

TOWN PLANNING BOARD

**Minutes of 506th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 7.3.2014**

Present

Director of Planning
Mr K.K. Ling

Chairman

Mr Timothy K.W. Ma

Vice-chairman

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr F.C. Chan

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

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

Assistant Director/Regional 3,
Lands Department
Ms Anita K.F. Lam

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

Secretary

Absent with Apologies

Professor Edwin H.W. Chan

Mr Rock C.N. Chen

Professor K.C. Chau

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

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Lily Y.M. Yam

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

Agenda Item 1

Confirmation of the Draft Minutes of the 505th RNTPC Meeting held on 21.2.2014

[Open Meeting]

1. The draft minutes of the 505th RNTPC meeting held on 21.2.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

(i) [Confidential Item. Closed Meeting]

2. to 5. This item was recorded under confidential cover.

(ii) Amendment to Confirmed Minutes of 503rd RNTPC Meeting held on 17.1.2014

[Open Meeting]

6. The Secretary reported that on 17.1.2014, the Committee approved a section 16 application No. A/YL-HT/866 on a temporary basis for a period of 3 years until 17.1.2017. The minutes were confirmed at the meeting on 7.2.2014 and sent to the applicant together with the approval letter on the same date. Subsequently, some typographical errors were found in approval conditions (g) to (m) (paragraph 168 of the minutes). To avoid any confusion, the relevant sentences of the minutes should be revised to read as :

“(g) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2017~~4~~;

(h) the submission 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 17.7.2017~~4~~;

- (i) in relation to (h), the implementation of the tree preservation and landscape proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 17.10.2017~~4~~;
- (j) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2017~~4~~;
- (k) in relation to (j), the implementation of the fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2017~~4~~;
- (l) the submission of a run-in/out proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 17.7.2017~~4~~;
- (m) in relation to (l) above, the implementation of the run-in/out proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 17.10.2017~~4~~;

7. The Secretary said that replacement pages 158 and 159 of the minutes were sent to Members and the revised minutes and revised approval letter would be sent to the applicant. Members confirmed the revised minutes.

- (iii) Section 12A Application No. Y/TM/6
Application for Amendment to the Tuen Mun Outline Zoning Plan
from “Other Specified Uses” annotated “Supermarket, Restaurant and Other Commercial and Recreational Facilities” to “Residential (Group B) 14”,
and Amendment to the Notes of the “Residential (Group B)” Zone,
5 Lok Yi Street, So Kwun Wat, Tuen Mun (Lot 992 in D.D. 381)
(RNTPC Paper No. Y/TM/6A)

[Open Meeting (Presentation and Question Sessions only)]

8. The Secretary reported that the application related to this item was submitted by Fugro Investment (Hong Kong) Ltd. with Spence Robinson Ltd. being one of its consultants. The following Members had declared interests in this item :

Mr Frankie W.P. Chou – as CE(Works), HAD directly involved in the management of Spence Robinson Ltd. which was a consultant to the Government

Ms Janice W.M. Lai – having current business dealings with Spence Robinson Ltd.

Dr C.P. Lau – owning a flat in So Kwun Wat

9. Members noted that Mr Chou had tendered apologies for being unable to attend the meeting. As Ms Lai had no direct involvement in this application, the Committee agreed that she could stay in the meeting. As Dr Lau's property would not be affected by the application, his interest was considered remote and the Committee agreed that he could also stay in the meeting.

Presentation and Question Sessions

10. Mr W.S. Lau, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW), Mr C.C. Lau, Senior Town Planner/Tuen Mun and Yuen Long West (STP/TMYLW), and Mr Kenneth To, the applicant's representative, were invited to the meeting at this point. The Chairman extended a welcome and explained the procedure of the hearing.

11. The Chairman then invited Mr C.C. Lau, STP/TMYLW, to brief Members on the background of the item. Mr Lau did so with the aid of a PowerPoint presentation and covered the following aspects as detailed in the Paper :

Background

(a) at the 466th RNTPC meeting held on 1.6.2012, the Committee considered

that the proposed rezoning of the application site from “Other Specified Uses” (“OU”) annotated “Supermarket, Restaurant and Other Commercial and Recreational Facilities” to “Residential (Group B) 14” (“R(B)14”) would not be appropriate as the proposed retail gross floor area (GFA) of not less than 50m² was not sufficient to meet the needs of the local residents. There was a need to provide sufficient commercial and community facilities at the site to serve the residential neighbourhood;

- (b) the Committee agreed that the site could be rezoned to “Comprehensive Development Area” (“CDA”) to facilitate a comprehensive development for residential use with the provision of sufficient commercial and community facilities, and that the applicant should liaise with the Planning Department (PlanD) to determine the total non-domestic GFA of the site, which might include commercial and community facilities such as kindergarten;

The Proposal

- (c) the applicant submitted a Retail Feasibility Study on 17.4.2013 to indicate that the proposed retail GFA of 50m² had a slightly higher retail GFA to total GFA ratio as compared to other developments in the area such as Aegean Coast and Palatial Coast;
- (d) after further liaison with the applicant, the applicant proposed to increase the non-domestic GFA of the site from 50m² to 100m², and correspondingly reduce the domestic GFA from 1,950m² to 1,900m². The total GFA of 2,000m² and the total number of 10 houses would remain unchanged;
- (e) about 50m² of the proposed non-domestic GFA was intended for a convenience store, and the remaining 50m² was intended to be shared for other potential service outlets, such as laundry, pet shop/clinic, tutorial school, which served commercial and community purposes;

Departmental Comments

- (f) the departmental comments were detailed in paragraph 4 of the Paper and highlighted as follows :
 - (i) the Chief School Development Officer/Tuen Mun of Education Bureau (EDB) commented that there was no urgent need for provision of kindergarten in So Kwun Wat, and had no comment on the applicant's suggestion for operation of interest/tutorial class;
 - (ii) the Director of Social Welfare (DSW) had no comment on the applicant's proposal and did not have any proposed welfare services at the site in view of its small scale and remote location;
 - (iii) the District Officer (Tuen Mun) conveyed that some Tuen Mun District Council (TMDC) members suggested the Government to provide more commercial or community facilities in Tuen Mun East when they deliberated on the potential housing sites along Castle Peak Road. He suggested the Committee to take into account the views of TMDC members; and
 - (iv) other concerned departments had no adverse comments on the proposed non-domestic GFA of 100m² at the site;

Planning Considerations and Assessments

- (g) the proposed ratio of non-domestic GFA/total GFA of 5% at the site was the highest among existing similar developments in Tuen Mun East;
- (h) commercial facilities could be provided in the planned large housing sites, such as the "CDA" site in Area 59 to the southwest of the site;
- (i) the need for kindergarten could be considered in housing estates and large-scale private developments where space was allocated for such use.

A kindergarten was reserved in a proposed housing site at So Kwun Wat Road as recommended by EDB;

- (j) due to the small scale of the proposed low-density residential development and the remote location of the site, DSW had no proposed welfare services at the site;
- (k) the potential housing sites along Castle Peak Road that had been presented to TMDC were in the So Kwan Wat area but not within the neighbourhood of the site. In any case, floor spaces for commercial and kindergarten uses would be proposed in other larger housing sites; and
- (l) the purpose of the previously proposed “CDA” zoning was to enable control on the provision of non-domestic GFA at the site. If the Committee considered the proposed non-domestic GFA of 100m² acceptable, the requirement for 100m² of non-domestic GFA, together with other development parameters on domestic GFA and building height, could be included in the Notes of the OZP to ensure proper planning control. As such, the “CDA” zoning might not be necessary.

12. Mr Kenneth To said that he had nothing to add to PlanD’s presentation but would be happy to answer any questions from Members.

13. As Members had no question on the item, the Chairman informed the applicant’s representative that the hearing procedure for the item had been completed and the Committee would deliberate on the item in his absence and inform the applicant of the Committee’s decision in due course. The Chairman thanked the applicant’s representative and PlanD’s representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

14. A Member said that as the site was small in size, designating the site as “CDA” might not be suitable. Since the applicant had proposed to increase the non-domestic GFA from 50m² to 100m², a “R(B)” zoning for the site could be considered.

15. After deliberation, the Committee decided that the application site could be rezoned from “OU” annotated “Supermarket, Restaurant and Other Commercial and Recreational Facilities” to a “R(B)” sub-zone with the incorporation of appropriate development restrictions including a non-domestic GFA of not less than 100m². The proposed amendments to the approved Tuen Mun OZP No. S/TM/31 would be submitted to the Committee for approval prior to gazetting under the Town Planning Ordinance when opportunity arose.

Tuen Mun and Yuen Long West District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TM/10 Application for Amendment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/30 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/10D)

[Closed Meeting]

16. The Secretary reported that the application was submitted by two subsidiaries of Sun Hung Kai Properties Ltd. (SHKP) with AECOM Asia Co. Ltd. (AECOM), Environ Hong Kong Ltd. (Environ) and Urbis Ltd. (Urbis) being three of the consultants of the applicants. The item also involved a potential housing site identified for Home Ownership Scheme (HOS) development by the Housing Department (HD), which is the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item :

- Mr Ivan C.S. Fu – having current business dealings with SHKP, AECOM, Environ and Urbis
- Ms Janice W.M. Lai – having current business dealings with SHKP, AECOM, Urbis and HKHA
- Mr K.K. Ling
(the Chairman) – as the Director of Planning, being a member of the Strategic Planning Committee and the Building Committee of 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
- Ms Anita K.F. Lam – being an alternate member for the Director of Lands who was a member of HKHA
- Professor Edwin H.W. Chan – being a member of HKHA and the Building Committee of HKHA
- Mr H.F. Leung – having current business dealings with HD

17. Members noted that Mr Frankie W.P. Chou and Professor H.W. Chan had tendered apologies for being unable to attend the meeting. The Committee considered that the interests of the Chairman, Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Ms Anita K.F. Lam and Mr H.F. Leung were direct and they should leave the meeting temporarily for this item. The Vice-chairman took over the chairmanship of the meeting at this point.

[The Chairman, Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Ms Anita K.F. Lam and Mr H.F. Leung left the meeting temporarily at this point.]

18. The Secretary reported that at the last (the 505th) RNTPC meeting held on 21.2.2014, the Committee decided not to accede to the applicants' request for the fourth deferment for the following reasons :

- (a) the consideration of the application had been deferred for over a year and the Committee had already allowed 6 months for the applicants' preparation of further information to address departmental concerns on similar issues;
- (b) the outstanding issues were related to the detailed design and implementation of the development scheme which was only indicative for the proposed "Residential (Group A)" ("R(A)") zone; and
- (c) further deferment of consideration of the application would jeopardise the Government's plan for implementing a public housing project on part of the site.

The Committee also agreed that the application be considered at this meeting. On 28.2.2014, the applicants' representative wrote to the Board arguing that one of the reasons of the Committee in rejecting their deferral request (i.e. rejection reason (c)) was illogical and unjustifiable as the 'public housing project' had no statutory status under the Town Planning Ordinance (the Ordinance) for it was not the subject of a section 16/section 12A application or a proposed amendment item presented to the Board. The applicants requested the Board to re-consider their deferral request based on rational grounds and reverse its previous decision. The letter dated 28.2.2014 from the applicants' representative was tabled at the meeting.

19. The Secretary said that the 'public housing project' under concern, i.e. a proposed HOS development at the site, though not yet presented to the Committee as a zoning amendment item to the Tuen Mun Outline Zoning Plan (OZP), was not totally new to the public since the Tuen Mun District Council (TMDC) had been consulted on the proposed road and site formation works in Tuen Mun Area 54 (including the site) for public housing developments in as early as 2011. In January 2014, TMDC and its Working Group on Development and Planning were also consulted on various proposed amendments to the Tuen Mun OZP, including the rezoning of part of the site and the adjoining land for HOS

development. It might be better to state in rejection reason (c) that ‘further deferment of consideration of the application *might* jeopardise the Government’s plan for implementing a public housing project on part of the site’ than using the words ‘... would jeopardise ...’. Notwithstanding, irrespective of whether rejection reason (c) was appropriate or not, there were still two other sound reasons for not acceding to the applicants’ request for further deferment. One reason was that the Committee had allowed 3 previous deferments for a total of 6 months for the applicants to submit further information to address similar technical issues and the application had been deferred for over a year. The other reason was that the currently outstanding issues on tree preservation, landscaping and visual permeability were more related to the detailed design of the development scheme which was only indicative for the proposed “R(A)” zone.

20. The Vice-chairman invited Members to consider whether the Committee should maintain its decision of 21.2.2014 of not acceding to the applicants’ request for further deferment. If affirmative, the applicants’ representatives and the Planning Department’s representatives would be invited to the meeting and the hearing procedure of the application would proceed as scheduled.

21. A Member considered that while the validity of rejection reason (c) for not acceding to the applicants’ request for deferment was arguable, the other two rejection reasons were sound and sufficient for rejecting the deferral request. Another Member concurred with the view and said that the Committee could maintain its decision of not acceding to the request for deferment just on the first two reasons alone. Some other Members shared the same views.

22. The Secretary said that on rejection reason (a) alone, since the applicants’ request for deferment was already the fourth deferment, it would normally not be allowed unless under very special circumstances. This principle was set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33). The applicants’ justifications for seeking more time for addressing the outstanding issues on tree preservation, landscaping and visual permeability, which were more related to the detailed design of the indicative development scheme for the proposed “R(A)” zone, were not considered as very special circumstances that warranted the granting of further deferment

as the application had been deferred for over a year. Should the rezoning application be accepted in principle by the Committee, such detailed design matters could be addressed through appropriate zoning mechanism at detailed planning stage.

23. A Member asked if the Committee would need to withdraw rejection reason (c) from its previous decision if this reason might be arguable. In response, the Secretary said that even if rejection reason (c) was excluded, the remaining two reasons were still good reasons for not acceding to the applicants' request for deferment. The applicants' representatives would be informed of the Committee's final decision of not acceding to their request for deferment.

24. The Vice-chairman asked about the implication of acceding to the applicants' request for deferment. In response, the Secretary said that the Committee had previously sought the Chief Executive in Council's agreement to refer the OZP back for amendment. The Committee's decision on the subject section 12A application would hinge on its decision on the proposed zoning amendment to the OZP in respect of the site, and vice versa. Procedurally, it would be better for the Committee to consider the subject section 12A application first as the Committee's decision on the proposed amendment to the OZP might pre-empt its decision on the subject application. If the Committee allowed the deferral request, submission of the proposed amendment to the Tuen Mun OZP would also need to be postponed until the Committee had made a decision on the subject application.

25. After further deliberation, the Committee decided to maintain its previous decision of not acceding to the applicants' request for deferment and proceed to the hearing of the application.

Presentation and Question Sessions

[Open Meeting]

26. Mr W.S. Lau, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW), Mr K.C. Kan, Senior Town Planner/Tuen Mun and Yuen Long West (STP/TMYLW), and the following representatives of the applicants were invited to the meeting at this point :

Ms Wu Wan Yin, Winnie

Mr Wong Chiu Seung

Mr Kwok Man Hin, Ryan

27. The Vice-chairman extended a welcome and informed the applicants' representatives that the Committee had just considered their request and grounds as detailed in their letter dated 28.2.2014 in closed meeting and decided to maintain its decision made on 21.2.2014 of not acceding to the applicants' request for deferment. As such, the hearing of the application would proceed.

28. The Vice-chairman explained the procedure of the hearing. He then invited Mr K.C. Kan, STP/TMYLW, to brief Members on the background of the application. Mr Kan did so with the aid of a PowerPoint presentation and covered the following aspects as detailed in the Paper :

The Proposal

- (a) the applicants proposed to amend the draft Tuen Mun OZP No. S/TM/30 by rezoning the application site from "Government, Institution or Community" ("G/IC") to "R(A)" for a residential development of four blocks with 612 flats. The site (about 8,130m² in area) comprised about 52.5% (4,267m²) of Government land and 47.5% (3,863m²) of private land;
- (b) the site was located in Tuen Mun Area 54 to the north of Po Tin Estate in the north-western part of Tuen Mun New Town. It was currently partly vacant and partly occupied by a temporary vehicle park under private ownership. The Government land within the site was mainly occupied by trees and vegetation, a footpath and vacant land;
- (c) the major proposed development parameters of the applicants' indicative scheme were a maximum plot ratio (PR) of 5 (equivalent to a gross floor area of 40,650m²), a maximum site coverage (SC) of 33.3% and a maximum building height of 27 storeys (including 2 storeys of basement) and 105mPD;

- (d) a large tree group along the northern boundary of the site would be retained for integration with the existing wooded slopes to form a landscape area. A planting strip would be provided along the southern, eastern and part of the northern site boundary. However, some trees at the toe of the vegetated slope would need to be felled to make way for the building of the proposed Towers 1 and 2 and the vehicular access;
- (e) the justifications put forth by the applicants in support of the application were detailed in paragraph 2 of the Paper;

Background

- (f) in the “Planning and Development Study of Potential Housing Site in Area 54, Tuen Mun” completed by the then Territory Development Department in 1999, Tuen Mun Area 54 had been planned for a cluster of public housing developments together with supporting government, institution or community (GIC) facilities. Since 2000, the site had been zoned “G/IC” on the Tuen Mun OZP to facilitate the proposed development of a community hall (CH) and an indoor recreation centre (IRC) to serve the local residents;
- (g) the proposed CH and IRC were subsequently proposed to be relocated to another more centrally located “G/IC” zone in Tuen Mun Area 54 to better serve the residents. The site was then proposed to be released for public housing purpose;
- (h) in late 2011, the Civil Engineering and Development Department (CEDD) commissioned the “Formation, Roads and Drains in Area 54, Tuen Mun – Phases 1 and 2 – Review of Traffic, Environmental, Drainage and Sewerage Impact Assessment – Investigation” to update various technical assessments previously completed. In November 2012, the Environment, Hygiene and District Development Committee of TMDC was consulted on the road and site formation works in Tuen Mun Area 54 for public housing developments (including the site), and had no objection;

- (i) in January 2014, TMDC and its Working Group on Development and Planning were consulted respectively on various proposed amendments to the Tuen Mun OZP, including the rezoning of the flat-land part of the site and the adjoining land for HOS development and the rezoning of the wooded area of the site from “G/IC” to “Green Belt” (“GB”), both had no objection to the rezoning proposals of the site;

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

- (j) according to the Government’s latest proposal, two HOS blocks would be built at the eastern part of the site. The vegetated slope at the north-western part of the site would be preserved;

Departmental Comments

- (k) the departmental comments were detailed in paragraph 9 of the Paper and highlighted as follows :
 - (i) the District Lands Officer/Tuen Mun of Lands Department commented that the site comprised a considerable size of Government land and less than 50% was private land. The applicants did not provide any justification in support of the inclusion of Government land of considerable size into the site for PR and SC calculations while most of such Government land was proposed to be reserved as undistributed landscaped area. The proposed private housing development of the applicants was in conflict with a proposed HOS development at the same location;
 - (ii) the Chief Engineer/Land Works of CEDD advised that the development proposal was in conflict with a gazetted road scheme, in particular the future widening of Hing Fu Street;
 - (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from the nature conservation point of

view as the proposal may lead to disturbance to the existing ecological resources due to the proximity of the site to the well wooded area. The proposed development footprint might be under-estimated by the applicants and a larger area might be required to accommodate the associated site formation and slope stability works. The applicants had not provided adequate information to address his concerns;

- (iv) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of Planning Department (PlanD) commented that the applicants had shown little effort in improving the visual permeability of the proposed scheme which would create a 'wall' effect. She had reservation on the application from the landscape planning perspective as the proposed development would incur significant adverse landscape impact on existing landscape resources and character due to the proposed felling of some of the large mature native tree species. The woodland within the site should be excluded from the development and rezoned to "GB" instead of "R(A)";
- (v) the Director of Housing commented that the site had been identified for HOS development and the proposed private housing development would adversely affect the implementation of the public housing project; and
- (vi) other concerned departments had no adverse comments on the application;

Public Comments

- (l) the application and its further information were published for public comments for four times since 26.10.2013, each time for a statutory publication period of three weeks. A total of 381 public comments were received, of which 372 supported the application and 9 objected to the

application;

- (m) the supporting views were mainly on the grounds that the proposed residential development would increase housing land supply and flat production, alleviate the increasing house price, enhance living environment, increase choice and quality of living, avoid unauthorised development and make a better use of land resource. The development of the site was more preferable than reclamation and encroachment of development onto Country Parks. It could create employment opportunity and increase Government revenue. Some commenters stated explicitly that they supported private housing development at the site and some commenters even expressed that they would object to public housing proposal at the site;
- (n) the objections were mainly on the grounds that the area was already densely populated and there were insufficient community/recreation facilities; “G/IC” zoning should be maintained for cultural/recreational development; the layout design was unsatisfactory and would create ‘wall’ effect; the proposed development would cause adverse environmental impact and health problems, and affect fung shui and existing tranquil environment of the area;

PlanD’s Views

- (o) PlanD did not support the application based on the assessments made in paragraph 11 of the Paper, which were summarised as follows :
 - (i) the site had been zoned “G/IC” on the Tuen Mun OZP since 2000 to facilitate the proposed development of a CH and an IRC to serve the local residents. It had all along been designated for public purpose. It was subsequently proposed for public housing development after a more centrally located site within Tuen Mun Area 54 had been identified for relocation of the proposed CH and IRC;

- (ii) the Government considered that the flat-land part of the site and the adjoining land would be suitable for HOS development to meet the acute demand for subsidised housing, whereas the vegetated slope being part of an existing woodland with ecological value would be preserved. TMDC and its Working Group on Development and Planning consulted in January 2014 had no objection to the proposed amendments to the Tuen Mun OZP to facilitate the proposed HOS development. Approval of the application might jeopardise the Government's plan for implementing the proposed HOS development;
- (iii) while the applicants had included Government land (i.e. the sloping part of the site with dense vegetation) into the site for PR calculation and delineating it as a landscape area, there was no strong planning justification to include the wooded area in the site for rezoning for residential development;
- (iv) although the applicants only indicated that the southern portion of the vegetated slope would be affected and the trees there would need to be felled, DAFC considered that the proposed development footprint might be under-estimated without taking into account the area required for accommodating the associated site formation and slope stability works. The applicants failed to demonstrate that the rezoning proposal would not cause adverse ecological impact on the existing woodland. CTP/UD&L of PlanD also considered that the proposed rezoning of the sloping part of the site to "R(A)" would result in excessive development causing adverse visual impact on the surrounding area. If 4 building blocks were to be accommodated on the site, there was little scope to improve the visual permeability; and
- (v) the applicants' indicative development scheme would encroach onto a gazetted road scheme and adversely affect the future widening of Hing Fu Street.

29. The Vice-chairman then invited the applicants' representatives to elaborate on the application. Ms Wu Wan Yin, Winnie made the following main points with the aid of a PowerPoint presentation :

- (a) she was not going to repeat the contents of the application that had been presented by PlanD's representative. She noted that the Committee had re-considered their request for deferment and maintained its decision of not acceding to their request. In this regard, she would present the applicants' views on the three rejection reasons as proposed by PlanD for not supporting their application in paragraph 12.1 of the Paper;
- (b) as regards the studies carried out by CEDD for Tuen Mun Area 54 as mentioned by PlanD's representative, they were mainly studies on the infrastructural and engineering aspects but not on the planning and land use of specific sites;
- (c) the subject section 12A application was submitted to the Board in October 2012. Upon receipt of comments from the relevant Government departments on the application, the applicants provided further information to respond to the departmental comments and made refinements to the development scheme. The whole planning procedure was in accordance with the statutory provisions under the Ordinance;
- (d) as regards the proposed rejection reason (a), it should be emphasised that the HOS development proposed by the Government at the site, which was alleged to be jeopardised by the subject application, had no statutory status under the Ordinance. Although TMDC had been consulted on the HOS proposal, the proposal itself was not the subject of any planning application nor any amendment item to a statutory plan submitted for the Committee's consideration under the Ordinance. Besides, there were no development details contained in the documents presented to TMDC. It might also be the first time that Members were presented with the development layout of the proposed HOS project with two residential blocks as indicated in PlanD's earlier presentation;

- (e) the Board as an independent body had the obligation to consider statutory planning matters under the provisions of the Ordinance. The public housing project proposed by the Government, with no statutory planning status, should be an irrelevant consideration to the Board. There was no statutory ground to reject the subject application based on a public housing project with no status. Otherwise, it would be an abuse of the statutory planning procedure, which was subject to judicial review. The Committee was requested to omit the proposed rejection reason (a);

- (f) as regards the other rejection reasons (i.e. (b) and (c)) of the Paper in relation to the encroachment of the proposed “R(A)” zone onto the existing woodland and the applicants’ failure to address the adverse visual and landscape impacts, they could be resolved by adjusting the site boundary to exclude the woodland on Government land and revising the development layout and design to minimise the possible visual and landscape impacts. The applicants were willing to adjust the application site boundary by including only their private land, except for the inclusion of about 50m² of Government land abutting Hing Fu Street to serve as a vehicular access point. The Committee might also consider rezoning the site to “Comprehensive Development Area” (“CDA”) for exercising better planning control; and

- (g) if the Committee agreed to rezone the site to “R(A)” or “CDA”, it should not be specified in the planning intention in the Notes or in the Explanatory Statement that the site was intended for public housing development so that the applicants could still have the opportunity to pursue a private residential project on the site. As a matter of fairness, the Board should consider the subject application and the suitability of the site for public housing development at the same time, on the same basis and under the same planning principles.

30. As the applicants’ representatives had no further points to raise and there was no question from Members, the Vice-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 applicants of the Committee's decision in due course. The Vice-chairman thanked the applicants' representatives and PlanD's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

31. A Member said that the Committee's decision might be subject to challenge by the applicants if rejection reason (a) as proposed by PlanD, which was based on a potential public housing project without current statutory planning status, was adopted to reject the subject application.

32. The Secretary said that Members might consider this application from the perspective of whether the applicants had provided sufficient justifications to convince the Committee that the whole application site could be rezoned from "G/IC" to "R(A)".

33. In response to a Member's question on whether the applicants would need to submit a fresh planning application if they were to substantially reduce the size of the application site, the Secretary replied that a fresh application should be required and should go through the public consultation process in accordance with the provisions of the Ordinance. Nevertheless, the applicants' representative only indicated in her presentation that the applicants were willing to adjust the application site boundary by excluding the woodland area on Government land. In this regard, the current application should be considered based on the original site boundary as submitted.

34. A Member considered that it was not a good reason to reject the subject rezoning application for private residential development due to a potential public housing project which had not yet been considered by the Committee. Nevertheless, the current application should be rejected on other grounds, including the inclusion of the woodland area into the development site.

35. The Secretary said that Members might consider if the applicants' grounds for turning the subject "GIC" site, which had all along been reserved for public purpose since 2000, for a private residential development were sound. Although the site was no longer required for the originally planned CH and IRC which were to be accommodated in a more

appropriate location in the locality, it would still be for a public purpose if the site was used for HOS development. Besides, Members might consider if the inclusion of the woodland area into the application site for development and for PR calculation was reasonable.

36. A Member considered that the applicants had not provided sufficient grounds in their submission and in the previous presentation to justify why the “G/IC” site should be rezoned to “R(A)” for facilitating their proposed private residential development. Other Members shared the same view.

37. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons for not supporting the application as stated in paragraph 12.1 of the Paper and considered that they should be suitably amended to reflect Members’ views as expressed at the meeting. The reasons were :

- “(a) there is no strong planning justification in the submission to justify why the application site, which has long been rezoned “Government, Institution or Community” for meeting community and public needs, should be rezoned to “Residential (Group A)” for facilitating a proposed private residential development; and
- (b) the proposed rezoning encroaches upon the existing woodland with ecological value and there is no strong planning justification for including this area in the proposed “Residential (Group A)” zone.”

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

[The Chairman, Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Ms Anita K.F. Lam and Mr H.F. Leung returned to join and Ms Anita W.T. Ma left the meeting at this point.]

Sai Kung and Islands District

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

Agenda Item 4

Section 16 Application

[Open Meeting]

A/SK-CWBN/30 Proposed House and the Associated Excavation of Land (1m deep)
in “Green Belt” Zone and Area shown as ‘Road’, Lots 330, 331 RP,
332 S.B and 333 S.B in D.D. 225, Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBN/30A)

38. The Committee noted that the applicants requested on 21.2.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments on the application. This was the applicants’ second request for deferment. Since the last deferment, the applicants had made effort to address departmental/public comments by submitting a revised drainage proposal plan, a photomontage, and landscape sections/elevation on 9.1.2014.

39. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. If the further information submitted by the applicants was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicants 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 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/230 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” Zone, Lot 552 S.A in D.D. 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/230)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as there were active agricultural activities in the vicinity of the site and the site had high potential for agricultural rehabilitation. As the application involved only one Small House, the Commissioner for Transport (C for T) considered that the application could be tolerated unless it was rejected on other grounds;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited, objecting to the application for reasons that the proposed development was not in line with the planning intention of the “AGR” zone; the approval of the application would lead to decrease of farmland; there were no traffic and environmental impact assessments in the submission; and the development should not encroach onto agricultural land which should be conserved to secure food

supply. 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 detailed in paragraph 11 of the Paper. Although DAFC did not support the application from the agricultural point of view, there was no farming activity at or near the site. The vicinity was already occupied by Small Houses upon planning approvals given by the Committee since 2007. The proposed Small House was not incompatible with the surrounding areas. As regards the public comments that the proposed development was not in line with the planning intention of “AGR” zone and approval of the application would lead to loss of farmland, since rehabilitation of agriculture in the area was rather unlikely in view of the Small Houses already in existence or under construction in the vicinity, the proposed Small House would not bring adverse impacts on the surrounding areas and was a compatible use. As there was shortage of land in meeting Small House demand in the “V” zone and there was no local objection to the application, sympathetic consideration could be given to the application according to the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories.

41. In response to the Chairman's enquiry, Mrs Alice K.F. Mak said that the site was within the village 'environs' of Ho Chung Village.

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 7.3.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

“the submission and implementation of 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 Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant may need to extend the 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 the WSD’s standard;
- (b) to note the comments of the Director of Fire Services that the applicant should observe the ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the site is within an area where neither stormwater nor sewerage connections maintained by DSD is available in the vicinity at present. Adequate stormwater drainage works should be provided for the development for not causing adverse drainage impact on the areas in the vicinity;
- (d) to note the comments of the Antiquities and Monument Office, Leisure and Cultural Services Department that the applicant should inform his office if any antiquities or supposed antiquities are found at the works site, irrespective of whether during the construction works or not; and
- (e) to note the comments of the Chief Building Surveyor/New Territories East & Rail, Buildings Department that all non-exempted ancillary site

formation and/or communal drainage works are subject to compliance with the Buildings Ordinance, and Authorised Person must be appointed for the aforesaid site formation and communal drainage works.”

[The Chairman thanked Mrs Alice K.F. Mak, STP/SKIs, for her attendance to answer Members’ enquires. Mrs Mak left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/840 Proposed 2 Houses (New Territories Exempted Houses – Small Houses) in “Green Belt” Zone, Lots 1019 RP (Part) and 1020 (Part) in D.D. 174 and Adjoining Government Land, Kwai Tei Village, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/840)

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 proposed 2 houses (New Territories Exempted Houses (NTEHs) – Small Houses);

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix III of the Paper and were highlighted below :
- (i) the District Lands Officer/Shu Tin of Lands Department objected to the application as the site fell outside any village ‘environs’ (‘VE’). Under the existing Small House policy, he would not grant Small Houses on the site;
 - (ii) the Director of Housing advised that the site was located at the crest of a slope which would be allocated for their public rental housing (PRH) development. The applicants should review the slope stability condition. Discharge of any sewage and the like from the site to the PRH development via its adjoining slope would not be acceptable;
 - (iii) the Chief Engineer/Mainland South of Drainage Services Department advised that there was no existing public sewer available for connection in the vicinity of the site, and there was no planned sewerage system to be implemented in the vicinity of the concerned lots; and
 - (iv) the Chief Town Planner/Urban Design and Landscape of Planning Department objected to the application from the landscape planning perspective as there was no direct road connection to the site and approval of the application might set an undesirable precedent and attract similar village type development encroaching onto the “Green Belt” (“GB”) zone, the cumulative effect of which would cause a general degradation of the environment;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited, objecting to the application mainly for reasons that the development proposal was not in line with the planning intention of the “GB” zone and not complying with

the Town Planning Board Guidelines for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance (TPB-PG No. 10) in that the proposed development would have adverse landscape and ecological impacts on the surrounding environment and there was no submission of environmental, traffic, drainage and sewage assessments. No local objection/view was received by the District Officer (Sha Tin); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper. The proposed Small House development was not in line with the planning intention of the “GB” zone and did not comply with TPB-PG No. 10. It also did not comply with the Interim Criteria for assessing planning applications for NTEH/Small House development in the New Territories in that the site and the proposed Small House footprints fell outside any ‘VE’ and “Village Type Development” zone and the proposed development would cause adverse landscape and sewerage impacts on the surrounding areas.

45. Members had no question on the application.

Deliberation Session

46. 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”) zoning for the area which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone;
- (b) the proposed development does not comply with the Town Planning Board

Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape on the surrounding environment;

- (c) the proposed development does not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the site is entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognised villages, and the proposed development would cause adverse sewerage and landscape impacts on the surrounding areas; and
- (d) the approval of the application 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.”

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/841 Proposed Place of Recreation, Sports or Culture (Sports Centre) cum Public Vehicle Park (excluding Container Vehicle) in “Open Space” and “Village Type Development” Zones, Sha Tin Tau Road, Sha Tin Area 24D (opposite to Chun Shek Estate) (RNTPC Paper No. A/ST/841)

47. The Secretary reported that the application was submitted by the Leisure and Cultural Services Department. Ms Janice W.M. Lai had declared an interest in this item as she had current business dealings with the applicant. The Committee considered that the interest of Ms Lai was direct and she should leave the meeting temporarily for this item.

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

Presentation and Question Sessions

48. 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 proposed place of recreation, sports or culture (sports centre) cum public vehicle park (excluding container vehicle);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, seven public comments were received, objecting to the applications for reasons that the proposed sports centre would encroach upon the “Village Type Development” (“V”) zone, result in the loss of public parking spaces and land for Small House development, adversely affect the fung shui of the surrounding villages and create environmental impacts during construction; there were no environmental, pedestrian traffic and geotechnical assessments submitted by the applicant to support the application; and the notification to the public about the consultation of the application was inadequate. 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 as detailed in paragraph 10 of the Paper. As regards the public comments objecting to the application on grounds of encroachment onto the “V” zone, loss of public car parking spaces and environmental impacts, the “V” zone portion only accounted for 7% of the site and was not suitable for Small House development given its odd configuration and topographic constraint. Concerned departments, including the Environmental Protection Department, the Fire Services

Department and the Civil Engineering and Development Department, had no adverse comments on the application from the fire/slope safety and environmental points of view. The applicant had also taken reasonable step to address the villagers' concerns on the provision of public parking spaces and the Transport Department had no objection to the application. The Sha Tin District Council consulted in December 2013 also agreed to the proposed parking arrangement and urged for early implementation of the proposed sports centre.

49. Members had no question on the application.

Deliberation Session

50. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.3.2018, 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 including tree preservation proposal to the satisfaction of the Director Planning or of the TPB;
- (b) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the provision of public vehicle park (excluding container vehicle) to the satisfaction of the Commissioner for Transport or of the TPB.”

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

- “(a) to note that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from the licensing authority;

- (b) to note that emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administrated by the Buildings Department;
- (c) to provide sewerage connection to the trunk sewer of sufficient capacity outside the sports centre to accommodate the additional flow from the site;
- (d) to note the comments of the Commissioner for Transport that the parking provisions of the proposed sports centre for private cars and coaches to cater for the needs of large-scale events should be reviewed;
- (e) to note the comments of the Director of Environmental Protection that the Hong Kong Planning Standards and Guidelines requirements should be followed for the design of the mechanical ventilating system on the 3rd floor and roof top of the sports centre as it is surrounded by noise sensitive receivers, such as public rental housing estates, schools, church, village houses, etc.;
- (f) to note that more greening should be adopted to soften the hard edge, for instance, in respect of the building façade fronting the entrance forecourt; and
- (g) to note that the Development Bureau Technical Circular (Works) (DEVB TC (W)) No. 3/2012 on “Site Coverage of Greenery for Government Building Projects” is applicable to Government buildings. The proposed greenery coverage should be recalculated according to DEVB TC (W) No. 3/2012.”

[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.]

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

Agenda Item 8

Section 16 Application

[Open Meeting]

A/NE-FTA/135 Proposed Temporary Open Storage of Building Materials with Ancillary Warehouse and with Parking Facilities for Lorries and Private Cars for a Period of 3 Years in “Agriculture” Zone, Lot 554 S.A RP (Part) in D.D. 89, Man Kam To Road, Sha Ling
(RNTPC Paper No. A/NE-FTA/135)

52. The Committee noted that the applicant requested on 21.2.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of the Drainage Services Department and the Transport Department on the application. This was the applicant’s first request for deferment.

53. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/NE-LYT/527 Proposed 2 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” and “Village Type Development” Zones, Lots 639 S.A and 639 S.B in D.D. 83, Kwan Tei, Fanling
(RNTPC Paper No. A/NE-LYT/527)

54. The Committee noted that the applicants requested on 26.2.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of the Lands Department on the application. This was the applicants’ first request for deferment.

55. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. If the further information submitted by the applicants was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicants that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/463 Proposed Temporary Dangerous Goods Godown (for Storage of Category 4 and Category 5 Dangerous Goods) for a Period of 3 Years in “Open Storage” Zone, Lot 459 RP (Part) in D.D. 77, Ping Che, Ta Kwu Ling (RNTPC Paper No. A/NE-TKL/463)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary dangerous goods godown (for storage of Category 4 and Category 5 dangerous goods) for a period of 3 years – the proposed temporary dangerous goods godown for storing Ammonia Solution (Category 4 Dangerous Goods) and Methanol (Category 5 Dangerous Goods) was located at the southern portion of an existing rural workshop which manufactured concrete water proofing mixture;
- (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) during the first three weeks of the statutory publication period, one public comment was received from a local resident objecting to the application on environmental and fire hazard grounds. The District Officer (North) advised that the Ta Kwu Ling District Rural Committee and the Incumbent North District Council member raised objection to the application for the reason that the proposed dangerous goods godown was close to residential

use and would pose toxic gas and fire hazard to the residents nearby. The Indigenous Inhabitant Representative and the Resident Representative of Ping Che had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 12 of the Paper. As regards the local objections against the application on environmental and fire hazard grounds, there was no environmental complaint with regard to the subject rural workshop in the past three years and both the Director of Environmental Protection and the Director of Fire Services had no adverse comments on the application.

57. Members had no question on the application.

Deliberation Session

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.3.2017, 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 5:00 p.m. and 8:00 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 is allowed on the site, as proposed by the applicant, during the planning approval period;
- (c) no medium/heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to enter/exit from the site at any time during the planning approval period;
- (d) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2014;

- (e) in relation to (d) 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 7.12.2014;
- (f) the submission of site formation, construction and drainage plans within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 7.9.2014;
- (g) in relation to (f) above, the implementation of the approved site formation, construction and drainage plans within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 7.12.2014;
- (h) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.9.2014;
- (i) in relation to (h) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2014;
- (j) 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
- (k) if any of the above planning conditions (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.”

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

- “(a) to note the comments of the District Lands Officer/North, Lands

Department that the owner of the lot should apply to his office for a Short Term Waiver (STW) for the proposed structure and to regularise the irregularities within the subject lot and the adjoining Lot No. 459 S.A in D.D. 77. There is no guarantee that the application for STW would necessarily be successful. If the STW is granted, it will be made subject to such terms and conditions be imposed as the Government shall deem fit to do so including payment of STW fee;

- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that :
 - (i) before any new building works are to be carried out on the site, prior approval and consent from BD should be obtained. Otherwise, they are unauthorised building works. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance;
 - (ii) the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations (B(P)R) 5 and 41D respectively; and
 - (iii) 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 B(P)R 19(3) at the building plan submission stage;
- (c) to note the comments of the Director of Fire Services that if covered structures are erected within the site, except where building plans are submitted for the proposed dangerous goods godown, relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted 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 and the access for emergency vehicles should be clearly indicated on the layout plans. Detailed fire safety requirements would be

formulated upon receipt of formal submission of the aforesaid plans. The applicant will need to provide such FSIs according to the approved proposal. Regarding the proposed storage of dangerous goods, the applicant is advised that :

- (i) should the storage of dangerous goods exceed the exempted quantity, a formal application should be submitted to the Dangerous Goods Division of the Fire Services Department for consideration;
 - (ii) mixed storage of Category 4 and Category 5 dangerous goods is not allowed;
 - (iii) at least 6m clearance of any naked flame/heat source from the proposed dangerous goods store shall be maintained; and
 - (iv) detailed fire safety requirements will be formulated upon receipt of formal dangerous goods store application;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that:
- (i) the site is located within the flood pumping gathering ground. All solid waste and sludge arising from the operation of the godown shall be disposed of properly outside the flood pumping gathering grounds;
 - (ii) no effluent or foul water shall be discharged directly or indirectly into any water course without the prior written permission of WSD. Any discharge must comply fully at all times with standards for effluents stipulated in Table 3 and paragraph 8.4 of the “Technical Memorandum on Effluent Standards” issued under Section 21 of the Water Pollution Control Ordinance;

- (iii) the godown shall be surrounded by kerbs and drains on all sides to avoid polluting the nearby water course during heavy rainfall;
 - (iv) drainage traps such as grease traps, absorbent for chemicals and petrol interceptors shall be installed at each of the drainage outlets and shall be under proper maintenance. All such drainage traps shall have sufficient capacity to ensure the proper collection and disposal of fuel, chemicals and lubricants. All effluent/pollutants arising from the proposed godown shall be disposed of properly outside the flood pumping gathering grounds; and
 - (v) no chemical/oil leakage or spillage in the flood pumping gathering grounds is allowed;
- (e) to consult the Environmental Protection Department regarding the sewage treatment/disposal facilities for the proposed dangerous goods godown;
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Ping Che Road to the site is not maintained by HyD; and
- (g) 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.”

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/465 Proposed 3 Houses (New Territories Exempted Houses)
in “Agriculture” Zone,
Lot 1113 S.A in D.D. 82, Ping Che Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/465)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed 3 houses (New Territories Exempted Houses) (NTEHs) – each of the proposed NTEHs would have a roofed-over area of about 37.16m² (400 ft²) and a building height of 8m. The ground level of each NTEH would be voided at 2m high and the two residential storeys above would be at a height of 3m each;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/North of Lands Department commented that if the application was approved, it might set an undesirable precedent for erecting NTEHs on private agricultural lots zoned “Agriculture” (“AGR”). The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as agricultural life in the vicinity of the site was active and the site was of high potential for agricultural rehabilitation. The Commissioner for Transport had reservation on the application as NTEH development should be confined within the “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, the permission of

NTEH development outside the “V” zone would set an undesirable precedent case for similar applications in the future, resulting in cumulative adverse traffic impact;

- (d) during the first three weeks of the statutory publication period of the application, two public comments were received from Kadoorie Farm and Botanic Garden Corporation and Hong Kong Bird Watching Society, objecting to the application mainly on the grounds that the proposed NTEHs were not in line with the planning intention of “AGR” zone; NTEHs should be built within the “V” zone; and approval of the application would set an undesirable precedent encouraging developments within the “AGR” zone and loss of land for agriculture. The District Officer (North) advised that the incumbent North District Council member supported the application as it could satisfy the housing needs of the residents. The Vice-chairman of the Ta Kwu Ling District Rural Committee, the Resident Representative and the Indigenous Inhabitant Representatives of Tong Fong had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone. The site was located far away from the village cluster of Tong Fong, and there was no similar application approved in the vicinity of the site within the same “AGR” zone. DAFC and C for T had adverse comments on the application from the agricultural and traffic points of view. DLO/N of LandsD also had reservation on the application as approval of the application might set an undesirable precedent for erecting NTEHs on private agricultural lots in the “AGR” zone.

61. Members had no question on the application.

Deliberation Session

62. 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” (“AGR”) zone in the Ta Kwu Ling area which is primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It also intends to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from such planning intention; and
- (b) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

[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 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/460 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” and “Village Type Development” Zones,
Lots 703 RP and 704 S.C in D.D. 9, Yuen Leng, Tai Po
(RNTPC Paper No. A/NE-KLH/460)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and Kadoorie Farm and Botanic Garden Corporation, objecting to the application mainly for the reasons that the proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone and not complying with the Town Planning Board Guidelines for Application for Development within “GB” Zone (TPB PG-No. 10) in that the proposed development would have adverse landscape and ecological impacts on the surrounding environment and there were no environmental, traffic, drainage and sewerage assessments provided in the application. 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 comments against the application, the proposed development generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories and the relevant departments had no adverse comments on the application.

64. Members had no question on the application.

Deliberation Session

65. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.3.2018, 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 and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system of the proposed New Territories Exempted House (NTEH)/Small House to the planned public sewerage system in the area and the whole of the foul water drainage system to the planned public sewerage system upon its completion; and
- (d) the provision of protective measures to ensure no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Consultants Management, Drainage Services Department that there is no public drain in the vicinity of the site. According to the latest proposed sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Leng, public sewerage connection point will be provided in the vicinity of the site. However, since the sewerage scheme was degazetted on 29.10.2010, there is no fixed programme at this juncture for the implementation of the concerned public sewerage works;
- (b) to note the comments of the Director of Environmental Protection (DEP) that the septic tank and soakaway system shall be constructed within “Village Type Development” (“V”) zone and in compliance with ProPECC PN 5/93 and the Water Pollution Control Ordinance. The proposed Small House shall be connected to the future public sewer at the

applicant's own cost when available and adequate land shall be reserved for the future sewer connection works;

- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that :
- (i) a septic tank and soakaway pit system may be permitted to be used as an interim measure for foul effluent disposal before public sewers are available subject to the approval of DEP. Any such permitted septic tank and soakaway pit system shall be designed and maintained in accordance with the Environmental Protection Department's ProPECC Practice Note No. 5/93;
 - (ii) the septic tank and soakaway pit system shall be located at a distance of not less than 30m from any water course and shall be properly maintained and desludged at a regular frequency. All sludge thus generated shall be carried away and disposed of outside the water gathering grounds;
 - (iii) the proposed septic tank and soakaway system shall be within the site and within the "V" zone; and
 - (iv) since the proposed NTEH/Small House itself is less than 30m from the nearest water course, the house should be located as far away from the water course as possible; and
 - (v) for provision of water supply to the development, the applicant may need to extend the 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 standards;

- (d) to note the comments of the Director of Fire Services that the applicant should observe the ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note that comments of the Director of Agriculture, Fisheries and Conservation that as there is a stream course to the east of the site, 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;
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) and the Major Works Project Management Office of HyD that the site is close to Fanling Highway and outside the Tolo Highway/Fanling Highway Stage 2 site boundary. The applicant should provide mitigation measures at his own cost against any nuisance (e.g. noise, dust, etc.) from the public roads and assess the impact on the proposed village house due to the Stage 2 works and implement necessary measures. Approval of this application does not entitle the applicant any rights on any future claim against the Government for losses or claim for provision of environmental mitigation measures by the applicant/house occupiers; and
- (g) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to LandsD to verify if the site satisfies the criteria for exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance.”

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/498 Renewal of Planning Approval for Temporary “Rental and Parking of Bicycles” for a Period of 3 Years in Area shown as ‘Road’, Government Land in D.D. 28, Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/498)

67. A replacement page 8 of the Paper was tabled at the meeting to clarify the compliance time limits of the proposed approval conditions in paragraph 12.2.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary “rental and parking of bicycles” under Application No. A/NE-TK/346, which would be valid until 18.3.2014, for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 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 pointing out that the site was very close to the pavement. 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 allowing the temporary use for a further period of three years based on the

assessments as detailed in paragraph 11 of the Paper. As regards the public comment pointing out that the site was very close to the pavement, the Commissioner for Transport had no objection to the application from traffic point of view.

69. Members had no question on the application.

Deliberation Session

70. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 19.3.2014 until 18.3.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of fire service installations and water supplies for firefighting proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2014;
- (b) in relation to (a) above, the provision of fire service installations and water supplies for firefighting within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.12.2014;
- (c) if any of the above planning conditions (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; and
- (d) 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.”

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

- “(a) to apply to the District Lands Officer/Tai Po, Lands Department for short term tenancy to permit the applied use;
- (b) to note the comments of the Commissioner of Police that the bicycles should be placed within the site;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that if excavation on public road is involved in the erection of the bicycle stalls, excavation permit should be obtained from his Regional Office prior to commencement of any excavation works on public roads;
- (d) to note the comments of the Commissioner for Transport that as there is yet no road widening programme at the site, the proposed temporary rental and parking of bicycles for a period of 3 years can be tolerated provided that the applicant will vacate from the site upon request by the Government;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should carry out routine maintenance to ensure that the drainage facilities within the site are in good working condition. There is existing public sewerage available for connection in the vicinity of the site; and
- (f) to note the comments of the Director of Fire Services that 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. In such circumstances, except where building plan is circulated to the Centralised Processing System of the Buildings Department, the applicant is required to submit relevant layout plans incorporated with the proposed FSIs to the Fire Services Department for approval and to subsequently provide the FSIs in accordance with the approved proposal. Detailed fire safety requirements

will be formulated upon receipt of formal submission of general building plans. In preparing the submission, the applicant should also note the following points :

- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
- (ii) the location of where the proposed FSI to be installed and the access for emergency vehicles should be clearly indicated on the layout plans.”

Agenda Items 14 and 15

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/462 Proposed House (New Territories Exempted House – Small House) and Minor Relaxation of Building Height Restriction (from 1 Storey to 3 Storeys) in “Comprehensive Development Area (1)” Zone, Lot 636 S.A ss.2 S.A in D.D. 11, Lau Hang Village, Fung Yuen, Tai Po
(RNTPC Paper No. A/TP/462 & 463A)

A/TP/463 Proposed House (New Territories Exempted House – Small House) and Minor Relaxation of Building Height Restriction (from 1 Storey to 3 Storeys) in “Comprehensive Development Area (1)” Zone, Lot 636 S.A ss.2 RP in D.D. 11, Lau Hang Village, Fung Yuen, Tai Po
(RNTPC Paper No. A/TP/462 & 463A)

72. The Committee noted that these two applications were similar in nature as they were for the same use (i.e. Small House) at two adjoining sites in the same “Comprehensive Development Area (1)” zone. The Committee agreed that these applications could be considered together.

73. The Secretary reported that Dr W.K. Yau had declared an interest in these items as he was the Chairman of the Advisory Committee and the Management Committee of Fung Yuen Butterfly Reserve, which was located near the application sites. The Committee considered that the interest of Dr Yau was direct and he should leave the meeting temporarily for these items.

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

Presentation and Question Sessions

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

- (a) background to the application – the sites fell within a larger area zoned “Comprehensive Development Area (1)” (“CDA(1)”) which was the subject of five applications for comprehensive residential development and agricultural uses. According to the approved master layout plan (MLP) of the latest application (No. A/TP/333), the comprehensive development in Fung Yuen consisted of the “Development Portion” and the “Agricultural Portion”. The sites were located on the periphery of the “Agricultural Portion” and annotated as “private lot owned by others, existing agricultural” on the approved MLP and no specific use or development was proposed for the sites;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the application sites and minor relaxation of building height restriction (from 1 storey to 3 storeys);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) did not support the applications from the flood control and prevention point of view as the sites fell within the flood fringe which was subject to overland flow and inundation during heavy rainfall. As the two

applications involved only one Small House in each case, the Commissioner for Transport considered that the applications could be tolerated unless they were rejected on other grounds;

- (d) during the first three weeks of the statutory publication period, one public comment on each application was received from Designing Hong Kong Limited, objecting to the applications as there was no relevant evidence in the applications to support the proposed relaxation of building height restriction and no public planning gains were identified. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper. The applications did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that there was no general shortage of land within the “Village Type Development” (“V”) zone for Small House development and CE/MN of DSD had adverse comments on the applications. The applicants also failed to provide sufficient justifications in the submissions on why land within the “V” zone that had yet to be developed could not be made available for the proposed Small Houses.

75. Members had no question on the application.

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

Deliberation Session

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

- “(a) the proposed Small House development does not comply with the Interim Criteria for assessing planning application for New Territories Exempted

House (NTEH)/Small House development in the New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone. The applicant fails to demonstrate in the submission why land within “V” zone could not be made available for the proposed development;

- (b) the proposed Small House development does not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the applicant fails to demonstrate in the submission that the proposed development would not cause adverse drainage impact on the surrounding area; and
- (c) the approval of the application will set an undesirable precedent for other similar developments to proliferate into the “Comprehensive Development Area (1)” zone, thereby defeating the planning intention for comprehensive development of the area.”

Agenda Item 16

Section 16 Application

[Open Meeting]

A/TP/545

Proposed House (New Territories Exempted House)
in “Green Belt” and “Village Type Development” Zones,
Lot 64 S.E in D.D. 20, Yuen Tun Ha, Tai Po
(RNTPC Paper No. A/TP/545)

77. The Committee noted that the applicant requested on 28.2.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments on the application. This was the applicant’s first request for deferment.

78. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. 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.

[The Chairman thanked Mr C.T. Lau, STP/STN, for his attendance to answer Members' enquiries. Mr Lau left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

[Ms Wendy W.L. Li, Mr. C.K. Tsang and Mr Ernest C.M. Fung, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 17

Section 12A Application

[Open Meeting]

Y/NE-KTN/6 Application for Amendment to the Approved Kwu Tung North Outline Zoning Plan No. S/NE-KTN/8 from "Open Space" to "Village Type Development", Lots 750 (Part), 751 (Part), 752 and 753 (Part) in D.D. 92 and Adjoining Government Land, Kwu Tung North, Sheung Shui (RNTPC Paper No. Y/NE-KTN/6A)

79. The Secretary reported that the subject application was for rezoning the application site from "Open Space" ("O") to "Village Type Development" ("V") on the approved Kwu Tung North Outline Zoning Plan (OZP) No. S/NE-KTN/8 to facilitate the development of 23 proposed houses. On 20.12.2013, the draft Kwu Tung North OZP No.

S/KTN/1 was exhibited under section 5 of the Town Planning Ordinance, with the approved OZP No. S/NE-KTN/8 replaced by the draft OZP No. S/KTN/1. The application site fell within the “Other Specified Use” annotated “Nature Park” (“OU(Nature Park)”) zone, “O” zone and an area shown as ‘Road’ on the draft OZP No. S/KTN/1. During the plan exhibition period, representations on the draft OZP No. S/KTN/1 were received, of which a representation was submitted by the applicant against the “OU(Nature Park)” zoning of the application site and proposed to rezone it from “OU(Nature Park)” to “V” for Small House development. As the application site was the subject of a site-specific representation, in order not to pre-empt the consideration of the representation by the Town Planning Board (TPB), it would be prudent to consider the application after the TPB’s decision on the adverse representation had been made.

80. After deliberation, the Committee decided to defer a decision on the application as recommended by the Planning Department. The application would be submitted to the Committee for consideration after the TPB’s decision on the adverse representation in respect of the application site has been made.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/358 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” Zone, Lot 488 RP in D.D. 94,
Hang Tau Village, Sheung Shui
(RNTPC Paper No. A/NE-KTS/358)

Presentation and Question Sessions

81. Ms Wendy W.L. Li, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as there were active agricultural activities in the vicinity of the site. As the application involved only one Small House, the Commissioner for Transport (C for T) considered that the application could be tolerated unless it was rejected on other grounds;
- (d) during the first three weeks of the statutory publication period, three public comments were received. A North District Council (NDC) member indicated no comment on the application. Designing Hong Kong Limited and Kadoorie Farm and Botanic Garden Corporation objected to the application for reasons that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; active farmland was found in the vicinity of the site, supply of farmland should be safeguarded for sustainable food production and urban development on farmland should be avoided; the cumulative impact of approving Small House applications should be considered, including potential degradation of farmland; no environmental, traffic, drainage and sewerage assessments had been submitted by the applicant; Small Houses should be constructed within “Village Type Development” (“V”) zone; and approval of the application would set an undesirable precedent for similar applications. The District Officer (North) advised that the incumbent NDC member, the Chairman of Sheung Shui District Rural Committee and the Resident Representative of Hang Tau had no comment on the application, and two Indigenous Inhabitant Representatives (IIRs) of Hang Tau raised objection to the application as the applicant was not an indigenous inhabitant of Hang Tau Village; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Although DAFC did not support the application from the

agricultural point of view, the site was located to the immediate east of the “V” zone of Hang Tau Village and entirely within the village ‘environs’ (‘VE’) of the village, and the proposed Small House was not incompatible with the surrounding land uses. Regarding the public objections for reasons of contravening the planning intention of “AGR” zone, posing adverse impact on agricultural land and resulting in cumulative impacts in the area, taking into account that the site fell entirely within the ‘VE’ of Hang Tau Village, compatibility of the proposed Small House with the surrounding land uses and no adverse traffic, drainage, landscape and environmental impacts on the surrounding areas would result, the application warranted sympathetic consideration. As for the objections raised by two IIRs of Hang Tau that the applicant was not an indigenous inhabitant of their village, according to the District Lands Officer/North of Lands Department, the applicant had claimed to be an indigenous villager of Sheung Shui Village and that a Building Licence for the Small House had been granted. The current application involved only changes to the location of the septic tank as compared with the previously approved scheme under Application No. A/NE-KTS/280 which had lapsed.

82. Members had no question on the application.

Deliberation Session

83. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.3.2018, 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 septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and

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

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development and the provision of septic tank;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the 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 standards. The site is located within the flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services that the ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD) should be observed. Detailed fire safety requirements will be formulated upon receipt of formal applications referred by LandsD; and
- (d) 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 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/360 Proposed House (New Territories Exempted House – Small House) in
“Agriculture”, “Green Belt” and “Village Type Development” Zones,
Lot 454 S.A RP in D.D.94, Hang Tau Village, Sheung Shui
(RNTPC Paper No. A/NE-KTS/360)

Presentation and Question Sessions

85. Ms Wendy W.L. Li, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 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, three public comments were received. A North District Council (NDC) member indicated no comment on the application. Designing Hong Kong Limited and Kadoorie Farm and Botanic Garden Corporation objected to the application for reasons that the proposed development was not in line with the planning intentions of the “Agriculture” (“AGR”) and “Green Belt” (“GB”) zones; active farmland was found in the vicinity of the site, supply of farmland should be safeguarded for sustainable food production and urban development on farmland should be avoided; the cumulative impact of approving Small House applications should be considered, including potential degradation of farmland; no environmental, traffic, drainage and

sewerage assessments had been submitted by the applicant; Small Houses should be constructed within “Village Type Development” (“V”) zone; and approval of the application would set an undesirable precedent for similar applications. The District Officer (North) advised that two Indigenous Inhabitant Representatives (IIRs) of Hang Tau objected to the application as they claimed that the applicant was not an indigenous inhabitant of their village, and the Incumbent NDC member, the Chairman of the Sheung Shui District Rural Committee and the Resident Representative of Hang Tau had no comment on the application;

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. Regarding the public objections for reasons of contravening the planning intention of “AGR” and “GB” zones, posing adverse impact on agricultural land and resulting in cumulative impacts in the area, taking into account that the site fell largely (about 70%) within the “V” zone and half of it fell within the village ‘environs’ of Hang Tau Village, compatibility of the proposed Small House with the surrounding land uses and no adverse traffic, drainage, landscape and environmental impacts on the surrounding areas would result, the application warranted favourable consideration in accordance with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories. As for the objections raised by two IIRs of Hang Tau that the applicant was not an indigenous inhabitant of their village, according to the District Lands Officer/North of Lands Department, the applicant had claimed to be an indigenous villager of Sheung Shui Village and that a Building Licence for the Small House had been granted. The current application involved only changes to the location of the septic tank as compared with the previously approved scheme under Application No. A/NE-KTS/281 which had lapsed.

86. Members had no question on the application.

Deliberation Session

87. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.3.2018, 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 septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development and the provision of septic tank;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the 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 standards. The site is located within the flood pumping gathering ground;

- (c) to note the comments of the Director of Fire Services that the ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD) should be observed. Detailed fire safety requirements will be formulated upon receipt of formal applications referred by the LandsD; and
- (d) 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.”

[The Chairman thanked Ms Wendy W.L. Li, STP/FSYLE, for her attendance to answer Members’ enquiries. Ms Li left the meeting at this point.]

Agenda Item 20

Section 16 Application

[Open Meeting]

A/YL-KTS/630 Temporary Open Storage of Forklifts for a Period of 3 Years
in “Other Specified Uses” annotated “Rural Use” Zone,
Lots 567 and 609 RP in D.D. 106, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/630)

89. The Committee noted that the applicant requested on 19.2.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of the Drainage Services Department, the Fire Services Department and the Urban Design and Landscape Section of the Planning Department on the application. This was the applicant’s first request for deferment.

90. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. 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 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/631 Propsoed House and Minor Relaxation of Building Height Restriction
in "Village Type Development" Zone,
Kat Hing Wai Lots 151 and 152 and Lots 399 S.A and S.B and 1411 in
D.D. 109, Kat Hing Wai, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/631)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the propsoed house and minor relaxation of building height restriction;
- (c) departmental comments – departmental comments were set out in paragraph 9 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, nine public

comments were received from two Yuen Long District Council members, the Kam Tin Rural Committee (KTRC), the Chairman of KTRC, the Village Representatives of Tsz Tong Tsuen and Kat Hing Wai, the villagers of Kat Hing Wai, Tsz Tong Tsuen and Tai Hong Tsuen, and Designing Hong Kong Limited. The commenters objected to the application mainly on the grounds that the proposed house would occupy/obstruct the pedestrian access that had been used by the villagers of Kat Hing Wai, Tsz Tong Tsuen and Tai Hong Tsuen; the proposed gross floor area and building height were excessive; the proposed development parameters and relaxation of building height would contravene the Small House policy; there was shortage of land to meet the Small House demand; the approval of the application would set an undesirable precedent; and no planning gain was identified in the application. The District Officer (Yuen Long) received one public comment from the Chairman of KTRC, which was the same as one of the public comments received by the Town Planning Board during the statutory publication period;

- (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. The concerned lots were of building status and there was no gross floor area (GFA) restriction under the lease. The proposed house development with a total domestic GFA of 490.275m² was considered not excessive, and the District Lands Officer/Yuen Long of Lands Department had no comment on the proposed GFA. Regarding the proposed minor relaxation of building height restriction from 8.23m to 9.14m, the proposed building height of 9.14m (3 storeys) was not incompatible with the surrounding village environment and the developments in the nearby “Residential (Group C)” zones which were subject to building height restriction of 4 storeys (12m). Significant visual and landscape impacts arising from the proposed development was unlikely. The Chief Town Planner/Urban Design and Landscape of PlanD and the Chief Architect/Advisory and Statutory Compliance of Architectural Services Department also had no adverse comment on the application from the urban/architectural design and landscape perspectives. As regards the

public comments objecting to the application on the grounds of obstruction of pedestrian access, excessive building bulk, contravention of Small House policy and setting of undesirable precedent, the proposed development was not a development under the Small House policy, the proposed building bulk and height were considered not incompatible with the village environment and the relevant departments had no adverse visual/landscape comment on the application, and the applicants indicated that local access would be made available for use of the villagers.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.3.2018, 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 and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of drainage proposal and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the design and provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot boundaries, area of the lots, the building

status and the permitted building areas would be verified and ascertained, and the sub-division arrangement for Lot 399 in D.D. 109 would be further examined upon receipt of details of the re-development proposal. The proposed development is not a New Territories Exempted House, and it appears that it will be subject to the relevant provisions of the Buildings Ordinance (BO). The lot owners are required to apply to his office for approval of the redevelopment proposal and modification of the existing lease conditions/land exchange. There is no guarantee that such application will be approved. Such application, if received, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. Any approval, if given, would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD;

- (b) to maintain the existing local access road within the site to the southwest for the use of the villagers;
- (c) to note the comments of the Commissioner for Transport that vehicles are not allowed to reverse into or out of the site and drivers of goods vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road. In addition, the 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;
- (d) 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 Sheung Road;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that as some mature trees are located close to the site, the

applicants are advised to avoid tree felling or trimming of the trees as far as practicable should the application be approved;

- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicants are also reminded that the arrangement of emergency vehicular access shall comply with the “Code of Practice for Fire Safety in Buildings” administered by the Buildings Department (BD);
- (g) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that existing water mains will be affected, the developer shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains, Waterworks Reserve with 1.5m measuring from the centerline of the affected water mains shall be provided to his office. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage or car-parking purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorise. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed development should not generate adverse drainage impact on the surrounding area;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, BD that before any new building works are to be carried out in the site, prior approval and consent of the Buildings Authority (BA) should be obtained. An Authorised Person should be appointed as the coordinator

for the proposed building work in accordance with BO. The site does not abut on a specified street having a width of not less than 4.5m wide, the development intensity shall be determined under the Building (Planning) Regulation (B(P)R) 19(3) at building plan submission stage. He reserves his comment on the proposed plot ratio under BO at this stage. Means of obtaining access from a street shall be provided under B(P)R 5 and emergency vehicular access shall be provided under B(P)R 41D. The new quality and sustainable built environment requirements (including the requirements of building separation, set back and greenery) and the new gross floor area (GFA) concession policy are applicable to the proposed development. Detailed checking will be made at the building plan submission stage;—

- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicants should approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier is necessary for the site which is located within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by PlanD. Prior to establishing any structure within the site, the applicants 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. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicants and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (k) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable

Building Design guidelines and the relevant requirements under the lease, and that the proposed GFA concession for the proposed development will be approved/granted by BA. The applicants should approach BD and LandsD direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by BA and the Lands Authority and major change to the current scheme are required, a fresh planning application to the TPB may be required.”

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/632 Temporary Warehouse (Antique Vehicles) and Logistics Centre
for a Period of 3 Years in “Agriculture” Zone,
Lots 366, 367, 368, 369 (Part), 372 (Part), 373 (Part), 417 (Part), 418
(Part) and 419 (Part) in D.D. 113 and Adjoining Government Land,
Ma On Kong, Yuen Long
(RNTPC Paper No. A/YL-KTS/632)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse (antique vehicles) and logistics centre 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 did

not support the application as there were residential dwellings within 100m of the site (the nearest one abutted Portion A of the site) and within 50m of the access road to the site, and environmental nuisance from loading and unloading activities and travelling of heavy vehicles was expected;

- (d) during the first three weeks of the statutory publication period, eight public comments were received from seven local villagers of Ma On Kong and a member of the public, objecting to the application for reasons that the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone; Ma On Kong had been subject to many unauthorised developments; agricultural land in the village had been changed for industrial use which created adverse traffic, drainage and environmental impacts and noise and fire safety problems; the applicants had not consulted the other landowners; and there was no environmental impact assessment submitted for the application. 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 11 of the Paper. The applied use was not in line with the planning intention of the “AGR” zone. The development was not compatible with the surrounding rural areas with village settlements of Ma On Kong, Ho Pui and Tai Kek in the “Village Type Development” zone to the northeast and the “Conservation Area” zones and Tai Lam Country Park to the north, west and south. DEP did not support the application as environmental nuisance on the nearby residential dwellings was expected from the loading and unloading activities and travelling of heavy goods vehicles to/from the site. No previous or similar approval had been granted within the same “AGR” zone.

96. In response to the Chairman’s enquiry, Mr C.K. Tsang said that Portion B of the site was an unauthorised development subject to planning enforcement action whilst the site conditions of Portions A and C were being monitored.

Deliberation Session

97. 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” (“AGR”) zone which is to retain and safeguard good quality agricultural land for agricultural purpose 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 to justify for a departure from the planning intentions, even on a temporary basis;
- (b) the development is not compatible with the surroundings which are rural in nature with residential dwellings/structures in the vicinity;
- (c) the applicants fail to demonstrate that the development would not generate adverse environmental impact 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/FSYLE, for his attendance to answer Members’ enquiries. Mr Tsang left the meeting at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/233 Temporary Shop and Services (Real Estate Agency)
for a Period of 3 Years in “Open Space” Zone,
Lot 2873 in D.D. 104, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/233)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 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 (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.

99. Members had no question on the application.

Deliberation Session

100. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.3.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the existing paving and fencing on-site should be maintained at all times during the planning approval period;
- (c) the existing trees and vegetation on-site, as proposed by the applicant, should be maintained at all times during the approval period;
- (d) the existing drainage facilities on-site, as proposed by the applicant, should be maintained at all times during the planning approval period;
- (e) the submission of records of the existing drainage facilities on-site within 3 months to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2014;
- (f) the submission of fire service installations proposal within 3 months to the satisfaction of Director of Fire Services or of the TPB by 7.6.2014;
- (g) in relation to (f) above, the implementation of fire service installations proposal within 6 months to the satisfaction of Director of Fire Services or of the TPB by 7.9.2014;
- (h) 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;

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods are granted in order to monitor the compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (c) to note the comments of the District Lands Officer/Yuen Long (DLO/YL), Lands Department (LandsD) that the site comprises Old Scheduled Agricultural Lot 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. Short Term Waiver (STW) No. 2538 has been issued on Lot 2873 in D.D.104 permitting a structure for the purpose of temporary office use with a maximum built-over area of 73.8m² and a height not exceeding 3.44m. No permission has been given to the “Container for Conference Use” structure proposed in the application form. Access to site abuts directly onto Palm Springs Boulevard leading to Castle Peak Road - Mai Po Section. His office does not provide maintenance works for the Government land involved and does not guarantee right-of-way. The lot owner will still need to apply to this office for modification to the terms of STW No. 2538 or regularise any irregularities on the site. Such application will be considered by LandsD acting in the

capacity as the 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;

- (d) to note the comments of the Director of Fire Services that fire service installations (FSIs) are required in consideration of the design/nature of the proposal. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (e) 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 (not being New Territories Exempted Houses), they are unauthorised under BO and should not be designated of any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the Buildings 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 BO. For UBW erected on leased land, enforcement action may be taken by 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 BO. The site shall be provided with means of obtaining access thereto 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 4.5m wide, its permitted development intensity shall be determined under B(P)R 19(3) at the building plan submission stage;

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

- (h) 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 site. Prior to establishing any structure within the site, the applicant and/or the applicant's 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. 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 the applicant's contractors when carrying out works in the vicinity of the electricity supply lines."

Agenda Item 24

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.1 S.A, 592 S.C ss.4 and 1252 S.C in D.D. 115, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/224B)

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

- Mr Ivan C.S. Fu – having current business dealings with SHKP, Environ, MVA and Urbis
- Ms Janice W.M. Lai – having current business dealings with SHKP and Urbis

103. Members noted that the applicant requested for deferment of consideration of the application and agreed that Mr Ivan C.S. Fu and Ms Janice W.M. Lai could stay in the meeting but should refrain from participating in the discussion.

104. The Committee noted that the applicant requested on 24.2.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments on the application. This was the applicant's third request for deferment. Following the approval of the second deferment, the applicant submitted further information including revised master layout plan, landscape master plan, drainage impact assessment and environmental assessment on 17.1.2014 to address the comments from concerned departments.

105. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. 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, no further deferment would be granted unless under very special circumstances.

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

Tuen Mun and Yuen Long West District

[Mr C.C. Lau, Mr K.C. Kan, Mr Vincent T.K. Lai and Ms. Bonita K.K. Ho, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW), were invited to the meeting at this point.]

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/84 Proposed Temporary Shop and Services (Construction Consultancy Services) with Ancillary Private Vehicle Park for a Period of 3 Years in “Village Type Development” Zone, Lot 957 R.P. in D.D. 375, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM-SKW/84)

Presentation and Question Sessions

106. Mr C.C. Lau, STP/TMYLW, 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 (construction consultancy services) with ancillary private vehicle park for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 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 of the application, two public comments were received from a Tuen Mun District Council member and a member of the public. The commenters pointed out that the site was previously used as an unauthorised vehicular repair workshop which created serious nuisance to the surrounding residents. The Committee should assess the impacts of the applied use to the residents. They would have no comment on the application if the site was for the applied use which would not cause any nuisance. No local objection/view was received by the District Officer (Tuen Mun);

- (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.

107. Referring to Plan A-4b of the Paper, the Chairman asked why there were some construction vehicles parked at the site noting that the applied use was for temporary shop and services. In response, Mr C.C. Lau said that the site was currently subject to planning enforcement action for unauthorised storage use. The construction vehicles found on the site might be related to that unauthorised development. The subject application was applying for proposed temporary shop and services use providing construction consultancy services, and six ancillary parking spaces for private cars were proposed within the site.

108. The Secretary supplemented that under a recommended approval condition in paragraph 12.2 of the Paper, only private cars were allowed to be parked at the site, Moreover, there was an advisory clause to be conveyed to the applicants that the planning permission was given to the development/uses under application and it did not condone any other development/uses and structures which currently existed/occured on the site but not covered by the application. The applicants should take immediate action to discontinue such development/uses and remove those structures not covered by the permission.

109. A Member considered that the applicants might not be frank to the Board as they had indicated in the submission that no truck, heavy vehicle or construction plant would be parked or stored on the site but such vehicles were now found on the site. The Secretary remarked that any planning permission granted by the Board would only cover the use under application. Any other uses not conforming to the uses granted with planning permission would be subject to planning enforcement action. The Planning Authority would closely monitor the site situation and step up enforcement action where appropriate.

Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.3.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m. from Mondays to Fridays, and between 12:00 noon and 9:00 a.m. on Saturdays, as proposed by the applicants, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicants, are allowed on the site during the planning approval period;
- (c) no storage of construction materials or workshop use, as proposed by the applicants, is allowed at any time during the planning approval period;
- (d) only private cars with valid licence issued under the Road Traffic Ordinance, as proposed by the applicants, are allowed to be parked/stored on the site at any time during the planning approval period;
- (e) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2014;
- (f) in relation to (e) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2014;
- (g) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2014;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.9.2014;
- (i) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2014;

- (j) in relation to (i) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2014;
- (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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before continuing the development on the site;
- (b) shorter compliance period is granted in order to monitor the situation of the site and the fulfilment of approval conditions. Sympathetic consideration may not be given by the Committee to any application for extension of time for compliance with approval conditions, and any further planning application should the applicants fail to comply with the approval condition(s) resulting in the revocation of the planning permission;
- (c) the planning permission is given to the development/uses under application. It does not condone any other development/uses and structures which currently exist/occur on the site but not covered by the application. The applicants shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the

permission;

- (d) to follow the latest Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites issued by the Environmental Protection Department to minimise potential environmental impacts on the surrounding area;
- (e) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that according to his site inspection on 12.2.2014, structures were found erected within the site with a minor part of one of the structures straddling on the adjoining private lot. As the adjoining private lot is not involved in the planning application and it is noted that the total built-over area and height of the existing structures are greater than those proposed in the planning application, he presumes that the applicants would remove these existing structures and develop the site in accordance with the development schedule on the proposed layout plan. The owner of the lot will need to apply to his Office for a Short Term Waiver (STW) for erection of the structures on the lot. He would advise that the STW proposal will only be considered upon his receipt of formal application from the owner of the lot. There is no guarantee that the application, if received by his Office, will be approved and he reserves his comment on such. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, deposit and administrative fee;
- (f) to note the comments of the Director of Environmental Protection that regarding sewage disposal aspect, the applicants should collect, treat and dispose of the wastewater arising from the site in compliance with the requirements of the Water Pollution Control Ordinance. When village sewerage becomes available at the site, the applicants should discharge all sewage arising from the site to the foul sewer;

- (g) to note the following comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) :
- (i) if the existing structures 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 planning application;
 - (ii) 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 coordinator for the proposed building works in accordance with BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by 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 BO;
 - (iv) if the proposed use under application is subject to the issue of a licence, the applicants 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;
 - (v) the temporary converted container for site office/storage/meter room and open shed are considered as temporary buildings and are subject to control under Building (Planning) Regulations (B(P)Rs) Part VII;
 - (vi) the site shall be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access shall be provided under B(P)R 41D;

- (vii) if the site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined under the B(P)R 19(3) at building plan submission stage; and
 - (viii) formal submission under BO is required for any proposed new works, including any temporary structures;
- (h) to note the comments of the Director of Fire Services that the applicants should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicants wish to apply for exemption from the provision of certain FSI, the applicants are required to provide justifications to the FSD for consideration; and
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicants 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 site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicants shall carry out the following measures:
 - (i) for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the site, the applicants and/or their 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 applicants and their contractors when carrying out works in the vicinity of the electricity supply lines.”

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/268 Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone,
Lot 3727 RP in D.D. 124, Shun Tat Street, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/268A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport considered that the application was not acceptable from the traffic safety point of view as parking of vehicle on the small site would inevitably involve reversing of

vehicle (which was a dangerous movement) across the footpath;

- (d) during the first three weeks of the statutory publication period, one public comment was received from a Tuen Mun District Council member who supported the application. 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 11 of the Paper. Although approval of the application on a temporary basis for a period of 3 years would not jeopardise the long-term planning intention of the “Village Type Development” zone and the development was not incompatible with the surrounding land uses, C for T objected to the application on traffic safety grounds as parking of vehicle on the site would involve reversing of vehicle across the footpath which was dangerous to pedestrians. The applicant had not addressed the traffic safety issue in the application.

113. Members had no question on the application.

Deliberation Session

114. After deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 12.1 of the Paper and considered that it was appropriate but that a typo should be rectified. The reason was :

“parking of vehicle would involve reversing of vehicle to/from the site which is not acceptable from traffic safety point of view.”

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/275 Temporary Edible Ice Manufacturing Plant for a Period of 3 Years
in “Residential (Group E)” Zone, Lot 407 (Part) in D.D. 130 and
Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/275)

115. Mr K.C. Kan, STP/TMYLW, clarified that the name of the applicant’s agent on page 1 of the Paper should read ‘Centaline Property Agency Limited’.

Presentation and Question Sessions

116. Mr K.C. Kan presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary edible ice manufacturing plant for a period of 3 years;
- (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;
- (d) during the first three weeks of the statutory publication period, two public comments were received. A Tuen Mun District Council member supported the application and opined that the safety of access of light goods vehicles from Ng Lau Road should be considered. Designing Hong Kong Limited objected to the application on the grounds that the development did not comply with the planning intention of the “Residential (Group E)” zone, the application might affect land supply for housing, and approval of the application would set an undesirable precedent for similar applications. No local objection/view was received by the District Officer (Tuen Mun);

and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 11 of the Paper. As regards the public comment objecting to the application on the grounds of not in line with the planning intention, affecting housing supply and setting undesirable precedent, since there was no immediate residential/housing development proposal at the site at the moment, the temporary approval would not jeopardise the long-term planning intention of the “R(E)” zone.

117. Members had no question on the application.

Deliberation Session

118. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.3.2017, 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. from Mondays to Sundays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only light goods vehicles with valid license issued under the Road Traffic Ordinance, as proposed by the applicant, are allowed to access and park at the site at any time during the planning approval period;
- (c) the maintenance of the existing trees on the site at all times during the approval period to the satisfaction of the Director of Planning or the TPB;
- (d) the submission of drainage proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2014;

- (e) in relation to (d) above, the implementation of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2014;
- (f) the submission of proposal on water supplies for firefighting and fire service installations within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2014;
- (g) in relation to (f) above, the implementation of proposal on water supplies for firefighting and fire service installations within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.9.2014;
- (h) 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;
- (i) if any of the above planning conditions (d), (e), (f) or (g) 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
- (j) 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.”

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

- “(a) to resolve any land issues relating to the development with the owner(s) of the site;
- (b) prior planning permission should have been obtained before commencing the development on the site;

- (c) shorter compliance periods are imposed in order to monitor the progress of compliance with approval conditions;
- (d) should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further application;
- (e) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that the site is accessible from Ng Lau Road via an informal track on Government land and other private lots at the west of the site. His Office does not provide maintenance works for this track nor guarantee any right-of-way to the site. The applicant must make their own arrangement for acquiring a right-of-way over the concerned private lots. The owner of the lot will need to apply to the LandsD for a Short Term Waiver (STW) for erection of the structures on the lot and the occupier will need to apply for a Short Term Tenancy (STT) for occupation of the Government land. STW and STT proposals will only be considered by his Office upon receipt of formal applications from the owner of the Lot and the occupier. There is no guarantee that the applications will be approved and he reserves his comment on such. The applications will be considered by the LandsD acting in the capacity as the landlord as its sole discretion. In the event that the applications are approved, they would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee/rent, deposits and administrative fees, etc.;
- (f) 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 (not being a New Territories Exempted House), 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 are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise, they are unauthorised building works (UBW). An Authorised Person should be

appointed as the coordinator for the proposed building works in accordance with BO. For UBW erected on leased land, 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 BO. If the applied use is subject to the issue of a licence, 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 site shall be provided with means of obtaining access thereto 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 4.5m wide, its permitted development intensity shall be determined under B(P)R 19(3) at the building plan submission stage;

- (g) 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;
- (h) to note the comments of the Director of Environmental Protection that public sewer is available for the site along the nearby Ng Lau Road. The applicant is reminded that all sewage from the site shall be discharged to the public sewer and all wastewater from the applied use shall be collected, treated and disposed of in accordance with the Water Pollution Control Ordinance;
- (i) to note the comments of the Commissioner for Transport that the existing access road connecting to Ng Lau road is not a public road being managed by his Department. The applicant should check with the lands authority regarding the land status of this access road leading to the site. In addition, the applicant should check with the relevant lands and maintenance authorities regarding the management and maintenance responsibilities of

the access road accordingly;

- (j) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority. Furthermore, the emergency vehicular access provision in the site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under B(P)R 41D, which is administrated by BD. Should the application involve storage/use of dangerous goods, the applicant/operator of the site is advised to approach his Dangerous Goods Division for advice on licensing of the premises for such purpose;
- (k) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the proposed works are very close to the proposed water main under Agreement No. CE10/2008(WS) – Replacement and Rehabilitation of Watermains, Stage 4 – Mains in New Territories. The applicant should co-ordinate with WSD's consultant, Black and Veatch Hong Kong Limited, regarding the potential interface;
- (l) to note the comments of the Director of Food and Environmental Hygiene that a food factory licence is required for operating an edible ice manufacturing plant;
- (m) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that necessary arrangement should be made to ensure that the project will not be subject to or pose an unacceptable landslide risk (if there are slopes and/or retaining walls within or outside the site under the project) to the public throughout its design life. The geotechnical stability of all permanent geotechnical works relating to slopes and retaining walls (if any) which could affect or be affected by development or re-development under the project, or if their failure could affect lives and property within or outside the site under the project, should be assessed; and

- (n) to note the comments of the Director of Electrical and Mechanical Services that there are 400kV overhead lines (OHL) running above the site. The conditions pertaining to electricity supply safety and reliability should be strictly complied with by the applicant and the applicant's contractors. A minimum vertical clearance of 7.6m between the top of any structure and the lowest point of the OHL conductors must be maintained; and a minimum safety clearance of 5.5m from the OHL conductors in all directions shall also be maintained. The roof of the developments shall not be accessible. No scaffolding, crane and hoist shall be built or operated within 9m from the conductors of the 400kV OHL at all times. CLP Power (CLPP) should be consulted on the safety precautions required for carrying out any works in the vicinity of the 400kV OHL. In any time during and after construction, CLPP shall be allowed to get access to the 50m working corridor area of the concerned 400kV OHL for carrying out any operation, maintenance and repair work including tree trimming. The Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation shall be observed by the applicant and the applicant's constructors at all times. As regards the electric and magnetic fields arising from the 400kV OHL, there could be possible undue interference to some electronic equipment such as computer monitors within the developments underneath the overhead lines."

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/437 Temporary Rural Communal Public Vehicle Park for Private Cars, 5.5 Tonnes Goods Vehicles, Buses (Coaches) and 24 Tonnes Goods Vehicles for a Period of 3 Years in “Village Type Development” Zone, Lots 429, 431 (Part), 436 (Part), 437 (Part), 438 S.A (Part), 446 (Part), 447 (Part) and 449 RP (Part) in D.D. 122, Hang Mei Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/437)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary rural communal public vehicle park for private cars, 5.5 tonnes goods vehicles, buses (coaches) and 24 tonnes goods vehicles 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 residential dwellings immediately next to the site and within 50m of the access road to and from the site, and environmental nuisance was expected from heavy vehicles used by the site;
- (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 one year based on the assessments as detailed in paragraph 11 of the Paper. Although DEP did not support the application due to the possible environmental nuisance caused by the development on the adjoining residential dwellings, there was no environmental complaint regarding the site in the past 3 years and appropriate approval conditions restricting the operation hours and prohibiting workshop activities could be imposed to address DEP's environmental concerns. Besides, of the nine previously approved applications for similar vehicle park use at the site, six of the planning permissions, including the latest three, had been revoked due to non-compliance with approval conditions. In view of DEP's concerns and the revocation records, should the application be approved, a shorter approval period of one year, instead of three years sought, and shorter compliance periods for compliance with approval conditions were recommended to closely monitor the situation on-site and the progress of compliance with approval conditions.

121. Members had no question on the application.

Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 7.3.2015, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle washing, vehicle repairing, dismantling or workshop activity is allowed on the site at any time during the planning approval period;

- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on site at any time during the planning approval period;
- (d) only private cars, buses (coaches), and goods vehicles not exceeding 24 tonnes, as defined in the Road Traffic Ordinance, are allowed to be parked on the site at any time during the planning approval period;
- (e) a notice should be posted at a prominent location of the site at all times to indicate that only private cars, buses (coaches), and goods vehicles not exceeding 24 tonnes, as defined in the Road Traffic Ordinance, are allowed to be parked on the site during the planning approval period;
- (f) the parking layout arrangement, as proposed by the applicant, shall be adhered to at all times during the planning approval period;
- (g) no vehicle queuing back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (h) the maintenance of the existing drainage facilities on the site at all times during the planning approval period;
- (i) the submission of the condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2014;
- (j) the paving of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2014;
- (k) the provision of boundary fencing within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2014;

- (l) the implementation of the accepted tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2014;
- (m) the implementation of the accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2014;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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 (i), (j), (k), (l) or (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 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.”

123. 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 owner(s) of the site;
- (c) shorter approval period and shorter compliance periods for approval conditions are granted to monitor the situation on the site and compliance of approval conditions.

- (d) sympathetic consideration may not be given to any application for extension of time for compliance with approval conditions;
- (e) should the applicant fail to comply with any approval conditions again resulting in the revocation of the planning permission, further permission would not be granted;
- (f) the planning permission is given to the development/use and structures under application. It does not condone any structure which currently occurs on the site but not covered by the application. The applicant shall be requested to take immediate action to remove such structures not covered by the permission;
- (g) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land involved under the application comprises Old Scheduled Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. No approval has been given for the specific structures including converted containers as site office, guard room and meter rooms on the site. The site is accessible through an informal village track on Government land (GL) extended from Ping Ha Road. His office does not provide maintenance works for such GL nor guarantee right-of-way to the site. Should planning approval be given to the subject planning application, the lot owners and the lot owners concerned will still 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. 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;
- (h) 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 any potential

environmental nuisances on the surrounding area;

- (i) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site. No vehicle is allowed to queue back to public road or reverse onto/from the public road. The vehicular track leading to the site falls outside Transport Department's (TD) purview. The land status of the vehicular track 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. The said issues shall be sorted out before the application is processed further;
- (j) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Tsui Sing Road should be commented and approved by TD. Adequate drainage measures should be provided at the site entrance to prevent surface water running from the site to the nearby public roads and drains. The applicant should note that HyD shall not be responsible for the maintenance of any access connecting the site and Tsui Sing Road;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that that there is no record of approval by the Buildings Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for use related to the application. 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 planning application. Before any new building works (including containers as temporary buildings) 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 BO. For UBW erected on leased land, enforcement action may be taken by 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 acceptance of any existing building works or UBW on the site under BO. The site shall be provided with means of obtaining access thereto 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 4.5m wide, its permitted development intensity shall be determined under B(P)R 19(3) at the building plan submission stage;

- (l) to note the comments of the Director of Fire Services (D of FS) that the installation/maintenance/modification/repair work of fire service installations should be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to D of FS. If the proposed structure(s) is/are required to comply with BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (m) 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 site. For site with the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or his contractor(s) 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. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the

applicants and their contractor(s) when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/438 Renewal of Planning Approval for Temporary “Container Vehicle and Lorry Park with Container Trailers” for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 105 RP (Part), 108 (Part), 109 (Part), 111 (Part), 112-116, 118, 119 (Part), 120 (Part), 124 (Part), 127, 128 and 158 (Part) in D.D. 122 and Adjoining Government Land, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/438)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary “container vehicle and lorry park with container trailers” under Application No. A/YL-PS/345, which would be valid until 18.3.2014, for a period of 2 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 residential dwellings within 100m of the site and within 50m of the access road to and from the site, where environmental nuisance from the heavy vehicles used by the site would be expected;

- (d) during the first three weeks of the statutory publication period, one public comments were received from Designing Hong Kong Limited objecting to the application mainly on the grounds that the development did not comply with the planning intention; the continuation of using the site as vehicle park would affect the land supply for residential development; there was sufficient supply of land for open storage and parking spaces; and approval of the application would make it more difficult to change the land use afterwards; and would set an undesirable precedent for similar applications. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to allowing the temporary use for a further period of three years based on the assessments as detailed in paragraph 12 of the Paper. Although DEP did not support the application due to the possible environmental nuisance caused by the development on the nearby residential dwellings, there was no environmental complaint regarding the site in the past 3 years and appropriate approval conditions restricting operation hours and prohibiting workshop activities could be imposed to address DEP's environmental concerns. As regards the public comment against the application on the ground of non-compliance with the planning intention, there was no development proposal covering the site and the temporary approval would not jeopardise the long-term planning intention.

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

125. Members had no question on the application.

Deliberation Session

126. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 19.3.2014 until 18.3.2017, 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 vehicle washing, vehicle repairing, dismantling and workshop activity is allowed on the site at any time during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on site at any time during the planning approval period;
- (d) only goods vehicles and container vehicles (including container trailers) as defined in the Road Traffic Ordinance and its subsidiary regulations are allowed to be parked on the site at any time during the planning approval period;
- (e) no inflammable goods, fuel, or vehicle for conveying dangerous goods which is subject to the provisions of the Dangerous Goods Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (f) the maintenance of the existing drainage facilities on the site at all times during the planning approval period;
- (g) the submission of condition record of the existing drainage facilities on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.9.2014;
- (h) the submission of tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 18.9.2014;
- (i) in relation to (h) above, the implementation of tree preservation proposal within 9 months from the date of commencement of the renewed planning

approval to the satisfaction of the Director of Planning or of the TPB by 18.12.2014;

- (j) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2014;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.12.2014;
- (l) the provision of boundary fencing within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 18.9.2014;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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 (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.”

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

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

- (b) the planning permission is given to the development/use and structures under application. It does not condone any development/uses and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and to remove such structures not covered by the permission;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lots within the site are Old Scheduled Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. No approval is given for the 3 specified ancillary structures for office use. No permission has been given for the occupation of Government land (GL) within the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible through an informal village track on GL and other private land extended from Ha Mei San Tsuen Road. His office does not provide maintenance works for such track nor guarantee right-of-way. Part of the GL adjoining Lots 118 and 119 in D.D. 122 is in close proximity to West Rail Protection Boundary/West Rail Maintenance Area. The lot owner concerned still needs to apply to his office to permit structures to be erected or regularise any irregularities on site. The applicant has to either exclude the GL portion from the site or apply for a formal approval prior to actual occupation of the GL portion. 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;

- (d) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise the potential environmental impact on the surrounding area;

- (e) to note the comments of the Commissioner of Transport that sufficient manoeuvring spaces shall be provided within the site. No vehicle is allowed to queue back to public road or reverse onto/from public road. The local track leading to the site is not under Transport Department (TD)'s purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Ha Mei San Tsuen Road should be commented and approved by TD. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ha Mei San Tsuen Road;
- (g) to note the comments of the Chief Highway Engineer/Railway Development 1-3, Railway Development Office, HyD that as part of the GL adjoining Lots 118 and 119 is in close proximity to West Rail Protection Boundary/West Rail Maintenance Area, hence, the Mass Transit Railway Corporation (MTRC) should be consulted such that the MTRC's requirements and safety practice with respect to the operation and maintenance of the West Rail Line will be followed;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Buildings Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for use related to the application. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the planning application. Before any new building works (including ancillary site offices as temporary

buildings) 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 BO. For UBW erected on leased land, enforcement action may be taken by 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 acceptance of any existing building works or UBW on the site under BO. The site shall be provided with means of obtaining access thereto 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 4.5m wide, its permitted development intensity shall be determined under B(P)R 19(3) at the building plan submission stage; and

- (i) to note the comments of the Director of Fire Services that the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plan. 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. The applicant is reminded that if the proposed structure(s) is/are required to comply with BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.”

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/259 Temporary Warehouse for Plastic and Paper Products for a Period of 3 Years in “Green Belt” Zone and Area shown as ‘Road’,
Lots 603 RP (Part), 606 (Part), 611 (Part), 614 (Part), 615 (Part), 616, 617, 618 and 620 (Part) in D.D.129 and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/259)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for plastic and paper products 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 Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) objected to the application from the landscape planning perspective as approval of the application would set an undesirable precedent for other temporary open storage applications extending into the surrounding agricultural land and natural coastal plain, the cumulative effect of which would result in a general degradation of the environment and cause adverse impacts on landscape of the area;

- (d) during the first three weeks of the statutory publication period, three public comments were received from the Conservancy Association, Kadoorie Farm and Botanic Garden Corporation and a member of the public, objecting to the application for reasons that the applied use was not in line with the planning intention of the “Green Belt” (“GB”) zone; the “destroy first, build later” activities involved in the application should not be tolerated; the proposal would generate adverse drainage, traffic, environmental, visual and ecological impacts, generate fire risks and affect access of fire engines to the land nearby; and approval of the application would set an undesirable precedent. 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 applied use was not in line with the planning intention of the “GB” zone and no planning approval for warehouse use had ever been granted within the subject “GB” zone. The development was not compatible with the surrounding rural environment with vegetated land, vacant land, fallow agricultural land and residential dwellings. The application did not meet the Town Planning Board Guidelines for Application for Development within “GB” Zone (TPB PG-No. 10). DEP and CTP/UD&L of PlanD had adverse comments on the application on environmental and landscape grounds.

129. Members had no question on the application.

Deliberation Session

130. 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 “Green Belt” (“GB”) zone, which is to define the limits of urban and sub-urban

development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the development is not in line with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” Zone in that the development would affect the existing natural landscape in the area and the applicant fails to demonstrate that the proposed development would not have any adverse landscape impacts. The development is also incompatible with the surrounding rural environment; and
- (c) approval of the application would set an undesirable precedent for similar open storage and warehouse use in the “GB” zone, the cumulative effect of which would result in a general degradation of the environment of the area.”

[The Chairman thanked Mr Vincent T.K. Lai, STP/TMYLW, for his attendance to answer Members’ enquiries. Mr Lai left the meeting at this point.]

Agenda Item 31

Section 16 Application

[Open Meeting]

A/YL-TT/321 Temporary Eating Place for a Period of 3 Years in “Village Type Development” Zone, Lots 1184 S.A ss.4 (Part), 1184 S.A RP (Part), 1186 (Part), 1187 S.F (Part), 1187 S.J, 1187 S.K, 1187 S.L, 1187 S.M, 1187 S.N, 1187 RP (Part), 1200 RP (Part), 1298 RP (Part) and 2146 in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/321)

131. The Committee noted that the applicant requested on 17.2.2014 for deferment of the consideration of the application for one month in order to allow time for preparation of

further information to address the comments of the Transport Department on the application. This was the applicant's first request for deferment.

132. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/322 Temporary Container Vehicle Park for a Period of 3 Years
in "Open Storage" Zone, Lots 1477 S.A ss.1 (Part), 1477 S.B (Part),
1477 S.B ss.1 (Part), 1477 S.B ss.2 S.A (Part) , 1477 S.B ss.2 S.B
(Part), 1477 S.B ss.2 RP (Part), 1477 S.B ss.3 S.A and 1477 S.B ss.4 in
D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/322)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary container vehicle park 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 was sensitive receiver of residential use to the immediate east of the site 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 12 of the Paper. Although DEP did not support the application due to the possible environmental nuisance caused by the development on an adjoining residential dwelling, there was no environmental complaint regarding the site in the past 3 years and appropriate approval conditions restricting the operation hours, prohibiting workshop activities and requiring the provision of boundary fence could be imposed to address DEP’s environmental concerns.

134. Noting that some construction materials were being stored at the site currently, a Member sought clarification on the use that was being applied for in the subject application. In response, Ms Bonita K.K. Ho said that since the site was zoned “Open Storage” (“OS”) on the Outline Zoning Plan, the open storage of construction materials currently found on-site was always permitted. On the other hand, ‘Container Vehicle Park’, i.e. the subject of the current application, was a Column 2 use under the “OS” zoning, which required planning permission from the Board.

Deliberation Session

135. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.3.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, 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 repairing, maintenance, dismantling, cleaning and other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no queuing and reverse movement of vehicles are allowed on public road at any time during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of a record of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2014;
- (g) the provision of boundary fencing on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2014;
- (h) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2014;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2014;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 7.9.2014;

- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2014;
- (l) 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;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) 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
- (n) 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.”

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

- “(a) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no approval has been given for the specified single-storey structures as container for storage use on Government land and private land. Modification of Tenancy (MOT) No. M21640 was issued for erection of structures over Lot 1477 S.B ss.2 S.B and 1477 S.B in D.D. 117. Change of use of the lot will cause a breach of the terms of the MOT concerned. The lot owner concerned will need to apply to his

office to permit structures to be erected or regularise any irregularities on site. Furthermore, the applicant has to either exclude the Government land (GL) portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. 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 Tai Tong Shan Road via GL and other private land. His office does not provide maintenance works for such track nor guarantee right-of-way;

- (d) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles. The land status of the access road/path/track leading to the site from Tai Tong Shan Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His office shall not be responsible for the maintenance of any access connecting the site and Tai Tong Shan Road;
- (f) 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 any potential environmental nuisances;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the species, locations and numbers of the existing trees as indicated on the submitted landscape and

tree preservation proposals (Drawing A-3 of the Paper) do not tally with the actual site situation as observed. All the existing trees should be properly maintained including replacement planting of dead tree, if any;

- (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 is advised to extend the inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of any sub-main within the private lots to WSD's standards. Water mains in the vicinity of the 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 incorporated with 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 location where the proposed FSIs to be installed should also be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is/are required to comply with the Buildings Ordinance (BO), 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 if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted House), they are unauthorised under BO and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) 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 BO. For UBW erected on leased land, enforcement action may be taken by 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 BO. The site shall be provided with means of obtaining access thereto 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 B(P)R 19(3) at the building plan submission stage; and

- (k) 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 site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the 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. 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."

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/323 Temporary Open Storage of Construction Materials with Ancillary Office and Workshop for a Period of 3 Years in “Agriculture” Zone, Lots 1418, 1419, 1420, 1421, 1422, 1423, 1426, 1427, 1428, 1429, 1430, 1431, 1539 and 1540 in D.D. 118, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/323)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction materials with ancillary office and workshop for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application from agricultural point of view as the site had high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site, and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) had reservations on the application from the landscape perspective as the applied use was not compatible with the surrounding agricultural areas of a rural character and the applicant did not provide any information of the existing trees and tree preservation proposal in the submission to demonstrate that the applied use would not affect the existing landscape resources;

- (d) during the first three weeks of the statutory publication period, three public comments were received from Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and a member of the public, objecting to the application for reasons that the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; there was already sufficient supply of land for storage of construction materials to meet the current and future demands; approval of the application would set an undesirable precedent for similar applications; the supply of farmland should be safeguarded; the “destroy first, build later” activities involved in the application should not be tolerated; the development would generate adverse environmental impacts; and approval of the application was unfair to other owners of agricultural land in the area. 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 rural land uses. 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, including DAFC, DEP and CTP/UD&L of PlanD. Moreover, there were already some 28.22 ha of land zoned “Open Storage” on the Outline Zoning Plan to cater for the demand of land for open storage uses.

138. Members had no question on the application.

Deliberation Session

139. 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 Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E). There is no previous planning approval granted to the 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;

- (d) there are two areas zoned “Open Storage” (“OS”) on the Tai Tong Outline Zoning Plan to cater for the use under application. The applicant fails to demonstrate why suitable sites within these “OS” zones cannot be made available for the proposed development; and

- (e) 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.”

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/668 Proposed House (New Territories Exempted House – Small House)
in “Residential (Group D)” Zone, Lot 1975 S.A in D.D. 121,
Shan Ha Tsuen, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/668)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV 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 (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 proposed Small House did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories as the site fell entirely outside the “Village Type Development” (“V”) zone and the village ‘environs’ of any recognised villages. There was still land available in the “V” zone covering Shan Ha Tsuen and Lam Hau Tsuen to

meet the current outstanding demand and those in the coming years.

141. Members had no question on the application.

Deliberation Session

142. After deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 13.1 of the Paper and considered that it was appropriate. The reason was :

“the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in the New Territories in that the site and the footprint of the proposed NTEH (Small House) fall entirely outside both the “Village Type Development” zone and the village ‘environs’ of Shan Ha Tsuen. There is no exceptional circumstance to justify approval of the application.”

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

Agenda Item 35

Any Other Business

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