds that the proposed use was not in line with the planning intention and the heavy vehicles traffic would generate noise and dust nuisances to the nearby residents. Designing Hong Kong Limited submitted two comments objecting to the application on the grounds that the proposed use was not in line with the planning intention and not compatible with the adjoining “Village Type Development” and “Green Belt” zones; there were sufficient supply for storage of container uses; and the approval of the application would set an undesirable precedent; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. Since the nearest sensitive receiver identified was located about 110m to the northwest of the site and there was no environmental complaint against the site in the past 3 years, DEP considered that the application could be tolerated. Notwithstanding, to address the concerns of the public commenters, to mitigate any potential environmental impacts, relevant approval conditions had been recommended. The applicant would also be advised to follow the COP to minimize the possible environmental impacts on the nearby sensitive receivers. It should also be noted that relevant government departments including the Chief Town Planner/Urban Design

& Landscape, PlanD and Director of Agriculture, Fisheries and Conservation had no adverse comment on the application.

177. Members had no question on the application.

Deliberation Session

178. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.8.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the 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 handling (including loading, unloading and storage) of electrical/electronic appliances/components, including cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair and workshop activity, other than minor ancillary container repairs, as proposed by the applicant, was allowed on the site during the planning approval period;
- (e) the stacking height of containers stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (f) the stacking height of containers stored on the site should not exceed 8 units during the planning approval period;

- (g) the drainage mitigation measures identified in the Drainage Impact Assessment (DIA) should be maintained at all times during the planning approval period;
- (h) the implementation of drainage facilities identified in the DIA within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.2.2014;
- (i) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.2.2014;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.5.2014;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.2.2014;
- (l) in relation to (k) above, the implementation of the 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 16.5.2014;
- (m) the provision of fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.2.2014;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

179. 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) resolve any land issues relating to the development with the concerned owner(s) of the application site and the nearby lots;
- (c) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office. Access to the site required traversing through private lot and/or Government land. His office provided no maintenance work and did not guarantee right-of-way. The lot owner would still need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity of the landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimize the possible environmental impacts

on the nearby sensitive receivers;

- (e) note the comments of the Commissioner for Transport that sufficient manoeuvring spaces should be provided within the site to avoid vehicles using public road for manoeuvring queuing. No vehicle was allowed to queue back to public road or reverse onto/from public road. The land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD should not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (g) note the comments of the Chief Engineer/Development, Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. The water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (h) note the comments of the Director of Fire Services that in consideration of the design/nature of the structure, fire service installations (FSIs) were anticipated to be required. The applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal for the structure, the applicant was advised to make reference to the following requirements: for other storages, open sheds or enclosed structure with total floor area less than

230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans; the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; clarification should be made on whether there was any access road provided to reach 30m travel distance from the structure; and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to him for consideration; and

- (i) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that before any new building works including container structure were to be carried out on the site, the prior approval and consent of the Building Authority should be obtained, otherwise they were unauthorized building works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R). 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.

Agenda Item 51

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/854 Temporary Centre for Inspection of New Vehicles, Car Repair
Workshop and Open Storage of New Vehicles with Ancillary Offices
and Storerooms for a Period of 3 Years in “Open Storage (Group 1)”
zone, Lots 4 (Part), 5 (Part), 6 (Part) and 7 S.A (Part) in D.D. 124, Lot
1489 S.B RP (Part) in D.D. 125 and Adjoining Government Land, Ha
Tsuen, Yuen Long

(RNTPC Paper No. A/YL-HT/854)

Presentation and Question Sessions

180. Mr Edmond S.P. Chiu, TP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary centre for inspection of new vehicles, car repair workshop and open storage of new vehicles with ancillary offices and storerooms for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest residential dwelling being about 11m away to its north) and along the access road (Ha Tsuen Road), and environmental nuisance was expected;
- (d) during the first three weeks of the statutory public inspection period, one public comment from a Yuen Long District Council member was received. The commenter objected to the application as the planning permission of the site had been revoked for a few times due to non-compliance of approval conditions. It showed that the applicant was not sincere to

comply with approval conditions and therefore the Board should reject the application; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary development could be tolerated for a period of 3 years based on the assessment made in paragraph 12 of the Paper. Although DEP did not support the application, no environmental complaint had been received in the past 3 years. To address DEP's concern and mitigate any potential environmental impacts, relevant approval conditions had been recommended for Members' consideration. Regarding the public comment on the repeated non-compliance of approval conditions, it was recommended that shorter compliance periods for approval conditions were imposed in order to monitor the progress of compliance. The applicant would be advised to comply with the approval conditions within the time period specified should the Committee decide to approve the application.

181. Members had no question on the application.

Deliberation Session

182. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.8.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 8:00 p.m. to 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) the existing drainage facilities implemented should be maintained at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities

within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.11.2013;

- (e) the submission of a tree preservation and landscape proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 16.11.2013;
- (f) in relation to (e) above, the implementation of tree preservation and landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 16.2.2014;
- (g) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 16.11.2013;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 16.2.2014;
- (i) the provision of fencing within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 16.11.2013;
- (j) if any of the 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 above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were imposed in order to monitor the fulfillment of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. No approval was given for the proposed specified structures as ancillary offices, restrooms, canopies and storerooms and for the occupation of Government Land (GL). The act of occupation of GL without his office prior approval should not be encouraged. The lot owner would still need to apply to him to permit any addition/excessive structures to be erected or regularize any irregularities on-site. The applicant had to either exclude the GL portion from the application site or apply for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. Access to the site required traversing through private lot and/or GL. His office provided no maintenance work and did not guarantee right-of-way. His office would consider taking lease enforcement action if there was any breach of lease and land control action should the GL within the application site was found occupied without permission;

- (e) 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) note the comments of the Commissioner for Transport that sufficient manoeuvring spaces should be provided within the site. No vehicle was allowed to queue back to public road or reverse onto/from the public road. The land status of the road/path/track leading to the site 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) note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD should not be responsible for the maintenance of any access connecting the site and Ha Tsuen Road;
- (h) note the comments of the Director of Fire Services to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. For other storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. The layout of structures A to I should be clearly indicated in the layout plan. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to him for consideration; and
- (i) note the comments of the Chief Building Surveyor/New Territories West,

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

[The Chairman thanked Mr C.C. Lau, Mr Vincent T.K. Lai, Mr K.C. Kan, Ms Bonita K.K. Ho, STPs/TMYL, Ms Kennie M.F. Liu and Mr Edmond S.P. Chiu, TPs/TMYL, for their attendance to answer Members' enquires. Messrs. Lau, Lai, Kan and Chiu, Ms Ho and Ms Liu left the meeting at this point.]

Agenda Item 52

Any Other Business

184. There being no other business, the meeting closed at 6:30 p.m.