

TOWN PLANNING BOARD

Minutes of 496th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 27.9.2013

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 F.C. Chan

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

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

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

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

Secretary

Absent with Apologies

Mr Rock C.N. Chen

Mr H.F. Leung

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

In Attendance

Assistant Director of Planning/Board
Ms Brenda K.Y. Au

Senior Town Planner/Town Planning Board
Mr J.J. Austin

Town Planner/Town Planning Board
Mr K.K. Lee

Agenda Item 1

Confirmation of the Draft Minutes of the 495th RNTPC Meeting held on 6.9.2013

[Open Meeting]

1. The draft minutes of the 495th RNTPC meeting held on 6.9.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tuen Mun and Yuen Long District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/YL-TYST/1 Application for Amendment to the Approved Tong Yan San Tsuen
Outline Zoning Plan No. S/YL-TYST/10 from “Residential (Group B) 3”
to “Other Specified Uses” annotated “Columbarium”,
Lot 3971 RP in D.D. 124, Tan Kwai Tsuen, Yuen Long
(RNTPC Paper No. Y/YL-TYST/1B)

3. The Secretary reported that the following Members had declared interests in this item :

Mr Ivan C.S. Fu – had current business dealings with MVA Hong
Kong Ltd., one of the consultants of the applicant

Ms Janice W.M. Lai – had current business dealings with Landes Ltd., one of the consultants of the applicant

4. As Mr Fu and Ms Lai had no direct involvement in this application, the Committee agreed that they could stay in the meeting.

5. A replacement page 24 of the Paper to rectify a typo in paragraph 11.1(a) was sent to Members before the meeting,

6. The Secretary said that a letter was received from the applicant on 19.9.2013 after the Paper was issued and was tabled at the meeting. The letter, which provided responses to the comments of the Commissioner for Transport (C for T) and Commissioner of Police (C of P) on the application, was accepted as further information to the application and exempted from publication. The representative of the Planning Department (PlanD) would brief Members on PlanD's views on the further information in the presentation session.

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

Presentation and Question Sessions

7. Mr W.S. Lau, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), Miss Karmin Tong, Town Planner/Tuen Mun and Yuen Long (TP/TMYL), and the following representatives of the applicant were invited to the meeting at this point :

Miss Ng Wai Heung

Mr Tong Yau

Mr Francis Lau

Mr Alex Choi

Mr Kenneth Lai

Mr Tom Li

8. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Miss Karmin Tong, TP/TMYL, to brief Members on the background of the application. Miss Tong did so with the aid of a PowerPoint presentation and covered the

following aspects as detailed in the Paper :

The Proposal

- (a) the applicant proposed to amend the approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/10 by rezoning the application site from “Residential (Group B) 3” (“R(B)3”) to “Other Specified Uses” annotated “Columbarium” (“OU(Columbarium)”) with a set of Notes where ‘Columbarium’ would be a Column 1 use;
- (b) the site was surrounded by residential developments and had no direct vehicular access. It was currently occupied by two buildings which had already been renovated for columbarium use, but the niches found therein were not yet occupied;
- (c) the development proposal involved the conversion of the two existing buildings for columbarium use, providing a total of 7,983 single-urn niches, together with the erection of two new structures for toilet use. The proposed total gross floor area was about 388.9 m² (i.e. plot ratio of 0.28) and the maximum building height was 2 storeys (7.62m);
- (d) the applicant proposed to adopt crowd control and special traffic management measures on festival days (i.e. Ching Ming Festival and Chung Yeung Festival) including a visitor-by-appointment session booking system; restriction to visitors who were allowed to visit on one of the festival days per year and would only be permitted to visit on the alternative festival day in the next year; provision of shuttle bus service between West Rail Yuen Long Station and Wo Ping San Tsuen Lane; erection of directional signs to help drivers find public car parks in the vicinity and private cars and taxis to use the pick-up/drop-off points at Wo Ping San Tsuen Lane;
- (e) joss paper furnace would not be provided and the burning of joss paper would not be allowed;

- (f) local residents aged above 65 years old would be offered one niche free of charge while other local residents would be offered niches at half price;
- (g) the proposed columbarium would commence in two phases, with the first phase providing 3,609 niches and the remaining niches to be provided in the second phase; and
- (h) the justifications put forth by the applicant in support of the application were detailed in paragraph 2 of the Paper;

Departmental Comments

- (i) the departmental comments were detailed in paragraph 8 of the Paper and highlighted as follows :
 - (i) the District Lands Officer/Yuen Long of Lands Department (LandsD) advised that the existing structures on the site were tolerated for private residential purposes. Under the lease conditions, no grave should be made nor human remains be deposited on the lot. Application for lease modification would be required for columbarium use;
 - (ii) C for T commented that it should not be assumed that the proposed shuttle bus service would be approved by default; the traffic impact assessment (TIA) had not addressed the traffic impacts under the circumstance that shuttle bus service failed to be approved; the TIA should examine the traffic impacts on road and pedestrian networks should visitors rely on other modes of transport to access the site as well as the adequacy of public car parking facilities to cater for the anticipated visitors; the successful implementation of the proposed session booking system by the applicant for controlling visitor flow was questionable; the capacity of Wo Ping San Tsuen Lane (a single 2-lane carriageway) to accommodate the traffic during peak hours was in doubt, especially when there was possible

illegal parking; and the applicant should provide adequate pedestrian facilities for the visitors to the development;

- (iii) C of P raised concerns on possible disruption to traffic flow along Castle Peak Road and Wo Ping San Tsuen Lane as the existing road network did not have enough capacity to cater for the traffic generated by the proposal. There was also concern on pedestrian congestion along the 6m wide footpath along the nullah or Wong Ping San Tsuen Lane. He did not support the proposed shuttle bus service as it would generate unnecessary queues and pedestrian congestion at the pick-up/drop-off points, and considered that Wo Ping San Tsuen Lane was not suitable as the pick-up/drop-off points for the proposed shuttle bus service. He had reservation on the feasibility of the proposed session booking system and restriction on visits. He also considered that the existing parking facilities were insufficient to cater for the increase in visiting vehicles, and the number of peak visitors was underestimated by the applicant;
- (iv) the Secretary for Food and Health (SFH) and the Director of Food and Environmental Hygiene indicated that they generally would not object to proposals that would help boost the availability of niches provided that the columbarium concerned would comply with all statutory and Government requirements, including those on town planning, building, fire safety and land lease. For the subject application, practicable transport and crowd control measures should be devised to confirm the suitability of the site for the use;
- (v) the District Officer (Tuen Mun) anticipated that the locals would have concerns on the additional traffic flow and illegal parking at Wo Ping San Tsuen Lane due to the proposed development; and
- (vi) other concerned departments had no adverse comments on the application;

The Further Information received on 19.9.2013

- (j) the main points of the further information submitted by the applicant on 19.9.2013 in response to the comments of C for T and C of P were summarised as follows :
- (i) the development would be implemented in two phases, with about 3,609 niches to be provided in the first phase (in around mid-2015) and the remaining 4,374 niches to be provided in the second phase (timing to be determined and subject to review of the first phase);
 - (ii) the traffic impact could be reviewed after the first phase of development;
 - (iii) the disruption to the existing road network was minimal;
 - (iv) the levels of service at the related pedestrian facilities were acceptable;
 - (v) there were sufficient parking spaces in the vicinity to meet the demand;
 - (vi) the proposed management measures (e.g. booking system) would help reduce the number of visitors; and
 - (vii) the proposed 24-seater shuttle bus service would be increased from 1 bus to 3 or 4 buses making 20 trips per hour;
- (k) the departmental comments on the further information submitted were as follows :
- (i) C for T indicated no in-principle objection to the application based on the assumption that the proposed traffic and crowd management measures (including session booking system and restriction on visits)

could be successfully implemented and that approval conditions could be imposed should the application be approved by the Board. The applicant should be required to provide a traffic review on the first Ching Ming Festival and the first Chung Yeung Festival after implementation of the first phase of the proposed development. C for T also indicated that should the above assumptions be not realistic, he would maintain reservation on the development and raise concerns on the cumulative traffic impact due to precedent effect; and

- (ii) C of P maintained his previous views on the application and reiterated his concerns on the application from the traffic control and crowd management perspectives;

Public Comments

- (l) sixty-seven public comments were received during the first three weeks of the statutory publication period of the application, and 305 public comments were received during the subsequent publication period of the further information received on 19.6.2013, 21.6.2013 and 9.7.2013. Of all the public comments received, 220 comments objected to/raised concerns on the application, 149 comments supported the application and 3 comments were neutral;
- (m) the objections were mainly from the Yuen Long District Council members, village representative of Tan Kwai Tsuen, owners committees of the nearby housing estates, Wo Liu Hang Concern Group and Hung Shui Kiu Senior Citizen Association. They objected on the grounds that the proposed columbarium was too close to residential developments and was not in line with the residential setting of the area; it would pose psychological and health impacts on nearby residents; the development would have adverse traffic, environmental and infrastructural impacts on the surrounding areas and endanger public and personal safety with the increase in visitor flow; the proposed use was not in line with the planning intention of the OZP and

did not tie in with the future Hung Shui Kiu (HSK) New Development Area (NDA) development; and the act of offering free niches/selling niches to the nearby residents and the elderly before obtaining approval was inappropriate and illegal;

- (n) the supporting views were mainly from local residents and members of the public. They supported the proposal on the grounds that the site was within a low-density residential neighbourhood and nuisances and environmental impacts on nearby residents were not expected; the proposed mitigation/management measures would be effective in minimising visitor/traffic flow; the site had easy access to various modes of public transport; and the proposed development would help meet the keen demand for columbarium facilities;

PlanD's Views

- (o) PlanD did not support the application based on the assessments made in paragraph 10 of the Paper, which were summarised as follows :

Planning Intention of the Area and Land Use Compatibility

- (i) the site formed an integral part of the larger "R(B)3" zone of which the planning intention was for sub-urban medium-density residential developments in rural areas. The area had been developed into a predominantly residential area. The HSK NDA Planning and Engineering Study also recommended that the area should be retained for residential use. The rezoning of the site from "R(B)3" to "OU(Columbarium)" was not in line with the planning intention of the area and would undermine the overall integrity of the larger residential area. The columbarium use was incompatible with the surrounding residential developments;

Traffic Arrangement and Crowd Management

- (ii) the site was not directly accessible by vehicular traffic. The proposed columbarium with 7,983 niches was expected to generate significant amount of traffic and pedestrian flows. Both C for T and C of P had reservation on the development from the traffic impact perspective. There were concerns on the traffic burden on the nearby road network, disruption to traffic flow, serious pedestrian congestion, possible pedestrian and vehicular traffic conflict, inadequacy of public car parking facilities and possible illegal parking problems. The proposed shuttle bus service was not supported by C of P and its approval was not guaranteed. The effectiveness of the proposed crowd management measures, including the session booking system and restriction on visits, was also doubtful. SFH also considered that practicable transport and crowd control/management plans should be derived to confirm the suitability of the site for columbarium development;

Undesirable Precedent

- (iii) given the planning intention of the “R(B)3” zone and several fundamental technical issues had yet to be resolved, approval of the application might attract similar applications and set an undesirable precedent. The cumulative impact of approving such similar applications would erode the residential character and overstrain the traffic capacity of the area; and

Proposed Notes for the “OU(Columbarium)” Zone

- (iv) the application proposed to place ‘Columbarium’ as a Column 1 use in the Notes for the proposed “OU(Columbarium)” zone. In this regard, once the rezoning application was approved, there would be no planning mechanism to ensure that the various measures/proposals, including landscaping, traffic/crowd

management, environmental mitigation measures and sewerage, etc. to address the impacts of the proposed development would be implemented.

9. The Chairman then invited the applicant's representatives to elaborate on the application. Mr Francis Lau made the following main points with the aid of a PowerPoint presentation :

- (a) the proposed columbarium development for a total of 7,983 niches would be implemented in two phases, with about 3,609 niches available in the first phase;
- (b) in view of the adverse departmental comments, the applicant decided to delete shuttle bus service from the proposal. The submitted TIA would remain valid as the shuttle bus service did not form part of the submission. The shuttle bus service was proposed as an alternative option after the submission of the application;
- (c) the development would not generate adverse environmental, sewerage, traffic and visual impacts on the surrounding areas as no burning of joss paper would be allowed on the site, the site was already served by public sewerage system, access to the site was by way of footpaths with low usage rates, and the buildings on site were screened off from the surroundings by tall trees;
- (d) a session booking system and restriction on visits would be implemented to control the number of visitors to the site on festival days;

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

- (e) to serve the need of the local people, local residents would be offered niches at the proposed columbarium free of charge or at half price. Seventeen local residents had already registered for these niches. Fifty free niches would also be offered to the Lord Grace Church of Hong Kong

and 120 free niches would be offered to Pok Oi Hospital for charity purposes. The applicant intended to offer about 5% of the total number of niches free of charge to charitable organisations and people in need;

- (f) the applicant had consulted the local community, including the District Council members for the Ping Shan and Ha Tsuen areas and some local elderly centres;
- (g) Government departments, including the Drainage Services Department, the Environmental Protection Department, the Food and Environmental Hygiene Department and the Landscape Unit of PlanD, had no adverse comments on the application;
- (h) as the site was located at the western fringe of the “R(B)3” zone of Tan Kwai Tsuen, the rezoning of the site would not affect the integrity of the “R(B)3” zone. Since the site was not abutting a street of not less than 4.5m wide, it was not suitable for residential development. Very few sites were suitable for columbarium use in Hong Kong, and the site was considered suitable as it had good access to public transport and would cause little adverse impact on the surrounding areas. The columbarium would help meet the keen demand for niches in Yuen Long and North West New Territories; and
- (i) the submitted TIA had shown that the proposed columbarium development was acceptable.

10. Mr Kenneth Lai then made the following main points :

- (a) the site was well served by various modes of public transport, including buses, minibuses and the Light Rail Transit. All the public transport facilities were within a walking distance of less than 5 minutes;

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

- (b) the existing subway underneath Castle Peak Road and the footpath along the nullah leading to the site were of sufficient width to provide a desirable and comfortable walking environment even with the addition of the columbarium visitors on festival days;
- (c) the road network was sufficient to cater for the increased vehicular flow. The three key road junctions along Castle Peak Road would still operate within their capacities in the design year 2018 even with the full occupation of the proposed columbarium, and additional traffic enhancement measures at the adjacent junctions were not required;
- (d) three public car parks that were within 10 minutes' walk from the site could provide an estimated 60 to 90 car parking spaces to meet the estimated demand of 34 car parking spaces generated by the proposed columbarium;
- (e) the proposed shuttle bus service would use 24-seater shuttle buses which would not cause any operational difficulties running along Wo Ping San Tsuen Lane where the pick-up/drop-off points were located; and
- (f) the implementation of other traffic management measures, including the proposed phased development, session booking system, erection of directional signs and control of pedestrian flow would further mitigate any traffic impact.

11. Mr Francis Lau continued with his presentation and made the following main points :

- (a) a session booking system and an alternative year Ching Ming/Chung Yeung visiting arrangement would be implemented by the applicant with a view to reducing the number of visitors by half on festival days. Visitors without a booking or who came to the columbarium at a period other than the time that was booked would be banned from entering the site until all the visitors that had booked the period had completed their visits. Visitors would also be encouraged to come to the columbarium on non-festival days

to avoid congestion. The proposed implementation of the development in two phases would allow time for the applicant to improve the visiting arrangements;

- (b) the applicant had obtained the assistance of the Hong Kong Road Safety Patrol to provide crowd management service to ensure pedestrian safety on festival days and on the Sundays before and after the festivals. In this regard, a road safety and crowd management plan was prepared and the Hong Kong Road Safety Patrol confirmed that they would provide sufficient trained officers to assist the applicant at the required time. The applicant would also invite the Hong Kong Red Cross to station a team of first aid officers at the site on festival days;
- (c) the approval of the application would unlikely set an undesirable precedent as the application site was unique in that it was close to mass transportation. without direct access to the main road, and making use of separate footpaths for ingress and egress. The site was also unique in that it did not have any interface problems; and
- (d) the Committee could consider to partly agree to the application by restricting the approval conditions to Phase 1; requiring the submission of a report to the Transport Department (TD) in respect of reviewing the operation after the first Ching Ming Festival and the first Chung Yeung Festival; and requiring planning permission before proceeding with Phase 2 of the development.

12. In response to the Vice-chairman's enquiry, Mr W.S. Lau said that the two existing buildings on the site had already been renovated for columbarium use. While the renovation works was a suspected unauthorised development, colleagues from the Central Enforcement and Prosecution Section of PlanD had been unable to gain entry into the site to gather evidence. Similarly, LandsD suspected that the works might have contravened the lease conditions but their staff were also unable to enter the site to gather evidence.

13. In response, Mr Francis Lau said that the applicant had carried out the renovation works in order to ascertain the total number of niches that could be provided within the site. Nevertheless, the niches had not been put up for sale. Staff of PlanD had entered the site for inspection and had been allowed to take photos. Regarding contravention of the lease, the applicant would apply for lease modification for columbarium use after planning approval was obtained.

14. The Vice-chairman enquired whether the applicant's proposal to cancel the shuttle bus service, as stated at the meeting, was new information. In response, Mr Francis Lau said that the cancellation of the proposed shuttle bus service at this stage was in response to recent discussions with TD and the Police as they both considered the shuttle bus service unacceptable. Mr Kenneth Lai supplemented that a revised TIA without the shuttle bus service had been submitted as further information to the application. The assessment results revealed that there was no significant increase in pedestrian flow and demand for parking spaces owing to the non-provision of shuttle bus service.

15. In response to a Member's enquiry on the implications of the HSK NDA Planning and Engineering Study on the site, Mr W.S. Lau said that according to the latest land use proposals of the Study, the subject site and its surrounding area was proposed for residential use, which was in line with the current "R(B)3" zoning of the area on the OZP.

16. The same Member requested Mr Francis Lau to clarify his suggestion for the Committee to partly agree to the rezoning application. In response, Mr Francis Lau said that the Committee could consider to agree to a proposed columbarium with 3,609 niches (i.e. Phase 1) and to require planning permission for the Phase 2 development, subject to a satisfactory review of the relevant impacts including traffic, etc.

17. In response to a Member's enquiries, Mr Francis Lau confirmed that although the site had already been renovated for columbarium use, none of the niches were put up for sale. Although local residents of over 65 years of age would be offered one niche free of charge and other residents would be offered one niche at half price, it was stated clearly in the promotion leaflet distributed to local residents that the niches would only be sold after approval was obtained from the Board.

18. Mr W.S. Lau informed Members that although the traffic consultant said that the proposed development would not generate significant traffic impact, both C for T and C of P had grave concerns on the results of the TIA. C of P opined that the consultant had underestimated the peak visitor number and there could be serious traffic congestion along Castle Peak Road – Hung Shui Kiu and Wo Ping San Tsuen Lane during peak periods. The crowd control measures required for the pedestrian facilities leading to the site would have manpower implications on the Police. Moreover, the number of parking spaces that would be available in the vicinity on festival days appeared to be over-estimated. Although the consultant indicated in Table 2.3 of the TIA report (Appendix II in Appendix Ii of the Paper) that there would be a maximum of 65 private car parking spaces available in each of the nearby residential developments, i.e. Beauty Court and Aster Court, according to his understanding with the operators of the two car parks, only a maximum of 10 parking spaces in Beauty Court and 33 parking spaces in Beauty Court could be available for public use on hourly basis since the other parking spaces were reserved for the residents. The Police had advised that during lunch-time and weekends, these hourly parking spaces were often fully occupied.

19. In response to a Member's question, Mr Francis Lau said that the TIA was carried out based on the scenario of full occupation of all 7,983 niches. If the Board decided to give partial agreement to the application only, the number of niches to be provided on the site would be reduced to 3,609 niches and the anticipated traffic impact would be reduced accordingly. Regarding the concerns of the Police on crowd control, the applicant had approached the Hong Kong Road Safety Patrol and solicited their agreement to provide sufficient trained officers to assist in crowd management. In this regard, the proposed columbarium development would not induce any manpower implications on the Police.

20. A Member asked if the applicant had considered restricting the sale of the niches to local residents only so as to minimise the traffic generated. In reply, Mr Francis Lau said that the columbarium would give priority to the local people but would not be only sold to the local people as there would not be adequate demand.

21. In response to the Chairman's question on the existing character of the subject "R(B)3" zone, Mr W.S. Lau said that the site and its surroundings were predominantly residential in character although there were some suspected unauthorised storage yards which

were subject to planning enforcement actions. Several new residential developments were currently under construction in the vicinity of the site.

22. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed them that the hearing procedure for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representatives and PlanD's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

23. A Member opined that the application should be considered mainly from the perspective of planning intention and land use compatibility. There was no strong planning justification to rezone the site, which was located in the midst of a residential area, for columbarium use as it was not compatible with the surrounding residential developments. Besides, there were columbaria in the adjacent districts that could serve the local residents.

24. A Member said that there had not been any columbarium proposal on a site so close to residential developments and in the midst of a residential area approved before.

25. A Member remarked that to plan for the future, the possibility of providing columbaria as part of public housing developments, e.g. within the basements, might be explored in order to accommodate unwanted land uses locally.

26. After deliberation, the Committee decided not to agree to the application. Members then went through the reasons for not supporting the application as stated in paragraph 11.1 of the Paper and considered that they were appropriate subject to refinement. The reasons were :

- “(a) the site and its surrounding areas form an integral part of the “Residential (Group B) 3” (“R(B)3”) zone which is primarily for sub-urban medium-density residential developments in rural areas. The proposed columbarium development is incompatible with the existing and future

surrounding sub-urban medium-density residential developments. The current “R(B)3” zoning is considered more appropriate for the site in terms of land use;

- (b) the applicant has not provided sufficient information in the submission to demonstrate that the proposed development would not pose adverse vehicular and pedestrian traffic impacts and cause nuisance to nearby residents particularly during the Ching Ming and Chung Yeung Festivals;
- (c) there are doubts on the monitoring and enforceability of the traffic management plan proposed by the applicant. The applicant fails to demonstrate that the crowd management and pedestrian safety issues associated with the proposed development could be satisfactorily resolved; and
- (d) the approval of the application would set an undesirable precedent for other similar applications. The cumulative effect of approving such applications would erode the residential character and aggravate the traffic situation in the area.”

[The meeting was adjourned for a break of 5 minutes.]

Sai Kung and Islands District

[Mr Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Mr T.C. Cheng 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 4

[Open Meeting (Presentation and Question Sessions only)]

Proposed Amendments to the Approved

Mui Wo Fringe Outline Zoning Plan No. S/I-MWF/8

(RNTPC Paper No. 9/13)

27. The Secretary reported that this item involved proposed amendments to the Mui Wo Fringe Outline Zoning Plan (OZP) for a proposed Home Ownership Scheme (HOS) development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item:

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

Mr Frankie W.P. Chou – being an alternate member for the Director of
Home Affairs who was a member of the
Strategic Planning Committee and the
Subsidised Housing Committee of HKHA

Professor Edwin H.W. Chan – being a member of HKHA and the Building
Committee of HKHA

Ms Janice W.M. Lai – had current business dealings with HKHA

Mr H.F. Leung – had current business dealings with HD

28. Members noted that Mr Frankie Chou and Mr H.F. Leung had tendered apologies for being unable to attend the meeting. The Committee considered that the interests of the Chairman, Professor Edwin Chan and Ms Janice Lai were direct and they should leave the meeting temporarily for the item. The Vice-chairman took over the chairmanship of the meeting at this point.

[The Chairman, Professor Edwin H.W. Chan and Ms Janice W.M. Lai left the meeting temporarily at this point.]

29. A replacement page 5 of the Paper and a replacement page 4 of Appendix IV of the Paper were tabled at the meeting to clarify that a Quantitative Risk Assessment Report was deposited for Members' reference and to rectify a typo in paragraph 6 of the Explanatory Statement of the OZP.

30. With the aid of a PowerPoint presentation, Mr T.C. Cheng, STP/SKIs, briefed Members on the proposed amendments to the approved Mui Wo Fringe OZP as detailed in the Paper, covering the following main points :

Background

- (a) on 3.9.2013, the Chief Executive in Council referred the approved Mui Wo Fringe OZP No. S/I-MWF/8 to the Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance;
- (b) one of the measures announced in the 2013 Policy Address to increase the housing land supply was to convert land, where the originally intended use is not required, for housing development;
- (c) a site zoned "Government, Institution or Community" ("G/IC") to the northeast of Luk Tei Tong Village (about 2.44 ha) was identified for residential development. The entire "G/IC" site fell within the 1,000m Consultation Zone of a Potentially Hazardous Installation (PHI), i.e. the Silver Mine Bay Water Treatment Works;
- (d) the Director of Leisure and Cultural Services (DLCS) had advised that there was no programme to develop the "G/IC" site into the originally planned sports ground and had no objection to releasing the "G/IC" site for other uses. Concerned Government departments had also confirmed that no alternative GIC facilities were required to be provided at the site;

- (e) HD had undertaken a preliminary assessment of the feasibility of housing development at the “G/IC” site and considered that the northern portion of the “G/IC” site (about 0.77 ha), which was a piece of formed and vacant Government land, could be developed for HOS development. The long-term use of the southern portion of the “G/IC” site (about 1.67 ha), which comprised formed land and abandoned farmland/fishponds under private ownership, would be subject to further study and resolution of infrastructure constraints;

Proposed Amendments to the OZP

Amendment Item A: To rezone the northern portion of the “G/IC” site (about 0.77 ha) to “Residential (Group A)” (“R(A)”)

- (f) taking into account the maximum domestic plot ratio (PR) of 3.6 for rural townships as recommended in the Hong Kong Planning Standards and Guidelines, the existing development intensity of Ngan Wan Estate (with PR of 2.2 and building height (BH) of 47.5mPD) and that of another proposed HOS development (with PR of 3.6 and BH of 49mPD) to the east of Ngan Wan Estate, and the potential hazard imposed by the PHI and the infrastructural capacities in Mui Wo, it was proposed to rezone the northern portion of the “G/IC” site to “R(A)” subject to a PR restriction of 3.6 and a BH restriction of 55mPD. It was estimated that the HOS development could provide about 500 flats for about 1,540 persons;
- (g) the photomontages provided in Plans 4c to 4e of the Paper indicated that the future HOS development at the site was not incompatible in scale with the existing developments in the surrounding areas;
- (h) the Islands District Council (IsDC) was consulted on the proposed HOS development on 24.6.2013. Members of the IsDC generally supported the proposed HOS development;

Amendment Item B: To rezone the southern portion of the “G/IC” site (about 1.67 ha) to “Undetermined” (“U”)

- (i) HD had advised that if Government departments concerned could resolve the infrastructural constraints, carry out land resumption and minimise the potential hazard, the southern portion of the “G/IC” site could be considered for public housing development at a later stage. In view of the absence of supporting technical assessments at the moment, the southern portion of the “G/IC” site was proposed to be rezoned to “U”. Under the “U” zone, all uses or developments (except those permitted under the covering Notes of the OZP) required planning permission. Any filling of land/pond would also require planning permission;
- (j) a comprehensive land use review of the “U” zone and the adjoining “Recreation” (“REC”) and “Open Space” (“O”) zones would be conducted in future to establish the long-term uses of the wider area taking into account the infrastructure constraints;

Consultation

- (k) relevant Government departments had been consulted and their comments were incorporated into the proposed amendments to the OZP as appropriate; and
- (l) the IsDC and the Mui Wo Rural Committee would be consulted during the exhibition period of the amendments to the OZP.

31. Members had no question on the proposed amendments to the OZP.

32. After deliberation, the Committee decided to :

- (a) agree that the proposed amendments to the approved Mui Wo Fringe Outline Zoning Plan (OZP) No. S/I-MWF/8 as shown on the draft Mui Wo Fringe OZP No. S/I-MWF/8C (to be renumbered as S/I-MWF/9) at Appendix II and

the draft Notes at Appendix III of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance; and

- (b) adopt the revised Explanatory Statement (ES) at Appendix IV of the Paper for the draft Mui Wo Fringe OZP No. S/I-MWF/8C (to be renumbered as S/I-MWF/9) as an expression of the planning intention and objectives of the Board for various land use zonings on the OZP and the revised ES would be published together with the draft OZP.

[The Chairman, Professor Edwin H.W. Chan and Ms Janice W.M. Lai returned to join the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting]

A/I-NEL/5 Proposed Temporary Concrete Batching Plant for a Period of 3 Years
in “Undetermined” Zone, Lot No. 30 (Part) in D.D. 362 Lantau,
Tsing Chau Wan, Lantau Island
(RNTPC Paper No. A/I-NEL/5)

33. The Secretary reported that the following Members had declared interests in this item :

Mr Ivan C.S. Fu – had current business dealings with Environ Hong Kong Ltd., one of the consultants of the applicant

Mr H.F. Leung – was working in the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong, which had received donation from RHL Surveyors Ltd., one of the consultants of the applicant

34. Members noted that Mr Leung had tendered apologies for being unable to attend the meeting. As the item was for deferral of consideration of the application, the Committee agreed that Mr Fu could stay in the meeting.

35. The Secretary reported that on 23.9.2013, the applicant's representative requested the Board to defer making a decision on the application for two months in order to allow time for addressing departmental comments on the application.

36. 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 6

Section 16 Application

[Open Meeting]

A/I-NP/15 Proposed Excavation of Land for Permitted Drainage Works
in "Conservation Area" Zone, Government Land to the Northeast of
Po Lin Monastery, Ngong Ping, Lantau Island
(RNTPC Paper No. A/I-NP/15)

37. The Secretary reported that the application was submitted by the Drainage Services Department (DSD). Ms Janice W.M. Lai had declared an interest in this item as she had current business dealings with DSD. As the item was for deferral of consideration of the application, the Committee agreed that Ms Lai could stay in the meeting.

38. The Secretary also reported that on 13.9.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for addressing departmental comments on the application.

39. 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 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/225 Proposed Public Utility Installation (Package Substation)
in “Residential (Group D)” Zone, Government Land in D.D. 210,
Luk Mei Tsuen, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/225)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (package substation);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sai Kung); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as set out in paragraph 10 of the Paper.

41. A Member enquired the reason for building the electricity substation in the “Residential (Group D)” (“R(D)”) zone instead of the “Government, Institution or Community” (“G/IC”) zone. In response, the Secretary said that the proposed package substation was to serve the village houses in the vicinity. ‘Public Utility Installation’ was a Column 2 use requiring planning permission from the Board in the “R(D)” zone, while such kind of package substation was permitted as of right in the “G/IC” zone.

Deliberation Session

42. 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 27.9.2017, 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 provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Sai Kung that the applicant shall apply to the Lands Department for the proposed development according to the current applicable procedure for Block Licences;
- (b) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage works should be provided in association with the proposed works not causing adverse

drainage impact on the areas in the vicinity;

- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard;
- (d) to note that comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that although the proposal is small in scale and not incompatible with the rural village settings, the applicant should consider to provide screen planting outside the application site in order to minimise the adverse visual impact along Luk Mei Lane; and
- (e) to note the comments of the Director of Health that according to the World Health Organisation (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation, Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. As such, the applicant must ensure that the installation complies with the relevant ICNIRP guidelines or other established international standards. WHO also encourages 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.”

[The Chairman thanked Mr Ivan M.K. Chung, DPO/SKIs, Mr T.C. Cheng and Mrs Alice K.F. Mak, STPs/SKIs, for their attendance to answer Members' enquires. They left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr Anthony K.O. Luk, Mr Wallace W.K. Tang, Ms Maggie M.Y. Chin and Mr Edwin P.Y. Young, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/827 Shop and Services (Bicycle Repair and Storage) in “Industrial” Zone,
Unit 9 (Part), G/F, Transport City Building, 1-7 Shing Wan Road,
Tai Wai, Sha Tin
(RNTPC Paper No. A/ST/827)

Presentation and Question Sessions

44. 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 (bicycle repair and storage);
- (c) departmental comments – concerned government 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 which indicated no comment on the application. 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 jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area. A shorter compliance period of the approval condition was also proposed as the applied use had been operated by the same operator under previous permission which had been revoked even though the application was submitted by a different applicant.

45. Members had no question on the application.

Deliberation Session

46. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.9.2016, 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 planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2013;
- (b) in relation to (a) above, the implementation of the fire safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.3.2014; and
- (c) if any of the above planning condition (a) or (b) is 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.”

47. 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 is 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 will not be jeopardised;
- (c) shorter compliance periods are allowed in order to monitor the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use. However, it is noted that the premises under the subject application is different from the current condition in terms of the extent of the premises and the nature of use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department on the removal of unauthorised steel structure and roller shutter across the rear exit, and that the proposed use shall comply with the requirements under the Buildings Ordinance;
- (f) to note the comments of the Director of Fire Services that detailed fire service requirements will 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; 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 information on the steps required to be followed in order to comply with the approval conditions on the provision of fire service installations.”

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/126 Temporary Tyre Repairing Workshop with Ancillary Office for a
Period of 3 Years in "Agriculture" Zone, Lot 102 S.A in D.D. 52,
Man Kam To Road, Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/126)

Presentation and Question Sessions

48. 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 tyre repairing workshop with ancillary office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication periods of the application. The District Officer (North) advised that the Chairman of the Sheung Shui District Rural Committee, the incumbent North District Council member cum Indigenous Inhabitant Representative (IIR) of Sheung Shui Heung, the other two IIRs of Sheung Shui Heung and the Resident Representative of Sheung Shui

Heung had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 12 months based on the assessments as detailed in paragraph 11 of the Paper. Although DEP did not support the application on environmental ground, there was no environmental complaint against the site in the past 3 years, and approval conditions restricting the operation hours were recommended to mitigate any potential environmental impacts. Nevertheless, since the last approval was revoked due to failure to comply with approval conditions, shorter approval and compliance periods were proposed to monitor the situation of the site and the progress of compliance with approval conditions.

49. Members had no question on the application.

Deliberation Session

50. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months until 27.9.2014, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays is allowed on the application site during the planning approval period;
- (c) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.12.2013;
- (d) in relation to (c) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the

Director of Drainage Services or of the TPB by 27.3.2014;

- (e) the submission of proposals for water supplies for fire-fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2013;
- (f) in relation to (e) above, the provision of water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.3.2014;
- (g) the submission of tree preservation and landscaping proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.12.2013;
- (h) in relation to (g) above, the implementation of tree preservation and landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.3.2014;
- (i) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) is 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.”

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

- “(a) prior planning permission should have been obtained before commencing the development on the site;

- (b) shorter approval and compliance periods are allowed in order to monitor the situation of the site and compliance of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, no sympathetic consideration would be given to any further application unless under exceptional circumstances;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/North, Lands Department (LandsD) that the owner of the lot should apply to his office for Short Term Waiver (STW) for the existing/proposed structures. There is no guarantee that application for STW would necessarily be successful. If the STW is granted, it will be made subject to such terms and conditions to be imposed as the Government shall deem fit to do so including the payment of STW fee;
- (e) to note the comments of the Commissioner for Transport that the village track connecting with Man Kam To Road is not managed by the Transport Department. The applicant should check the land status, and the management and maintenance responsibilities for the road with the relevant lands and maintenance authorities;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) on the following :
 - (i) if the existing structures are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works are to be carried out on the application site, prior approval and consent from BD should be

obtained, otherwise they are unauthorised building works (UBW). An authorised person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (iii) for UBW erected on leased land, enforcement action may 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; and
 - (iv) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations 5 and 41D respectively;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) on the following :
- (i) existing water mains as shown in Plan A-2 of the Paper will be affected, which may need to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land of 1.5m width should be provided for the diversion of the existing water mains. The developer shall bear the cost of any necessary diversion works affected by the proposed development; and the developer shall submit all the relevant proposals to WSD for consideration and agreement before the works commence;
 - (ii) the application site is located within the flood pumping gathering ground; and
 - (iii) the application site falls within the consultation zone of the Sheung Shui Water Treatment Works, which is a Potentially Hazardous Installation;

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site is located in an area where there is no public sewerage connection;
- (i) to note the comments of the Director of Fire Services on the following :
 - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will need to be installed;
 - (ii) in such circumstance, except where building plan is circulated to the Centralised Processing System of BD, the tenant is required to send the relevant layout plans incorporating the proposed FSIs to his department for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the locations of the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and
 - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicant will need to subsequently provide such FSIs according to the approved proposal. Besides, should the storage of rubber tyre exceed 500, the responsible person should send a notice in writing to his Dangerous Goods Division within 48 hours in accordance with Regulation 171B of Cap. 295B, Dangerous Goods (General) Regulations;
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that as tree planting opportunity is available along the site boundary, in particular the boundary adjacent to Man Kam To Road, provision of tree planting along the eastern boundary is recommended; and

- (k) to follow the environmental mitigation measures as recommended in the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimise the potential environmental impacts on the adjacent area.”

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/443 Temporary Open Storage of Construction Equipment for a Period of 3
Years in “Agriculture” Zone,
Lots 1344 (Part) and 1345 (Part) in D.D. 82, Ping Che
(RNTPC Paper No. A/NE-TKL/443)

Presentation and Question Sessions

52. 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 equipment for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as active agricultural activities were found in the vicinity of the site and the site had a high potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period of the

application, three public comments were received. A North District Council member indicated no comment on the application and urged relevant departments to consult the residents nearby. A member of the public objected to the application mainly on the grounds that it was not in line with the planning intention of the “Agriculture” zone and agricultural land should not be further reduced. The non-indigenous villager representative of Lei Uk supported the application as the use had existed at the site for more than 10 years. The District Officer (North) advised that the Indigenous Inhabitant Representative (IIR) of Tai Po Tin raised objection to the application on the grounds that the development might have adverse traffic impact and there was insufficient infrastructure to support the development; and the Ta Kwu Ling District Rural Committee, the incumbent North District Council member, the IIR of Lei Uk, the Resident Representative (RR) of Lei Uk and Tai Po Tin had no comment on the application; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Although DAFC did not favour the application from the agricultural rehabilitation perspective, the development was not incompatible with the surrounding land uses, which comprised fallow agricultural land, unused land and open storage yards. Approval of the application on a temporary basis would not frustrate the planning intention of the “AGR” zone. Although DEP did not support the application on environmental ground, there was no environmental complaint against the site in the past 3 years, and approval conditions restricting the operation hours and requiring the maintenance of peripheral fencing were recommended to mitigate any potential environmental impacts. As regards the public comments concerning the traffic impact from the development and incompatibility with the planning intention of the “AGR” zone, the development was considered not incompatible with the surrounding land uses and it had existed at the site for more than 10 years with planning permissions granted. Relevant approval conditions could be imposed to address the public concerns.

53. Members had no question on the application.

Deliberation Session

54. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.9.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the stacking height of the materials stored within five metres of the periphery of the site shall not exceed the height of the boundary fence at any time during the planning approval period;
- (d) the peripheral fencing and paving of the site shall be maintained at all times during the planning approval period;
- (e) the setting back of the site boundary to avoid encroachment on the project limit of PWP Item 119CD “Drainage Improvement in Northern New Territories – Package C (Remaining Works)” as and when required by the Drainage Services Department;
- (f) 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 27.3.2014;
- (g) in relation to (f) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.6.2014;

- (h) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2013;
- (i) the submission of proposals for water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.3.2014;
- (j) in relation to (i) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.6.2014;
- (k) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.3.2014;
- (l) in relation to (k) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.6.2014;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) is 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; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owners of the site;
- (c) to note the comments of the District Lands Officer/North, Lands Department that the owner of the lot should be advised to apply to his office for Short Term Waivers (STWs) for the existing/proposed structures. There is no guarantee that application for STW would necessarily be successful. If the STWs are granted, they will be made subject to such terms and conditions to be imposed as the Government shall deem fit to do so including the payment of STW fees;
- (d) to note the comments of the Commissioner for Transport that the village track leading to Ping Che Road is not under the management of the Transport Department. The land status of the village track should be checked with the lands authority. The management and maintenance requirements of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road leading from Ping Che Road to the site is not maintained by HyD;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that good site practice should be adopted to avoid surface runoff from polluting the watercourses located adjacent to the site;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available and the Environmental Protection Department

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

- (h) to note the comments of the Chief Engineer/Drainage Projects, Drainage Services Department that part of the site falls within the limit of PWP Item 119CD “Drainage Improvement in Northern New Territories – Package C (Remaining Works)”. The concerned part of the site will be resumed to suit the project which is programmed to commence in 2016/17 tentatively subject to detailed design and statutory procedures;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department on the following :
 - (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standards; and
 - (ii) the proposed development is within the flood pumping gathering ground;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department on the following :
 - (i) if the existing structures (including container-converted structures for site office and storage and a 2-storey structure for site office and general storage) are erected on leased land without approval of BD, they are unauthorised under the Building Ordinance (BO) and should not be designated for any approved use under the application; and

- (ii) for unauthorised building works (UBW) erected on leased land (including container-converted structures for site office and storage and a 2-storey structure for site office and general storage), enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO.

- (k) to note the comments of the Director of Fire Services on the following :
 - (i) if no building plan will be circulated to his Department via the Centralised Processing System of BD and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, the applicant is required to submit relevant layout plans incorporating the proposed fire service installations (FSIs) for his approval and to subsequently provide the FSIs in accordance with the approved proposal. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans;
 - (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
 - (iii) to address the condition on provision of fire extinguisher(s), the applicant should submit certificate(s) under Regulation 9(1) of the Fire Service (Installations and Equipment) Regulations (Chapter 95B) to his Department for compliance of condition; and

- (l) to follow the environmental mitigation measures as set out in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental

Protection in order to minimise any possible environmental nuisances.”

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/348 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” Zone, Lot 655 S.D in D.D. 100,
Tsiu Keng Village, Sheung Shui
(RNTPC Paper No. A/NE-KTS/348)

Presentation and Question Sessions

56. A replacement page 1 of the Paper to rectify a typo in paragraph 1.1 regarding the current site condition was sent to Members before the meeting. 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 house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper and highlighted below :
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the perspective of agricultural development. The site was part of a large piece of agricultural land located to the north and northwest of Tsiu Keng Village generally under active cultivation. Although the site had been left fallow, it

had high potential for agricultural rehabilitation. Approval of the application might set an undesirable precedent for similar applications in the future and would further reduce the amount of agricultural land in the area; and

- (ii) the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) had reservation on the application from the landscape planning perspective. Although significant disturbance to the existing landscape resources by the proposed Small House was not anticipated, approval of the application might set an undesirable precedent by spreading village development outside the “Village Type Development” (“V”) zone and eroding the rural landscape character where the application site was located;
- (d) during the first three weeks of the statutory publication period, three public comments were received. A North District Council (NDC) member supported the application as it would bring convenience to the villagers. Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation objected to the application on the grounds that the site and its surrounding areas had high potential for agricultural rehabilitation; the area of agricultural land in Hong Kong should not be further reduced; sufficient infrastructure, such as drainage, waterworks, street lighting, public spaces, footpaths, access and parking spaces, should be available to ensure the health and well-being of residents; the issues of provision of emergency vehicular access, infrastructure, roads and parking facilities for villages in relation to the Small House Policy should be reviewed; and the potential cumulative impact of approving Small House applications within “AGR” zone should be taken into consideration by the Town Planning Board;
- (e) the District Officer (North) advised that the Chairman of the Sheung Shui District Rural Committee, the incumbent NDC member and the Indigenous Inhabitants Representative of Tsiu Keng had no comment on the application. However, the Residents Representative of Tsiu Keng raised

objection to the application on grounds that land was still available within the “V” zone of Tsiu Keng Village for Small House development and active agricultural land was found in the vicinity of the site; and

- (f) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper. The proposed Small House was not in line with the planning intention of the “AGR” zone. Both DAFC and CTP/UD&L of PlanD did not support the application as approval of the application would set an undesirable precedent and further reduce the amount of agricultural land in the area. The situation of the current application was not comparable to those approved applications in the area as the site was further away from Tsiu Keng Road and formed part and parcel of the large piece of agricultural land to the north and northwest of Tsiu Keng Village.

57. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone in the Kwu Tung South area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” zone of Tsiu Keng Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for

orderly development pattern, efficient use of land and provision of infrastructure and services.”

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

Agenda Item 12

Section 16 Application

[Open Meeting]

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

59. The Secretary reported that on 6.9.2013, the applicant’s representative requested the Board to defer making a decision on the application for two months in order to allow time for addressing the comments of the Drainage Services Department on the application.

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

[Professor K.C. Chau left the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/466 Proposed Public Utility Installation (Electricity Package Substation)
and Excavation of Land in “Conservation Area” Zone,
Government Land in D.D. 23, San Tau Kok, Tai Po
(RNTPC Paper No. A/NE-TK/466)

Presentation and Question Sessions

61. Three replacement pages 5, 10 and 11 of the Paper to clarify the comments of the Director of Environmental Protection on the application in paragraphs 8.4.6 and 11.2(c) were sent to Members before the meeting. Mr Edwin P.Y. Young, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (electricity package substation) and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The District Lands Officer/Tai Po of Lands Department (DLO/TP of Lands D) had reservation on the application as the site fell wholly within a Simplified Temporary Land Allocation (STLA No. TP 1114) which was allocated to the Drainage Services Department (DSD) for drainage improvement project up to 28.2.2015;
- (d) during the first three weeks of the statutory publication period of the application, one public comment was received from Kadoorie Farm & Botanic Garden Corporation raising concern on the compatibility of the proposed development with the planning intention of the “Conservation Area” (“CA”) zone and commenting that approval for applications of public utilities nature should not be taken as setting a precedent for any

future developments (e.g. residential development or Small House) within the ecologically sensitive “CA” zone. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper. Although DLO/TP of LandsD had reservation on the application as the site wholly fell within a temporary land allocation to DSD for drainage improvement project, the Chief Engineer/Mainland North of DSD had no objection to the proposed electricity package substation provided consent was obtained and the necessary works were closely co-ordinated with DSD. As regards the public comment on the compatibility of the proposed development with the planning intention of “CA” zone, the proposed electricity package substation was an essential public utility facility, small in scale and not entirely incompatible with the surrounding rural environment. The Director of Agriculture, Fisheries and Conservation and other Government departments had no adverse comments on the application.

62. A Member asked if any alternative sites in the adjacent “Village Type Development” and “Government, Institution or Community” (“G/IC”) zones had been explored for the development of the proposed electricity package substation, instead of taking up land in the subject “CA” zone for development. In reply, Mr Edwin Young said that the application site was proposed by the applicant who had not provided information as to whether alternative sites had been considered. However, as the application site was small in size, hard-paved and immediately adjacent to a sewage pumping station, DAFC had no adverse comment on the application from the nature conservation point of view.

Deliberation Session

63. The Chairman said that although the application site might have been formed due to the drainage works project, it was still worthwhile to avoid developing the site as it was within the “CA” zone. Noting that there was a large “G/IC” zone to the immediate southeast of the application site, the Chairman asked if any suitable alternative site would be

available there. Mr Edwin Young said that the applicant's selection of the application site for the proposed package substation might be due to its proximity to its intended users, i.e. the residents of San Tau Kok Village to the north. He did not have information on whether a suitable alternative site was available in the adjacent "G/IC" zone.

64. After further deliberation, the Committee decided to defer making a decision on the application pending PlanD's review on the availability of any suitable alternative site in the adjacent "G/IC" zone for the development of the proposed electricity package substation.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/467 Proposed House (New Territories Exempted House – Small House)
in "Agriculture" Zone, Lots 646 S.G ss.2, 646 S.H ss.1 and 646 S.O RP
in D.D. 15, Shan Liu, Tai Po
(RNTPC Paper No. A/NE-TK/467)

Presentation and Question Sessions

65. Mr Edwin P.Y. Young, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – the Planning Department (PlanD) had undertaken a land use review of Shan Liu (the Review) and submitted a proposal to expand the "Village Type Development" ("V") zone of Shan Liu to the Committee for consideration. The findings of the Review were noted and the rezoning proposals were agreed by the Committee on 7.12.2012. The site fell partly (about 38%) within the proposed extension area of the "V" zone;
- (b) the proposed house (New Territories Exempted House – Small House);

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site had high potential for agricultural rehabilitation. The Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) had reservation on supporting the application from the flood control and prevention point of view as there was report of flooding around the stream course downstream, and advised the applicant to submit a drainage impact assessment including flood relief mitigation measures for his consideration;

- (d) during the first three weeks of the statutory publication period, two public comments were received from Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited, objecting to the application mainly for reasons that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and would have adverse car parking, environmental and traffic impacts on the surrounding areas and adverse implication on food production. No local objection/view was received by the District Officer (Tai Po); and

- (e) PlanD’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. While DAFC did not support the application from the agricultural rehabilitation point of view, the site was a piece of abandoned agricultural land sparsely covered with weeds. Significant adverse impact on the existing landscape was not anticipated and the proposed Small House was not incompatible with the surrounding environment which was predominantly rural. Although CE/MN of DSD had reservation on the application from the flood control and prevention point of view, the issue could be addressed by the submission of a drainage impact assessment including flood relief mitigation measures. As regards the public comments objecting to the application on environmental grounds, the Director of Environmental Protection and the Chief Engineer/Development(2) of Water Supplies Department had no adverse comment on the application. Appropriate

planning conditions to address the concern could be imposed. As for the traffic concern raised by the commenters, the Commissioner for Transport considered that the application could be tolerated.

66. Members had no question on the application.

Deliberation Session

67. 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 27.9.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a drainage impact assessment including 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 that no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) the applicant is required to register, before execution of Small House grant documents, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);

- (b) to note the comments of the Director of Environmental Protection that the construction of the proposed Small House shall not be commenced before the completion of the planned sewerage system. The applicant shall connect the proposed Small House to the future public sewer at his own cost. Adequate land shall be reserved for the future sewer connection works;
- (c) to note the comments of the Commissioner for Transport that the existing village access connecting the application site is not under the management of the Transport Department. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (d) to note the comments of the Director of Fire Services that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant is reminded to make necessary submissions to LandsD to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicant shall submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and
- (f) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies 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 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/468 Proposed Two Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” and “Green Belt” Zones,
Lots 653 S.A ss.1 RP, 653 S.B and 653 S.C in D.D. 15 and Adjoining Government Land, Shan Liu, Tai Po
(RNTPC Paper No. A/NE-TK/468)

Presentation and Question Sessions

69. Mr Edwin P.Y. Young, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – the Planning Department (PlanD) had undertaken a land use review of Shan Liu (the Review) and submitted a proposal to expand the “Village Type Development” (“V”) zone of Shan Liu to the Committee for consideration. The findings of the Review were noted and the rezoning proposals were agreed by the Committee on 7.12.2012. The site was about 30m away from the proposed extension area of the “V” zone;
- (b) the proposed two houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site had high potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Kadoorie Farm & Botanic Garden

Corporation and Designing Hong Kong Limited, objecting to the application mainly for reasons that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) and “Green Belt” (“GB”) zones and would have adverse car parking, environmental and traffic impacts on the surrounding areas and adverse implication on food production. No local objection/view was received by the District Officer (Tai Po); and

- (e) PlanD’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 13 of the Paper. While DAFC did not support the application from the agricultural rehabilitation point of view, the site was a piece of abandoned agricultural land sparsely covered with weeds. The Chief Town Planner/Urban Design and Landscape of PlanD had no objection to the application from the landscape planning point of view as the proposed village houses were not incompatible with the surrounding landscape character. As regards the public comments objecting to the application on environmental grounds, the Director of Environmental Protection and the Chief Engineer/Development (2) of Water Supplies Department had no adverse comment on the application. Appropriate planning conditions to address the concern could be imposed. As for the traffic concern raised by the commenters, the Commissioner for Transport considered that the application could be tolerated.

70. Members had no question on the application.

Deliberation Session

71. 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 27.9.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) to note the comments of the Director of Environmental Protection that the construction of the proposed Small Houses shall not be commenced before the completion of the public sewerage system. Upon completion of the sewer, the applicants should connect the proposed Small Houses to the public sewerage system at their own costs. Adequate land shall be reserved for the future sewer connection works;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicants should maintain a clear distance of 3.5m from the top of the embankment of the existing/original natural streamcourse at the western boundary of the site and set back the proposed houses accordingly;
- (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 may need to extend their inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall 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 are reminded to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department. Detailed fire safety requirements will be formulated during land grant stage;
- (e) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicants are reminded to make necessary submission to the Lands Department to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicants shall submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (f) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicants should ensure that such access road (including any necessary filling/excavation of land) complies 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 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/537 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” Zone, Lot 418 S.B in D.D. 22,
Sheung Wun Yiu, Tai Po
(RNTPC Paper No. A/TP/537)

Presentation and Question Sessions

73. Mr Edwin P.Y. Young, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix VI of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from Kadoorie Farm & Botanic Garden Corporation, objecting to the application mainly for reasons that the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone and approval of the application would set a precedent for similar developments. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. As regards the public comment objecting to the application, since the application was in compliance with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there was a shortage of land within the “Village Type Development” (“V”) zone to meet the Small House demand, sympathetic consideration could be given to the application. Relevant Government departments consulted also had no adverse comment on the application.

74. Members had no question on the application.

Deliberation Session

75. 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 27.9.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

76. 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 (DSD) that there is no public drain maintained by DSD in the vicinity of the site. The applicant is required to maintain his own stormwater systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems. There is existing public sewerage available for connection in the vicinity of the site. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that there would be no guarantee to the grant of a right-of-way to the Small House concerned and the applicant has to make his own arrangement for access to the lot;
- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should follow the Buildings Department

Practice Note for Authorised Persons and Registered Structural Engineers No. ADV-27 “Protection of natural streams/rivers from adverse impacts arising from construction works” in particular the Appendix B “Guidelines on Developing Precautionary Measures during the Construction Stage” so as to avoid disturbance to the stream and causing water pollution;

- (d) to note the comment of the Director of Fire Services that the applicant should observe the ‘New Territories Exempted Houses – a Guide to Fire Safety Requirements’ published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comment of the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department that the applicant is required to inform AMO in case of discovery of antiquities or supposed antiquities in the course of excavation; and
- (f) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant shall carry out the following measures:
 - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors shall 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

- (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.’

[The Chairman thanked Mr Edwin P.Y. Young, STP/STN, for his attendance to answer Members’ enquiries. Mr Young left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 17

Section 12A Application

[Open Meeting]

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

77. The Secretary reported that the following Members had declared interests in this item :

- Mr Ivan C.S. Fu – had current business dealings with AECOM, Environ Hong Kong Ltd. and Urbis Ltd., three of the consultants of the applicant
- Ms Janice W.M. Lai – had current business dealings with AECOM and Urbis Ltd., two of the consultants of the applicant

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

79. The Secretary said that on 6.9.2013, the applicant's representative requested the Board to defer making a decision on the application for two months in order to allow time for addressing departmental comments on the air ventilation, visual, landscaping, drainage and sewerage aspects of the application.

80. The Secretary stated that the application had been deferred twice since January 2013. Since the last deferment in May 2013, the applicant had submitted further information on 28.6.2013 to provide responses to departmental comments together with revisions to the landscape design proposal, layout/section plans, expert evaluation on air ventilation, visual impact assessment, and drainage and sewerage impact assessments.

81. 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 more months were allowed for preparation of the submission of the further information, and since a total period of six months had been allowed, this was the last deferment and no further deferment would be granted.

Agenda Item 18

Section 16 Application

[Open Meeting]

A/TM/447 Shop and Services (Real Estate Agency and Retail Shop)
in “Industrial” Zone, Unit E, G/F, Wai Cheung Industrial Centre,
5 Shek Pai Tau Road, Tuen Mun
(RNTPC Paper No. A/TM/447)

82. The Secretary reported that on 13.9.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for addressing the comments of the Fire Services Department on the application.

83. 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 19

Section 16 Application

[Open Meeting]

A/YL-PS/407 Proposed Residential Development in “Undetermined” Zone,
Lot 636 S.B ss.5 in D.D. 124, Kiu Tau Wai, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/407A)

84. The Secretary reported that Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd. and MVA Hong Kong Ltd., two of the consultants of the applicant. As the item was for deferral of consideration of the application, the Committee agreed that Mr Fu could stay in the meeting.

85. The Secretary said that on 5.9.2013, the applicant's representative requested the Board to defer making a decision on the application for two months in order to allow time for addressing the comments of the Chief Town Planner/Urban Design and Landscape of Planning Department and the Director of Environmental Protection on the visual, air ventilation and environmental aspects of the application.

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/262 Proposed Temporary Private Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in "Green Belt" Zone, Lot 2407 S.B in D.D. 130 and Adjoining Government Land, Choi Yuen Village, Tat Fuk Road, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/262)

Presentation and Question Sessions

87. A replacement page 6 of the Paper to rectify a typo in paragraph 10.1.1 was sent to Members before the meeting. Mr K.C. Kan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed temporary private vehicle park (private cars and light goods vehicles) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) had reservation on the application from the landscape planning perspective as approval of the application would set an undesirable precedent and attract more non-compatible uses to encroach onto the “Green Belt” (“GB”) zone, causing deterioration of the landscape quality and undermining the intactness of the “GB” zone;
- (d) during the first three weeks of the statutory publication period of the application, six public comments were received. Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed development was incompatible with the “GB” zoning; impact assessments were lacking in the submission; an over provision of parking would reduce cost of car use and was against the transport policies; and approval of the application would set an undesirable precedent for similar applications. A Tuen Mun District Council member supported the application without giving reason. Four other commenters supported the application mainly on the grounds that the proposal could increase the provision of parking spaces in the area and benefit the villagers. No local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone and did not comply with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10). CTP/UD&L of PlanD had reservation on the application from the landscape planning perspective. There was no significant change in the planning circumstance since the rejection of a previous application for the same use on the site and a similar

application to the north of the site. The approval of the application would set an undesirable precedent for similar applications, the cumulative effect of which would result in a general degradation of the environment of the area.

88. Members had no question on the application.

Deliberation Session

89. 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 is not in line with the planning intention of the “Green Belt” (“GB”) zone. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the proposed development is not in line with the Town Planning Board (TPB) Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that there is a general presumption against development in “GB” zone, and there **are** no exceptional circumstances for approval of the application; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/219 Proposed Temporary Shop and Services (Real Estate Agency) for a
Period of 3 Years in “Village Type Development” Zone,
Lots 45 RP and 47 RP (Part) in D.D. 101, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/219)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Concerned departments had no objection to or adverse comment on the application. The Project Manager (New Territories North and West) of Civil Engineering and Development Department (CEDD) advised that the Government land (GL) to the north of the application site would be constructed as new cycle track and used for works site, with the commencement of the project in September 2015. As a result, the proposed use of GL as vehicular access to the application site and the proposed surface channel constructed at GL would be in conflict with the cycle track project;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 23 months based on the assessments as detailed in paragraph 12 of the Paper. As CEDD's cycle track project would commence construction in September 2015 according to the programme, a shorter approval period of 23 months (i.e. until 27.8.2015, instead of the 3 years sought) was recommended in order not to jeopardise the public works project.

91. Members had no question on the application.

Deliberation Session

92. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 23 months, instead of the 3 years sought, until 27.8.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 9:00 a.m. daily, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) 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 27.3.2014;
- (c) in relation to (b) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.6.2014;
- (d) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.3.2014;
- (e) in relation to (d) 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 27.6.2014;

- (f) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.3.2014;
- (g) in relation to (f) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.6.2014;
- (h) the provision of paving within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.3.2014;
- (i) 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 27.3.2014;
- (j) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (b), (c), (d), (e), (f), (g), (h) or (i) is 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; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

- (b) a shorter period of permission is granted in order to avoid jeopardizing the implementation of the Civil Engineering and Development Department's proposed cycle track project;
- (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 minimise potential environmental impacts on the surrounding area;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site under application comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No approval has been given for the proposed specified structure 1 as "real estate agency (with meeting room and toilet inside)". The application site is accessible to Mai Po Road via a short stretch of open Government Land (GL). His Office provides no maintenance works for the GL and does not guarantee right-of-way. The registered owners of Lot Nos. 45 RP and 47 RP (Part) in D.D. 101 will need to apply to his Office to permit structures to be erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including office, meeting room and toilet as temporary buildings) are to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works or UBW on the application

site under the Buildings Ordinance (BO). For UBW erected on leased land, enforcement action may 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. For any new building, the site shall 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 does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (f) to note the comments of the Director of Environmental Protection that the applicant is reminded that all wastewater from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt good site practice and implement necessary measure to ensure that the proposed development would not cause water pollution to the nearby watercourse located along Mai Po Road;
- (h) to note the comments of the Commissioner for Transport that the application site is connected to an unknown local access road which is not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (i) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD is not responsible for the maintenance of any existing vehicular access connecting the application

site and Mai Po 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) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporating the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the locations where the proposed FSIs are 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 is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (l) to note the comments of the Project Manager (New Territories North and West), Civil Engineering and Development Department that the Government land to the north of the application site will be constructed as new cycle track and used as a works site under PWP Item No. 7259RS – Cycle Tracks Connecting North West New Territories with North East New Territories – Section from Tuen Mun to Sheung Shui. According to the current programme, the cycle track project 7259RS is to start construction in September 2015; and
- (m) to note the comments of the Director of Electrical and Mechanical Services at Appendix IV of the Paper.”

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/416 Temporary Outside Seating Area and Parking Spaces Ancillary to Restaurant for a Period of 3 Years in “Village Type Development” Zone, Lots 216 S.S RP (Part), 237 S.B RP, 237 S.B ss.3 S.A, 237 S.B ss.4 RP, 237 S.B ss.4 S.A, 237 S.B ss.4 S.B (Part), 237 S.B ss.12 RP, 237 S.B ss.13 RP and 237 S.B ss.14 RP in D.D. 103, Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/416)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary outside seating area and parking spaces ancillary to restaurant for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper.

95. In response to the Chairman's enquiry, Mr C.K. Tsang said that the subject restaurant on the ground floor of a New Territories Exempted House (NETH) was always permitted in the "Village Type Development" zone. Only the ancillary seating area of the restaurant outside the ground floor of the NTEH required planning permission.

Deliberation Session

96. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.9.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 11:00 p.m. and 7:00 a.m. daily, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicles without valid licences issued under the Road Traffic (Regulation and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit 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 no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance **are** allowed to be parked/stored on or enter/exit the site during the planning approval period;
- (e) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.3.2014;

- (f) in relation to (e) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.6.2014;
- (g) the submission of a 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 27.3.2014;
- (h) in relation to (g) above, the provision 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 27.6.2014;
- (i) the submission of a 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 27.3.2014;
- (j) in relation to (i) above, the implementation of a 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 27.6.2014;
- (k) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) is 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; 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Scheduled Agricultural Lot held under Block Government Lease under which no structure is allowed to be erected without prior approval from his office. No approval is given for the specified single-storey structures as covered outside seating area ancillary to restaurant. The site is accessible via Kam Tin Road via an informal local track on Government land (GL). His office does not provide maintenance works on this GL nor guarantee right of way. The lot owner is required to apply to LandsD to permit any structures to be erected or regularise any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion. If such approval is granted, it will be subject to such terms and conditions including among others the payment of premium or fee, as imposed by LandsD;
- (c) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (d) to note the comments of the Commissioner for Transport that the land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and

Kam Tin Road;

- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporating the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The locations where the proposed FSIs are to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to his department for consideration. Should the proposed structure(s) be required to comply with the Buildings Ordinance (Cap. 123), detailed FSIs requirements will be formulated upon receipt of formal submission of general building plans or referral from the relevant licensing authority;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they are unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. If the site does not abut on a specified street having a width of not less than 4.5m, in such respect, the development intensity shall be determined under the Building (Planning) Regulation (B(P)R) 19(3) at building plan submission stage. The site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided under the B(P)R 41D. For UBW erected on leased land, enforcement action may 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 is subject to the issue of a licence, the applicant should be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. The proposed structures may be considered as temporary buildings and are subject to control under the B(P)Rs Part VII;

- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that according to his previous site records, existing amenity planting was recorded within the site. Also, based on the layout plan in the planning statement, there is planter area available for greening. The existing and proposed landscape planting should be clearly demarcated and labelled on plan; and
- (i) to note the comments of the Director of Food and Environmental Hygiene that the applicant is reminded to apply to his department for a restaurant licence and a formal approval for outside seating accommodation of the restaurant. Under the current licensing regime, the operation of food business should be in compliance with the Government lease condition, statutory plan restriction, free of unauthorised building works as well as the licensing requirements and conditions as stipulated by his department and other relevant departments.”

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/192 Proposed Utility Installation for Private Project (Electricity Package Transformer) and Excavation of Land in “Village Type Development” Zone, Lot 1349 S.K and 1349 RP (Part) in D.D. 112,
Shui Tsan Tin Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-SK/192)

Presentation and Question Sessions

98. Mr C.K. Tsang, 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 transformer) and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application. The Director of Leisure and Cultural Services (DLCS) advised that Lee Tat Bridge, which was accorded a Grade 3 historic building status and which would be made use of for access to the site during construction of the proposed package transformer, should not be adversely impacted;
- (d) during the first three weeks of the statutory publication period, three public comments were received objecting to the application mainly on the grounds that the proposed electricity package transformer would block the existing vehicular access serving the developments in the immediate vicinity, impede access by large vehicles such as fire engines, affect the health of nearby residents; and that land excavation would affect the *fung shui* of the area. Some commenters also suggested that the applicant should consider relocating the proposed electricity package transformer. The District Officer (Yuen Long) received a letter from a member of the public regarding the application which had been treated as a public comment received during the publication period of the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. As regards DLCS's concern on the possible impact during construction of the electricity package transformer on Lee Tat Bridge, the

applicant undertook that he would take due care during the construction stage to minimise any impact on the bridge. A relevant advisory clause would be included. As regards the public comments raising objection to the application on traffic, fire safety, health and *fung shui* grounds, the proposed location of the transformer, which was next to the existing vehicular access, would not affect the access and that there was an existing emergency vehicular access serving the nearby developments. Relevant departments also had no adverse comment on the application.

99. Members had no question on the application.

Deliberation Session

100. 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 27.9.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long (DLO/YL), Lands Department (LandsD) that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. No approval has been given for the specified single-storey structure as electricity package substation. Should the application be approved, the lot owner concerned will need to apply to his office to permit structures to be

erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible to Kam Sheung Road through an informal village track on Government land and other private land. His office does not provide maintenance works on this Government land nor guarantees right-of-way;

- (b) to note the comments of the Commissioner for Transport that the application site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Director of Electrical and Mechanical Services that for the design and operation of electricity package substation, CLP Power has to comply with the Electricity Ordinance and relevant statutory requirements. As the electricity package substation is to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearest substations as far as possible. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines;
- (d) to note the comments of the Director of Leisure and Cultural Services that access to/from Kam Sheung Road for the proposed works via Lee Tat Bridge, which was accorded a Grade 3 status by the Antiquities Advisory Board, should not adversely impact on the Bridge;

- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that there is a stream to the west of the application site. The applicant should adopt good site practice and implement necessary measures during construction to avoid potential disturbance to the stream nearby and its riparian vegetation as far as practicable;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the currently proposed species *Dypsis Lutescens* (散尾葵) is a bamboo palm which would provide no additional greening effect compared to the previously proposed *Roystonea regia* (大王棕). To maximise greenery, tree species are more preferable. Also, shrub planting is recommended to be provided at the flower bed area;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide his own drainage facilities to collect the runoff generated from the application site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant is also reminded to consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend his inside services to the nearest government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard. Besides, fresh water from Government mains shall not be used for watering plant nurseries or landscape features purposes except with the written consent of the Water Authority. Consent to use fresh water from the mains for such purposes may be given on concessionary supply basis if

an alternative supply is impracticable and evidence to that effect is offered to and accepted by the Water Authority. Such permission will be withdrawn if in the opinion of the Water Authority the supply situation requires it. Also, the water mains in the vicinity of the application site cannot provide the standard pedestal hydrant;

- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporating the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the locations where the proposed FSIs are to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant shall provide justifications to his department for consideration. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation (B(P)R) 5 and emergency vehicular access shall be provided under the B(P)R 41D. The site does not seem to abut on a specified street having a width not less than 4.5m. The development intensity shall be determined under B(P)R 19(3) at the building plan submission stage. Formal submission under the Buildings Ordinance is required for any proposed new works, including the substation structure. Detailed checking of plans will be carried out upon formal submission of building plans; and
- (k) to note the comments of the Director of Health that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP)

guidelines (1998), exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. Therefore, the project proponent must ensure that installation complies with the relevant ICNIRP guidelines or other established international standards. WHO also encourages 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.”

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

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/315 Temporary Open Storage of Construction Machinery and Materials for a Period of 3 Years in “Agriculture” Zone, Lot 1339 (Part) in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/315)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction machinery and materials for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of

residential use located in the vicinity and along the local access track leading to the site, and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) had reservation on the application as there was noticeable disturbance to the existing landscape character and resources of the site and the applied use was considered not compatible with the surrounding natural/rural environment;

- (d) during the first three weeks of the statutory publication period, five public comments were received from Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited and 3 members of the public, objecting to the application mainly on the grounds that the approval of the application would result in reduction of land for agricultural use; the development was incompatible with the “Agriculture” (“AGR”) zoning and would lead to degradation of the land and the rural environment; there was sufficient supply of land for the applied use and no overriding reason was given to support the application; the development was a suspected unauthorised development; and it would cause environmental pollution, visual, drainage and traffic impacts on the surrounding areas. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper. The development was not in line with the planning intention of the “AGR” zone and not compatible with the surrounding areas which were predominantly rural in character. The application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there was no previous approval granted at the site for open storage use and there were adverse comments from the relevant departments and the public. DEP did not support the application and CTP/UD&L of PlanD had reservation on the application. The submitted drainage plan had not yet been accepted by the Chief Engineer/Mainland North of Drainage Services Department. The approval of the application, even on a temporary basis, would set an undesirable

precedent for similar applications to proliferate in the “AGR” zone, causing degradation to the surrounding rural environment.

103. In response to the Chairman’s enquiry on whether the subject open storage yard was an unauthorised development, Mr C.K. Tsang said that the open storage use at the site was a suspected unauthorised development currently under investigation by the Planning Authority.

Deliberation Session

104. 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 development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development under application does not comply with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E). There is no previous planning approval granted to the application site and there are adverse departmental comments and local objections against the application;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone.

The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

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

Agenda Item 25

Section 16 Application

[Open Meeting]

A/YL-NSW/223 Proposed Residential Development with Minor Relaxation of Building Height and Plot Ratio Restrictions, Filling of Land/Pond and Excavation of Land in “Residential (Group D)” and “Undetermined” Zones, Lots 594, 595, 600, 1288 S.B RP (Part), 1288 S.G RP (Part), 1289 S.B RP (Part) and 1292 S.B RP (Part) in D.D. 115 and Adjoining Government Land, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/223)

105. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHKP), and Environ Hong Kong Ltd., MVA Hong Kong Ltd. and Urbis Ltd. were three of the consultants of the applicant. The following Members had declared interests in this item :

Mr Ivan C.S. Fu – had current business dealings with SHKP, Environ Hong Kong Ltd., MVA Hong Kong Ltd. and Urbis Ltd.

Ms Janice W.M. Lai – had current business dealings with SHKP and Urbis Ltd.

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

107. The Secretary reported that on 3.9.2013, the applicant's representative requested the Board to defer making a decision on the application for two months in order to allow time for addressing departmental comments on the application.

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

Agenda Item 26

Section 16 Application

[Open Meeting]

A/YL-NSW/224 Proposed Residential Development with Filling and Excavation of Land in "Undetermined" Zone, Lots 592 S.C ss.1A, 592 S.C ss.4 and 1252 S.C in D.D. 115, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/224)

109. The Secretary reported that the application was submitted by an affiliate company of Sun Hung Kai Properties Ltd. (SHKP), and Environ Hong Kong Ltd., MVA Hong Kong Ltd. and Urbis Ltd. were three of the consultants of the applicant. The following Members had declared interests in this item :

Mr Ivan C.S. Fu – had current business dealings with SHKP, Environ Hong Kong Ltd., MVA Hong Kong Ltd. and Urbis Ltd.

Ms Janice W.M. Lai – had current business dealings with SHKP and Urbis Ltd.

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

111. The Secretary reported that on 9.9.2013, the applicant's representative requested the Board to defer making a decision on the application for two months in order to allow time for addressing departmental comments on the application.

112. 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/YL-NTM/292 Temporary Cargo Handling, Forwarding Facilities and Container Vehicle Park for a Period of 3 Years in "Open Storage" Zone, Lots 1376 (Part), 1377 (Part), 1378, 1379 (Part) and 1381 (Part) in D.D. 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/292)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary cargo handling, forwarding facilities and container vehicle park for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport (C for T) did not support the application since Ka Lung Road was a sub-standard road with no footpath on both sides. He considered that all existing approved sites should be reviewed upon renewal as there were frequent complaints from the local residents about hazard from the heavy vehicles when awaiting on the road side. 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 1m away) and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period of the application, one public comment was received objecting to the application on grounds of adverse environmental impact, road safety of Ka Lung Road, and that the planning approvals on the site had been revoked several times due to non-compliance of approval conditions. During the first three weeks of the statutory publication period of the further information to the application, no public comment was received. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper. While the applied use did not contravene the planning intention of the “Open Storage” (“OS”) zone, there was a need to ensure that the use would not generate negative impacts on the surrounding areas. Both DEP and C for T did not support the application on environmental and road safety grounds. The applicant had not submitted any assessments to demonstrate that the development would not result in adverse environmental impact and affect the road safety of the surrounding areas. The site was related to four previous approved applications submitted by the same applicant but all were revoked due to non-compliance with the approval conditions on

various aspects. The applicant had not demonstrated effort in fulfilling the approval conditions imposed by the Board under the previous permissions. There was serious doubt that the drainage, landscape and fire risk aspects of the development could be addressed by way of approval conditions. Besides, approval of the application with repeated non-compliance would set an undesirable precedent for other similar planning applications for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

114. Members had no question on the application.

Deliberation Session

115. 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 temporary cargo handling, forwarding facilities and container vehicle park is not in line with Town Planning Board Guidelines No. 13E for Application for Temporary Open Storage and Port Back-up Uses in that there are adverse departmental comments from environmental and traffic aspects and also objection from local resident;
- (b) there is no technical assessment in the submission to demonstrate that the development would not have adverse impacts on environment and traffic safety; and
- (c) four previous planning permissions granted to the applicant under applications No. A/YL-NTM/217, 237, 241 and 272 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 applications for temporary uses which are also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.”

Agenda Items 28 and 29

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/858 Temporary Open Storage of Containers with Ancillary Office and Container Repair Workshop for a Period of 1 Year in “Government, Institution or Community” Zone, Lots 515 RP (Part), 516 (Part), 517 (Part), 518 (Part), 519 (Part), 520 (Part) and 521 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/858)

A/YL-HT/859 Temporary Open Storage of Vehicles Not Yet Licensed to Run on the Road and Private Car Parking for a Period of 1 Year in “Government, Institution or Community” Zone, Lots 515 RP (Part), 518 (Part), 521 (Part), 522, 523, 524 (Part), 525 (Part), 526 (Part), 1247 RP (Part), 1249 (Part), 1250 (Part), 1251 RP, 1252, 1253, 1254, 1255 (Part), 1256 (Part), 1257, 1258 RP, 1259 (Part), 1260, 1261 and 1262 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/859)

116. The Committee noted that these two applications were similar in nature as they were for the same type of use (i.e. temporary open storage) at two adjoining sites on the same “Government, Institution or Community” zone. The Committee agreed that these applications could be considered together.

117. The Secretary reported that Ms Janice W.M. Lai had declared an interest in these items as her spouse owned two pieces of land in Ha Tsuen. As the two pieces of land were nearby, Ms Lai’s interest was considered direct. She left the meeting at this point.

Presentation and Question Sessions

118. Mr Ernest C.M. Fung, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;

- (b) the temporary open storage of containers with ancillary office and container repair workshop for a period of 1 year under Application No. A/YL-HT/858 and the temporary open storage of vehicles not yet licensed to run on the road and private car parking for a period of 1 year under Application No. A/YL-HT/859;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendices V and VI of each Paper. Concerned departments had no objection to or no adverse comment on the applications. The District Lands Officer/Yuen Long of Lands Department advised that substantial portions of the sites fell within the works limit of the Drainage Services Department (DSD)'s sewage treatment project. According to the latest programme of DSD, the parts of the sites required for the project should be reverted to the Government on 15.10.2014 to allow pre-handover site clearance works. He had no objection to the applications as, if approved for one year, the planning approvals would expire before the scheduled site pre-handover day;
- (d) no public comment was received during the first three weeks of the statutory publication periods of the applications and of the further information to the applications respectively. No local objection/view was received by the District Officer (Yune Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses could be tolerated for a period of one year based on the assessments as detailed in paragraph 12 of each Paper.

119. Members had no question on the application.

Deliberation Session

120. After deliberation, the Committee decided to approve Application No. A/YL-HT/858 on a temporary basis for a period of 1 year until 27.9.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following

conditions :

- “(a) no night-time operation between 6:00 p.m. to 8:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the stacking height of containers stored within the site shall not exceed 8 units during the planning approval period;
- (d) no handling (including loading, unloading, dismantling and storage) of electrical/electronic appliances/materials/wastes, computers/computer parts, cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment, as proposed by the applicant, is allowed on the site during the planning approval period;
- (e) no handling (including loading, unloading, dismantling and storage) of batteries is allowed on the site during the planning approval period;
- (f) no vehicle shall make use of Ha Tsuen Road, except the portion connecting to Kong Sham Western Highway from the site as shown on Plan A-3 of the Paper, in accessing/leaving the site, as proposed by the applicant, during the planning approval period;
- (g) no vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (h) the implementation of the drainage facilities proposed in the accepted Drainage Impact Assessment within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.12.2013;

- (i) the submission of landscape and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.12.2013;
- (j) in relation to (i) above, the implementation of the landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.3.2014;
- (k) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2013;
- (l) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2013;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.3.2014;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) and (m) is 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;
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.”

121. The Committee also agreed to advise the applicant of Application No. A/YL-HT/858 of the following :

- “(a) prior planning permission should have been obtained before commencing the development on the site;
- (b) shorter compliance periods are granted to monitor the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long (DLO/YL), Lands Department (LandsD) that the private land within the site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. No approval has been given for the specified structures as ancillary office and container repair workshops. No permission has been given for the occupation of Government land (GL) within the site (about 23m² subject to verification). Substantial portion of the site falls within the works limit of the “PWP Item No. 4224 DS Yuen Long and Kam Tin Sewerage Treatment Upgrade-Upgrading of San Wai Sewage Treatment Works”. The authorisation of works and use of the proposed project has been secured from the Executive Council on 15.7.2013 and resumption process will be initiated soon. As the only access from public road leading to the applicant's site falls within Lot No. 515 RP (Portion), the applicant has to identify an alternative access connecting to the site, which is agreeable to both the Transport Department and the Highways Department, should the applicant wish to apply for further renewal of the planning permission after 28.9.2014. The site is accessible to Ha Tsuen Road via a road on GL.

Part of the road falls within the resumption limit of Deep Bay Link. The Chief Highway Engineer/New Territories West, Highways Department should be consulted. His office provides no maintenance works for this track nor guarantees right of way. Three Short Term Waivers (STWs) on Lots 515 RP, 517 and 521 and one Short Term Tenancy (STT) were approved in relation to the previous planning application No. A/YL-HT/793 for the same use but pending offer. No applications for STW and STT have been received so far as the subject planning application is concerned. The lot owner(s) would still need to apply to him to permit structures to be erected or regularise any irregularities on site. The applicant has 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. If such application is approved, it would be subject to such terms and conditions, including among others the payment of premium/fees, as may be imposed by LandsD;

- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect any existing stream course, natural streams, village drains, ditches and the adjacent areas, and to consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside the site before commencement of the drainage works;
- (f) to note the comment of the Chief Engineer/Harbour Area Treatment Scheme, Drainage Services Department that part of the site falls within the Sewerage Treatment Works project boundary. Under the current programme, the land will be required for commencement of the construction works in January 2015;
- (g) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to safeguard the environment and minimise any potential environmental nuisance;

- (h) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site shall be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track shall be clarified with the relevant lands and maintenance authorities accordingly. Sufficient manoeuvring spaces shall be provided within the site;
- (i) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (j) to note the comments of the Director of Fire Services in Appendix V of the Paper and to submit relevant layout plans incorporating the proposed FSIs to him for approval. In formulating the FSIs proposal for the structure, the applicant is advised to make reference to the requirements in Appendix VI of the Paper. Should the proposed structure(s) be required to comply with the Building Ordinance (Cap.123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. The applicant is advised to submit a valid fire certificate (FS251) to him for approval. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant is required to provide justifications to him for consideration; and
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the applied use. If the existing structures are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including temporary buildings subject to control under the Building (Planning) Regulations (B(P)Rs) Part VII are to be carried out on the site, the prior approval and consent of BA should be obtained,

otherwise, they are unauthorised building works (UBW). An Authorised 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 may 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. If the site does not abut on a specified street having a width of not less than 4.5m, in such aspect, the development intensity shall be determined under B(P)R 19(3) at the building plan submission stage. The site shall be provided with means of obtaining access from a street under B(P)R 5 and emergency vehicular access shall be provided under B(P)R 41D."

122. The Committee also decided to approve Application No. A/YL-HT/859 on a temporary basis for a period of 1 year until 27.9.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 6:00 p.m. to 8:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (d) no vehicle shall make use of Ha Tsuen Road, except the portion connecting to Kong Sham Western Highway from the site as shown on Plan A-3 of the Paper, in accessing/leaving the site, as proposed by the applicant, during the planning approval period;

- (e) the implementation of the drainage facilities proposed in the accepted Drainage Impact Assessment within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.12.2013;
- (f) the submission of landscape and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.12.2013;
- (g) in relation to (f) above, the implementation of the landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.3.2014;
- (h) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 8.11.2013;
- (i) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2013;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.3.2014;
- (k) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) is 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;
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.”

123. The Committee also agreed to advise the applicant of Application No. A/YL-HT/859 of the following :

- “ (a) prior planning permission should have been obtained before commencing the development on the site;
- (b) shorter compliance periods are granted to monitor the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long (DLO/YL), Lands Department (LandsD) that the private land within the site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. A Letter of Approval (LoA) No. MT/LM 12245 was issued on Lot 526 in D.D. 125 for the erection of temporary agricultural structures. Change of use of the site will cause a breach of the terms of the LoA. No approval has been given for the specified structures as shelter for parking of vehicles, site office and caretaker’s office indicated on the layout plan. No permission has been given to the proposed use and/or occupation of Government land (GL) (about 54m² subject to verification) included in the site. The act of occupation of GL without the Government’s prior approval should not be encouraged. Substantial portion of the site falls within the works limit of the “PWP Item No. 4224 DS Yuen Long and Kam Tin Sewerage Treatment

Upgrade-Upgrading of San Wai Sewage Treatment Works". The authorisation of works and use of the proposed project has been secured from the Executive Council on 15.7.2013 and resumption process will be initiated soon. As the only access from public road leading to the applicant's site falls within Lot No. 515 RP (Portion), the applicant has to identify an alternative access connecting to the site, which is agreeable to both the Transport Department and the Highways Department, should the applicant wish to apply for further renewal of the planning permission after 28.9.2014. The site is accessible to Ha Tsuen Road via a road on GL. Part of the road falls within the resumption limit of Deep Bay Link. The Chief Highway Engineer/New Territories West, HyD should be consulted. His office provides no maintenance works for this track nor guarantees right of way. A Short Term Tenancy (STT) (proposed STT No. 2654) was approved in relation to the previous planning application No. A/YL-HT/792) for the same use but pending offer. No application for Short Term Waiver and STT have been received so far as the subject planning application is concerned. The lot owner(s) would still need to apply to him to permit structures to be erected or regularise any irregularities on site. The applicant has 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. If such application is approved, it would be subject to such terms and conditions, including among others the payment of premium/fees, as may be imposed by LandsD;

- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect any existing stream course, natural streams, village drains, ditches and the adjacent areas, and to consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside the site before commencement of the drainage works;

- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to safeguard the environment and minimise any potential environmental nuisance;
- (g) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site shall be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track shall be clarified and consult the relevant lands and maintenance authorities accordingly. Sufficient manoeuvring spaces shall be provided within the site;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (i) to note the comments of the Director of Fire Services in Appendix V of the Paper and to submit relevant layout plans incorporating the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements will be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The locations where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant should also adhere to the 'Good Practice for Open Storage' at Appendix VI of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to him for consideration; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the applied use. If the existing structures are erected on leased land without approval of BD,

they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including temporary buildings subject to control under the Building (Planning) Regulations (B(P)Rs) Part VII are to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise, they are unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For unauthorised building works UBW erected on leased land, enforcement action may 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. If the site does not abut on a specified street having a width of not less than 4.5m, in such aspect, the development intensity shall be determined under B(P)R 19(3) at the building plan submission stage. The site shall be provided with means of obtaining access from a street under B(P)R 5 and emergency vehicular access shall be provided under B(P)R 41D.”

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/860 Temporary Workshop for Repair of Metalwares with Ancillary Storeroom and Office for a Period of 3 Years in “Undetermined” Zone, Lots 1835 (Part), 1836 (Part), 1837 (Part) and 1839 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/860)

124. The Secretary reported that Ms Janice W.M. Lai had declared an interest in this item as her spouse owned two pieces of land in Ha Tsuen. The Committee noted that Ms Lai had already left the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary workshop for repair of metalwares with ancillary storeroom and office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along the access road (Ping Ha Road) and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 11 of the Paper. Although DEP did not support the application on environmental ground, there was no environmental complaint against the site in the past 3 years, and approval conditions restricting the operation hours were recommended to mitigate any potential environmental impacts.

126. Members had no question on the application.

Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.9.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 6:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the existing drainage facilities on site 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 the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.12.2013;
- (e) 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 27.12.2013;
- (f) in relation to (e) 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 27.3.2014;
- (g) the submission of tree preservation and landscape proposals within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 27.12.2013;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 27.3.2014;
- (i) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) is 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.”

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

- “(a) planning permission should have been obtained before continuing the development on site;
- (b) shorter compliance periods are granted to monitor the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) the site should be kept in a clean and tidy condition at all times;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No approval has been given to the specified structures as 1 to 2 storeys container storage of metal tools, 2 storeys container offices and 2-sided open shed for working area as shown on the site plan. The site is accessible to Ping Ha Road via other private land. His office does not guarantee right-of-way. The land owners would still need to apply to him to permit structures to be erected or regularise any irregularities on site. Such application would be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application would be approved. If such application is approved, it would

be subject to such terms and conditions, including among others, the payment of premium or fee, as may be imposed by LandsD;

- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisance;
- (g) to note the comments of the Commissioner for Transport that the land status of the local track leading to the site from Ping Ha 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;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (i) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporating the proposed FSIs to his department for approval. The applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the locations where the proposed FSIs are to be installed should be clearly marked on the layout plans. If the applicant wishes to apply for exemption from the provision of certain FSI, he is required to provide justifications to D of FS for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action may be taken by the Building Authority (BA) to effect the removal of unauthorised building works (UBW) erected on the site 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 Buildings Ordinance (BO). Prior approval and consent of the BA should be obtained before any new building works (including temporary buildings) are to be carried out on the site. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The site shall be provided with means of obtaining access from a street and emergency vehicular access in accordance with Building (Planning) Regulations (B(P)Rs) 5 and 41D respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage.”

Agenda Item 31

Section 16 Application

[Open Meeting]

A/YL-LFS/224 Proposed Comprehensive Residential Development with Wetland Nature Reserve, Filling of Pond and Excavation of Bund Resulting in No Net Loss of Wetland in “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” Zone, Lot 1457 RP in D.D. 123 and Adjoining Government Land, Fung Lok Wai, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/224E)

129. The Secretary reported that the application was submitted by a subsidiary of Cheung Kong (Holding) Ltd., Sun Hung Kai Properties Ltd. (SHKP) and Far East Consortium International Ltd., and ADI Ltd., Environ Hong Kong Ltd. and MVA Hong Kong

Ltd. were three of the consultants of the applicant. The following Members had declared interests in this item :

Mr Ivan C.S. Fu – had current business dealings with Cheung Kong, SHKP, ADI Ltd., Environ Hong Kong Ltd. and MVA Hong Kong Ltd.

Ms Janice W.M. Lai – had current business dealings with SHKP and ADI Ltd.

130. The Committee noted that Ms Lai had already left the meeting. As the item was for deferral of consideration of the application, the Committee agreed that Mr Fu could stay in the meeting.

131. The Secretary reported that on 19.9.2013, the applicant's representative requested the Board to defer making a decision on the application for one month in order to allow sufficient time for the concerned departments to provide comments on the further information submitted on 18.9.2013 and 19.9.2013.

132. The Secretary stated that the application had been deferred for five times since October 2011. The applicant had all along demonstrated efforts in submitting further information to address the departmental concerns on traffic, landscape, ecological and drainage issues. Since the last deferment requested by the Planning Department in August 2013, a meeting was held on 9.9.2013 between the applicant and the concerned Government departments to discuss the outstanding issues of the application. The applicant submitted responses to the departmental comments with a coordinated ecological impact assessment and other technical clarifications on 18.9.2013 and 19.9.2013. The current request for deferment for allowing time for the departments to comment on the further information was considered reasonable.

133. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant. The Committee agreed that the application should be submitted for its consideration within one month. The Committee also agreed to advise the applicant that since a total period of seven months had been allowed for preparation of the

submission of the further information, this was the last deferment and no further deferment would be granted.

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

Agenda Item 32

Any Other Business

134. There being no other business, the meeting closed at 5:40 p.m.