

TOWN PLANNING BOARD

Minutes of 511th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 23.5.2014

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Dr C.P. Lau

Mr F.C. Chan

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Dr Eugene K.K. Chan

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

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

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

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 Eddie C.M. Hui

Mr Lincoln L.H. Huang

In Attendance

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

Chief Town Planner/Town Planning Board
Mr Louis K.H. Kau

Assistant Town Planner/Town Planning Board
Miss Floria Y.T. Tsang

Agenda Item 1

Confirmation of the Draft Minutes of the 510th RNTPC Meeting held on 9.5.2014

[Open Meeting]

1. The draft minutes of the 510th RNTPC meeting held on 9.5.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported a matter arising from a planning application No. A/YL-PS/440 which was considered by the Committee at the RNTPC meeting held on 4.4.2014.

3. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item when the application was considered on 4.4.2014:

Mr K.K. Ling - being a member of the Strategic Planning
as the Director of Planning Committee (SPC) of the HKHA

Ms Anita K.F. Lam - being an alternate member of the Director of
as the Assistant Director of the Lands who was a member of the HKHA
Lands Department

Mr Frankie W.P. Chou - being an alternate member of the Director of
as the Assistant Director of the Home Affairs who was a member of the SPC
Home Affairs Department of the HKHA

Mr H.F. Leung - having current business dealings with Housing Department, the executive arm of HKHA

4. As the matter arising only involved rectification of the confirmed minutes, Members agreed that Mr K.K. Ling, Ms Anita K.F. Lam, Mr Frankie W.P. Chou and Mr H.F. Leung could stay in the meeting.

5. The Secretary continued to say that on 4.4.2014, the Committee approved the said application. The minutes were confirmed at the meeting on 25.4.2014 and sent to the applicant afterwards. Subsequently, it was found out that approval condition (f) regarding the design of acoustic cover of the Public Transport Terminus suggested in the RNTPC Paper No. A/YL-PS/440 had inadvertently been omitted from the minutes. To avoid confusion, the relevant approval condition should be incorporated and read as:

“(f) the design of acoustic cover of the Public Transport Terminus with a view to minimising its visual impact to the satisfaction of the Director of Planning or of the Town Planning Board;”

6. For consistency, the wording in the renumbered approval condition (g) should also be slightly refined by adding “the” before “Public Transport Terminus”.

7. The Secretary said that replacement pages 231, 232 and 233 had been sent to Members on 21.5.2014. The revised minutes and revised letter of approval would be sent to the applicant after the meeting. Members confirmed the revised minutes.

Tuen Mun and Yuen Long West District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TM/14 Application for Amendment to the Approved Tuen Mun Outline Zoning Plan No. S/TM/31, from “Open Space” to “Government, Institution or Community”, Lots 491 (Part), 492 (Part), 495 RP, 498 RP, 500 (Part), 501 (Part), 502 RP (Part), 503, 717 RP in D.D. 374 and Adjoining Government Land, So Kwun Wat, Tuen Mun
(RNTPC Paper No. Y/TM/14B)

8. The Secretary reported that Kenneth Ng & Associated Ltd. was the consultant of the applicant. Dr C.P. Lau had declared an interest on this item as the site was visible from his flat. Ms Janice W.M. Lai had also declared an interest on this item as she had current business dealings with Kenneth Ng & Associated Ltd. As Ms Janice W.M. Lai had no involvement in the application, the Committee agreed that she could stay in the meeting. The Committee considered that the interest of Dr C.P. Lau was direct and he should leave the meeting temporarily for this item.

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

Presentation and Question Sessions

9. Mr W.S. Lau, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TM&YLW) and Mr C.C. Lau, Senior Town Planner/Tuen Mun and Yuen Long West (STP/TM&YLW), representing the Planning Department (PlanD), and the applicant’s representative, Mr Tai Chi Wah, were invited to the meeting at this point.

10. The Chairman extended a welcome and explained the procedure of the hearing. Mr C.C. Lau, STP/TM&YLW, was then invited to brief Members on the background to the application. With the aid of a PowerPoint presentation, Mr Lau presented the application and covered the following aspects as detailed in the Paper:

The Proposal

- (a) the applicant, United Christian Faith Limited, submitted an application for amendment to the Approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/31 (Draft Tuen Mun OZP No.S/TM/32 currently in force) to rezone the application site (the site) from “Open Space” (“O”) to “Government, Institution or Community” (“G/IC”) to facilitate a church development with public open space;
- (b) the applicant had previously submitted a s.16 application (Application No. A/TM/440) for church development with public open space. Except the increase in area of public open space on the G/F of the church development from 558m² to 615m² (i.e. +57m²) and changes in the entrance design and landscaping of the public open space, the indicative scheme under the current s.12A application was basically the same as the scheme approved by the Committee on 6.9.2013. The approved scheme had not yet been commenced;

Departmental Comments

- (c) the departmental comments were detailed in paragraph 8 of the Paper and highlighted as follows:
 - (i) the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) advised that land exchange for the church proposal was required, and he would consider incorporating as far as possible the requirements proposed by relevant Government departments into the lease but there was always a possibility that such conditions may not be incorporated. He was not in a position to offer comment on the applicant’s justifications on project financing;
 - (ii) the Director of Leisure and Cultural Services commented that he had no plan for development of the “O” site and Tuen Mun had a surplus

in provision of public open space as recommended by the Hong Kong Planning Standard and Guideline. He had no comment from operational perspective on the understanding that the lot owner would be responsible for the future maintenance and management of the public open space for public use as stipulated in the Public Open Space in Private Development Design and Management Guidelines;

- (iii) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had reservation on the application because the landscape and tree compensatory proposals were not acceptable from landscape point of view and inadequate information was provided. Furthermore, if the site was rezoned to “G/IC”, the proposed church development would be permitted as of right. It could not be ensured that the landscape conditions imposed under the approved s.16 application would be properly enforced; and
- (iv) other concerned departments had no objection to or no comment on the application;

Public Comments

- (d) four public comments objecting to the application were received. A Tuen Mun District Council member objected on the grounds that the church would aggravate traffic congestion on Castle Peak Road and created security problems in the area. Village representatives of So Kwun Wat Tsuen objected on the grounds that land for open space was acute in view of increasing population of So Kwun Wat Tsuen and the proposed development was not compatible with the religious practice prevailing in the local area and would jeopardise the harmonious living in the village. Two public objected to the application as the site should be for recreational use, and there was insufficient open space and recreational facilities in the area; and

PlanD's views

- (e) PlanD had no objection to the application based on the following reasons:
- (i) the indicative scheme under the current s.12A application was basically the same as the approved scheme under Application No. A/TM/440 and there had been no change in planning circumstances since the approval of the s.16 application;
 - (ii) the application was mainly to facilitate the applicant for seeking financial support from banks and financial institutions for the church development. As regards the applicant's claim that land asset valuation of the site would be substantially different if it was zoned "G/IC" rather than "O" even with the planning permission obtained, the Secretary for Financial Services and the Treasury, Government Economist and DLO/TM, LandsD had no comment on this aspect;

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

- (iii) the implementation of the approval conditions could be executed through the lease modification upon rezoning. It was not uncommon to include landscaping, drainage, fire services and open space provision clauses in the lease as stipulated in the approval conditions of the s.16 application;
- (iv) sympathetic consideration might be given to the application as the proposed development was for institution and community use. In order to enforce the approved use and development parameters under s.16 application and to restrict the site to allow only for church use, should the Committee consider to approve the s.12A application, a new "G/IC" sub-zone would be required in order to include in the Notes the building height, plot ratio (PR)/gross floor area (GFA), site coverage (SC) and the amount of public open space to be provided (including area not covered) as proposed by the applicant;

and

- (v) with regard to the objection raised by the public, relevant departments including the Leisure and Cultural Services Department and the Transport Department had no objection to the application. Similar public comments had been received and considered by the Committee in consideration of the s.16 application.

11. The Chairman then invited Mr Tai Chi Wah to elaborate on the application. Mr Tai said that he was the representative of the applicant which was a religious institution. They proposed to rezone the site from “O” to “G/IC” to facilitate the church development. He thanked the Committee for approving the s.16 application. As the applicant had to seek financial support from banks and other financial institutions for construction of the approved church development and for paying the land premium, this rezoning application was necessary.

12. As the applicant’s representative had no further point to make and Members had no questions to raise, the Chairman informed the applicant’s representative that the hearing procedure for the application had been completed and the Committee would deliberate on the application 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 all left the meeting at this point.

Deliberation Session

13. After deliberation, the Committee decided to partially agree to the application and considered that an appropriate “G/IC” sub-zone restricting the site to allow only for church use, and including the building height, PR/GFA, SC and the amount of public open space to be provided (including area not covered) in the Notes of the OZP should be worked out in order to enforce the approved use and development parameters under the s.16 application. The relevant proposed amendments to the draft Tuen Mun Outline Zoning Plan No. S/TM/32 would be submitted to the Committee for agreement prior to gazetting under section 5 of the Town Planning Ordinance when opportunity arose.

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/TM/15 Application for Amendment to the Approved Tuen Mun Outline Zoning Plan No. S/TM/31, to rezone the application site from “Government, Institution or Community” to “Comprehensive Development Area”, 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/15)

14. The Secretary reported that the application was submitted by Pacific Good Investment Ltd. and Main Channel Ltd., which were subsidiaries of Sun Hung Kai Properties Ltd. (SHK) and AECOM Asia Co. Ltd. (AECOM), Environ Hong Kong Ltd. (Environ), CKM Asia Ltd. (CKM) and Urbis Ltd. were the consultants of the applicants. The following Members had declared interests in this item:

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|---------------------|---|--|
| Mr Ivan C.S. Fu | - | having current business dealings with SHK, AECOM, Environ and Urbis Ltd. |
| Ms Janice W.M. Lai | - | having current business dealings with SHK, AECOM and Urbis Ltd. |
| Professor S.C. Wong | - | CKM and AECOM had financially sponsored the Institute of Transport Studies of the University of Hong Kong, of which Professor Wong was the Director of the Institute; also having current business dealings with AECOM |

15. The Committee noted that Mr Ivan C.S Fu had not yet arrived to join the meeting. As the Planning Department (PlanD) had requested for deferment of consideration of the application and Ms Janice W.M. Lai and Professor S.C. Wong had no involvement in the

application, Members agreed that they could stay in the meeting but Ms Lai should refrain from participating in the discussion.

16. The Secretary reported that the application was scheduled for consideration for consideration by the Committee in this meeting. Since the site was the subject of an amendment item on the draft Tuen Mun Outline Zoning Plan No. S/TM/32 (the OZP) which was being exhibited for public inspection under section 5 of the Town Planning Ordinance, it would be more appropriate for the Committee to wait until the end of the exhibition period to confirm whether there was any representation related to the site before deciding on whether the application should be considered. This was to ensure that the decision on the application would not pre-empt the Town Planning Board (the Board)'s decision on the representation if received. PlanD therefore requested the Committee to defer making a decision on the application.

17. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration after the expiry of the exhibition of the OZP on 2.7.2014 if there was no adverse representation related to the site; or after consideration of the representation(s) on the OZP by the Board if there was/were adverse representation(s) related to the site.

Sai Kung and Islands District

[Ms Donna Y.P. Tam and Mr Alex C.Y. Kiu, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCTC/47 Proposed Temporary School for a Period of 5 Years in
 “Comprehensive Development Area” Zone, Retail (Shops A, B, C, D1
 and D2), G/F., Seaview Crescent, 8 Tung Chung Waterfront Road,
 Tung Chung, Lantau Island

 (RNTPC Paper No. A/I-TCTC/47)

18. The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) was the consultant of the applicant. Ms Anita K.F. Lam, Assistant Director of Lands, had declared an interest on this item as she had current private business dealings with Lanbase. As Ms Anita K.F. Lam had no involvement in the application, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

19. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – the application premises was the subject of, amongst others, a previous planning application No. A/I-TCTC/16 for amendment to the approved master layout plan to facilitate an international primary school development which was approved by the Committee on 6.1.1998. The primary school development had not been commenced and the permission was lapsed on 1.3.2005;
- (b) the proposed temporary school (international primary school) for a period of 5 years in the commercial area for shop and services use at the podium ground floor of the clubhouse building;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper and summarised as follows:

- (i) the Commissioner for Transport (C for T) had no in-principle objection to the application based on the information on traffic arrangement provided by the applicant and on the understanding that not more than 100 students would be enrolled in the primary school. In case the total number of students exceeded 100, submission justifying that enrolment would not result in adverse traffic impact should be provided;
 - (ii) the Secretary for Education (S for ED) had no adverse comment on the application but advised that the school was required to prepare a contingency plan for placement of students in case that the temporary planning permission, if granted, was not renewed by the Town Planning Board (the Board) in future; and
 - (iii) other Government departments concerned had no objection to or no comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 139 public comments were received. Among them, 137 comments from two members of the Islands District Council, Peng Chau Rural Committee and local residents supported the application, one from the Association of School Heads of Islands District objected to the application and one from a member of the public providing comments without explicitly expressing support or objection to the application. The major views were summarised as follows:

Supportive Comments

- (i) there was no formal international school in the area to support the multi-ethnic community in Tung Chung;
- (ii) it was very inconvenient for parents to send their children to other districts for schooling;

- (iii) the proposed school could help to resolve the problem of insufficient school place;

Adverse Comments

- (iv) the application premises were of a limited size and was not a purpose-designed school for the provision of proper education services;
 - (v) there were many formal primary and secondary schools on Lantau Island and adequate school places were provided for students with different needs. With the significant decrease of school-age children in Hong Kong, the problem of having excessive school places would become severe. In this circumstance, there was no demand for new private international school;
 - (vi) a large portion of students studying in the existing international schools in Hong Kong were local students. Approving the proposed international school would only aggravate the problem of having excessive school places and that would be a waste of resources; and
 - (vii) one commenter expressed concerns on the problem of having excessive school place in Tung Chung as the birth rate declined in recent years. In order to avoid the waste of resources, the commenter urged the Government to carefully consider if more school places of international school should be provided; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed temporary primary school use located in the commercial area providing school places for international students was generally in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone and was considered not incompatible with the surrounding land uses.

The application premises had its own entrance and was separated from the remaining commercial area and residential towers within the “CDA” zone. Given the small scale of the proposed school, it would unlikely cause any significant adverse environmental and infrastructure impacts on the locality. As to the public comments raising objection to the application, S for ED advised that for school operated in or in any part of any premises which were not designed and constructed for the purposes of a school, relevant safety certificates and notice in respect of the premises issued by the Fire Services Department (FSD) and the Buildings Department (BD) indicating that the premises were safe and suitable for school purposes were required. S for ED also advised that there was a consistent demand of private international school places for non-Chinese speaking students in the district.

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

20. A Member considered the application premises not suitable for primary school use because ad hoc and piecemeal school development in the commercial area with limited floor space could not provide the facilities commonly found in a typical school, e.g. assembly hall and ball court. Its temporary nature was also not desirable for long-term development of the school as well as the students. The same Member considered that it was more desirable to co-locate these private schools in a purpose-designed building with suitable facilities from the educational point of view. In response, Ms Donna Y.P. Tam said that according to S for ED’s advice, there was no specific requirement for provision of assembly hall and ball court for a private school. Nevertheless, the applicant was required to obtain relevant certificates and notice on fire safety and building aspects in respect of the premises to be issued by FSD and BD, indicating that the premises were safe and suitable for school purposes prior to the approval of the school registration by the Education Bureau (EDB).

21. In response to the Vice-chairman’s query on the current use of the application premises, Ms Tam said that the application premises had been occupied by an international primary school since August 2013 without school registration from EDB. Should the application be rejected by the Committee, the school registration could not be issued and the applicant had to identify an alternative site for the school. Another Member was concerned

why the school could exist in the application premises without registration. In response, Ms Tam said that enforcement actions had been taken by EDB against the unauthorised operation of the school. The current application was submitted in order to comply with the school registration requirements for its continuous operation in the application premises.

22. In response to a Member's query on the need to inform the parents that the planning permission was granted on a temporary basis and the expiry date of the permission, Ms Tam said that such advice could be given to the applicant via EDB during the school registration process. In response to another Member's query on whether the submission of the contingency plan as advised by EDB was a mandatory requirement for the school operation, Ms Tam said that whilst EDB did not indicate the submission of a contingency plan was a prerequisite for the operation of the school, it should be submitted to EDB for consideration during the application for school registration.

Deliberation Session

23. A Member opined that the Government should review the mechanism to grant planning permission for existing school use without registration. The same Member also considered that private school use within part of a commercial building was not desirable for the long-term development of students as facilities similar to those in the public school could not be provided. In response, the Chairman said that unauthorised operation of the private school without registration was not under the purview of the Board and should be dealt with by EDB separately under the provisions of the relevant legislation. The Chairman also said that owing to the unique demographic characteristics, the demand for international school places in some districts such as the Peak was strong and such demand may not be met by purpose-design school premises. The Committee had granted similar planning permissions for small-scale private school in commercial centre/building. Whilst the design and facilities provided in private schools were different from those of a public school, the Chairman noted that EDB had no comment on the facilities provided for the subject private school.

24. The Vice-chairman said that there was an acute demand for international school places in the territory. He considered that the application could be approved on a temporary basis to meet the demand provided that the proposed private international school use was not

incompatible with the surrounding land uses and the relevant statutory requirements on building and fire safety were complied with. The applicant should consider identifying a permanent site for the school during the planning approval period. Another Member also agreed that the application could be approved as the demography of Tung Chung consisted of diversified ethnic groups and there was no formal international school in the locality. This left the children of ethnic minority groups no choice but to attend local schools, which were difficult for them to adapt to.

25. The Chairman concluded that majority of the Members considered that the school under application could be tolerated on a temporary basis to meet the acute demand for international school places in Tung Chung. However, EDB should be requested to advise the applicant that parents should be notified of the fact that the school use was approved on a temporary basis only and the expiry date of the permission. The applicant should be advised that a contingency plan for placement of students in case that the temporary planning permission was not renewed by the Board in future should be prepared for EDB's consideration during the application for school registration.

26. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 23.5.2019, on the terms of the application as submitted to the Town Planning Board (TPB).

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

- “(a) prior planning permission should have been obtained before continuing the applied use at the Premises;
- (b) to note the comments of the District Lands Officer/Islands, Lands Department (LandsD) that the application for waiver, if approved by LandsD acting in its capacity as the landlord at its discretion, will be subject to such terms and conditions, including the payment of waiver fee as appropriate, as imposed by LandsD;
- (c) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail Unit, Buildings Department that before any new building

works (other than those under Section 41(3), (3A), (3B), (3C) of the Buildings Ordinance or minor works) are to be carried out on the site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance. Any building works to be carried out by the applicant which fall within Minor Works under the Building (Minor Works) Regulation (B(MW)R) should fully comply with the requirements of the B(MW)R;

- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department 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;
- (e) to note the comments of the Commissioner for Transport that in case the number of students exceeds 100, the applicant shall provide submission to justify that no adverse traffic impact would be resulted; and
- (f) to note the comments of the Secretary for Education that the school is required to prepare a contingency plan for placement of students in case that the temporary planning permission is not renewed by the Town Planning Board in future.”

28. The Committee also agreed to request EDB to advise the applicant that parents should be notified of the fact that the school use was approved on a temporary basis only and the expiry date of the permission.

[The Chairman thanked Ms Donna Y.P. Tam, STP/SKIs, for her attendance to answer Members' enquires. She left the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting]

A/SK-HC/227

Proposed House in “Recreation” Zone and an Area Shown as ‘Road’, Lots 101 S.A (Part), 102 S.A, S.B, S.C (Part) & S.E (Part), 103 S.A (Part) & S.B (Part), 104 S.A & RP, 105 S.A & RP, 107 S.A to S.C (Part) & S.D. to S.H., 108 S.A, S.B, S.C. & RP, 109 S.A & RP, 110 to 111 in D.D. 247 and Adjoining Government Land in Ho Chung, Sai Kung

(RNTPC Paper No. A/SK-HC/227)

29. The Secretary reported that LWK & Partners (HK) Ltd. (LWK) was the consultant of the applicant. Mr Ivan C.S. Fu had declared an interest on this item as he was the director and a shareholder of LWK. The Committee noted that Mr Ivan C.S Fu had not yet arrived to join the meeting.

[Mr F.C. Chan arrived to join the meeting at this point.]

30. The Committee noted that the applicant requested on 16.5.2014 for further deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. This was the third time that the applicant had requested for deferment. Since the Committee’s agreement to the last deferment request, the applicant, on 11.4.2014 and 22.4.2014, submitted responses to departmental comments, a revised Master Layout Plan with a larger site area, a revised Sewerage Impact Assessment, a revised Drainage Impact Assessment and revised tables and figures of the Traffic Impact Assessment. The applicant needed more time to address further comments from the Environmental Protection Department and the Transport Department.

31. 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. Since this was the third deferment of the application requested by the applicant and the Committee had already allowed a total of five months for preparation of further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/232 Proposed Government Refuse Collection Point in "Green Belt" Zone,
Government Land at the junction of Hiram's Highway and Luk Cheung
Road, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/232)

Presentation and Question Sessions

32. With the aid of a PowerPoint presentation, Mr Alex C.Y. Kiu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed government refuse collection point (RCP);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sai Kung); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed RCP was intended to replace the existing one which had to be relocated to make way for the proposed widening and re-alignment of the Hiram's Highway. It was an essential public facility to maintain the hygienic condition of the area and must be reprovisioned to continue the service for the local community within the same catchment. The applicant had undertaken a site search which had concluded that the site was the only suitable site for the proposed RCP taking into account the refuse collection catchment, the road widening works, the topography and the availability of land. The proposed development was not incompatible with the surrounding rural environment, and would unlikely result in any adverse impact or overstrain any infrastructure. Concerned Government departments had no adverse comment on the application. The proposed RCP would adopt a green tone camouflaging and beautification scheme for the outer appearance to blend in with the surrounding environment and planting would be provided at the slope behind the site. The proposed development was generally in compliance with the Town Planning Board Guidelines No.10 for 'Application for Development within "Green Belt" Zone under Section 16 of the Town Planning Ordinance'. Regarding the 5.24m excavation of slope to effect the proposed RCP, planning permission was not required according to the Notes of the OZP for "Green Belt" zone.

33. Members had no question on the application.

Deliberation Session

34. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.5.2018, 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 a landscape proposal to the

satisfaction of the Director of Planning or of the TPB; and

- (b) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

“(a) to note the comments of the District Lands Officer/Sai Kung (DLO/SK), Lands Department that the site affects the following areas:

- (i) the clearance limit for PWP Item No. 182WC – Replacement and Rehabilitation of Watermains, Stage 2;
- (ii) the resumption limit for Port Shelter Sewerage, Stage 3 Ho Chung and Pik Shui Sun Tsuen Sewerage, Sai Kung;
- (iii) the resumption limit for Dualling of Hiram’s Highway between Clear Water Bay and Marina Cove and Improvement to Local Access to Ho Chung;
- (iv) Slope No. 7SE-D/C13 which is under Highways Department’s maintenance; and
- (v) a part of the existing walkway/staircase leading from the public pavement of Hiram’s Highway, and across the said slope, and then running along the back of the slope;

the applicant should consult the concerned departments for any interface issues with the projects mentioned in paragraphs (i) to (iii) above, and clarify the user and maintenance of the existing walkway/staircase mentioned in paragraph (v) above. The applicant will also need to apply to DLO/SK for land allocation to implement the proposal;

- (b) to note the comments of the Chief Town Planner/Urban Design and

Landscape, Planning Department that the height of the Refuse Collection Point (RCP) should be reduced to a practical minimum and the feasibility of providing landscape planting adjacent to the proposed RCP along Hiram Highway should be explored;

- (c) to note the comments of Head of Geotechnical Engineering Office (GEO), Civil Engineering and Development Department that the necessary geotechnical works should be submitted to GEO for checking in accordance with the Environment, Transport and Works Bureau Technical Circular (Works) No. 29/2002;
- (d) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage facilities to deal with the surface runoff of the site without causing any adverse drainage impacts or nuisance to the adjoining areas should be provided;
- (e) to note the comments of the Director of Fire Services that Emergency Vehicular Access shall comply with Section 6, Part D of the 'Code of Practice for Fire Safety in Buildings 2011' administered by the Buildings Department. Detailed fire safety requirements will be formulated upon receipt of formal submission of building plans;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for the provision of fresh water supply to the development, the applicant may need to extend his inside service 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 inside services within the private lots to WSD's standards; and
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation the impact one existing trees should be kept to the minimum.”

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TLS/43 Proposed Public Vehicle Park (Excluding Container Vehicle) in “Green Belt” Zone, Lot 29 (Part) in S.D. 9, Ma Yau Tong Village, Sai Kung
(RNTPC Paper No. A/SK-TLS/43)

36. The Secretary informed Members that replacement pages of page 3 to 4 and 8 to 10 of the Paper were tabled at the meeting.

Presentation and Question Sessions

37. With the aid of a PowerPoint presentation, Mr Alex C.Y. Kiu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public vehicle park (excluding container vehicles);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as approval of the application would set an undesirable precedent for similar application resulting in further encroachment of such incompatible uses onto the “Green Belt” (“GB”) zone and degrade the landscape quality in the area.
- (d) during the first three weeks of the statutory publication period, three public comments were received. A public supported the application as the site could serve Tseung Kwan O’s increasing population and considered that more parking spaces for large goods vehicles should be provided. Kadoorie Farm & Botanic Garden Corporation (KFBG) and Designing Hong Kong Limited objected to the application mainly on the grounds of (a)

incompatibility with the planning intention of the “GB” zone and the Town Planning Board Guideline No.10 (TPB-PG No. 10); (b) adverse ecological impacts on the adjoining woodland; (c) lack of environmental, traffic, drainage and sewerage assessments; (d) no overriding need; and (e) undesirable precedent and potential cumulative impacts of approving the application. KFBG also suspected the presence of “destroy first” activities between 2001 and 2006. No local objection/view was received by the District Officer (Sai Kung); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments set out in paragraph 12 of the Paper. There were neither exceptional circumstances nor strong planning grounds in the submission for a departure from the planning intention of “GB” zone. The application did not comply with TPB-PG No. 10 in that extensive clearance of natural vegetation had been involved. CTP/UD&L, PlanD objected to the application. Also, approval of the application would set an undesirable precedent and attract similar applications in the “GB” zone. The cumulative effect of approving similar applications would result in general degradation of the “GB” zone and bring about further adverse landscape impact, thereby jeopardizing the planning intention of the “GB” zone.

38. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a

general presumption against development in “GB” zone. The applicant fails to provide strong planning justification in the submission for a departure from the planning intention of “GB” zone;

- (b) the proposed development is not in line with Town Planning Board Guidelines No.10 in that extensive clearance of natural vegetation has been involved and the planning intention of the “GB” zone would be jeopardized; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “GB” zones of the Outline Zoning Plan. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area and bring about further adverse landscape impact.”

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

[The Chairman thanked Mr Alex C.Y. Kiu, STP/SKIs, for his attendance to answer Members’ enquires. He left the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting]

A/SK-TMT/45 Proposed School (Primary School) in “Residential (Group C) 3” Zone,
Floral Villas, 18 Tso Wo Road, Sai Kung
(RNTPC Paper No. A/SK-TMT/45)

40. The Secretary reported that RHL Surveyors Ltd. (RHL) was the consultant of the applicant. Mr H.F. Leung had declared an interest on this item as RHL had donated the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong, of which he was working. As the applicant had requested for deferment of consideration of the application, and Mr Leung had no involvement in the application,

Members agreed that he could stay in the meeting.

41. The Committee noted that the applicant requested on 7.5.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the departmental comments. This was the first time that the applicant requested for deferment of the application.

42. 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.

Sha Tin, Tai Po and North District

Agenda Item 10

Section 16 Application

[Open Meeting]

A/ST-KYS/9 Proposed Houses (Redevelopment) in "Conservation Area" Zone, Lots 415 S.A., 415 S.B. and 415 RP in D.D. 192, Kwun Yam Shan, Sha Tin
(RNTPC Paper No. A/ST-KYS/9)

43. The Committee noted that the applicant requested on 12.5.2014 for deferment of the consideration of the application for one month in order to allow time for preparation of further information on design drawing of the proposed houses for the Committee's consideration. This was the first time that the applicant requested for deferment of the application.

44. 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 11

Section 16 Application

[Open Meeting]

A/ST/845 Temporary Shop and Services (Fast Food Shop) for a Period of 3 Years
in "Industrial" Zone, Unit C3, G/F, Block 1, Kin Ho Industrial
Building, 14 - 24 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/845)

45. The Committee noted that the applicant requested on 15.5.2014 and 19.5.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information on fire safety measures for the subject premises. This was the first time that the applicant requested for deferment of the application.

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

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/467 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 749 S.F RP
and 749 S.G in D.D. 9, Yuen Leng Village, Tai Po
(RNTPC Paper No. A/NE-KLH/467)

47. The Secretary informed Members that a replacement page of page 3 of the Paper was tabled at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix III of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site had high potential for rehabilitation of agricultural activities.

- (d) during the first three weeks of the statutory publication period, two public comments were received from a local villager and Designing Hong Kong Limited. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agricultural” (“AGR”) zone; approval of the application would set an undesirable precedent for similar applications and would have adverse cumulative impact on agricultural land, fire safety hazard and flooding, and no impact assessments on traffic and environment had been submitted. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although DAFC did not support the application from agricultural point of view as the site had high potential for rehabilitation of agricultural activities, it should be noted that the proposed development generally met with the Interim Criteria in that more than 50% of the proposed Small House footprint fell within the village ‘environs’ of Yuen Leng, Kau Lung Hang San Wai and Lo Wai and there was insufficient land within the “Village Type Development” (“V”) zone of Yuen Leng, Kau Lung Hang San Wai and Lo Wai to meet the Small House demand. Sympathetic consideration could be given to the application. The proposed Small House was not incompatible with the surrounding area which had been developed and similar village houses can be found in close proximity of the site. The proposed development was also not expected to cause significant adverse traffic, environmental and drainage impacts on the surrounding area. Other concerned departments had no adverse comment or no objection to the application. To address the sewage issue, the applicant proposed to locate a septic tank within the area zoned “V” of the site as an interim measure. DEP and Chief Engineer/Development(2), Water Supplies Department had no objection to such arrangement provided that the septic tank and soakaway system shall be constructed within the site and the “V” zone, and the proposed development shall be connected to the future public sewer when available. Regarding the public comments,

the assessments above were relevant.

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 23.5.2018, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) 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 to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

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

construction of house shall not be commenced before the completion of the planned sewerage system; the proposed Small House shall be connected to the future public sewer at the applicant's own cost when available; adequate land shall be reserved for the future sewer connection work and the sewerage connection point shall be within the site;

- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the proposed NTEH/Small House should be located as far away from the water course as possible since it is less than 30m from the nearest water course; the whole of the foul effluent from the proposed NTEH/Small House shall be conveyed through cast iron pipes or other approved materials with sealed joints and hatchboxes; 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; and 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; and water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (c) to note the comments of the Commissioner for Transport that the land status, management and maintenance responsibilities should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (d) to note the comments of the Chief Engineer/Consultants Management and the Chief Engineer/Mainland North, Drainage Services Department that 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 this 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. There is no public drain in the vicinity of the site. The proposed development should have its own stormwater collection and

discharge system to cater for the runoff generated within the site and overland flow from surrounding of the site, e.g. surface channel of sufficient size along the perimeter of the site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the site if boundary wall/fence is to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant/owner is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. For works to be undertaken outside the lot boundary, prior consent and agreement from the Lands Department (LandsD) and/or other private lot owners should also be sought;

- (e) to note the comments of the Director of Fire Services that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (f) to note that the permission is only given to the development under the 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 13

Section 16 Application

[Open Meeting]

A/NE-KLH/468 Proposed 3 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” Zone, Lots 853 S.E ss.1, 853 S.F, 853 S.G, 854 S.C RP and 854 S.I ss.1; 854 S.D, 854 S.I RP, 854 S.J, 855 S.F and 855 S.G, 867 S.B and 867 RP in D.D. 9, Yuen Leng, Tai Po
(RNTPC Paper No. A/NE-KLH/468)

52. The Committee noted that the applicant requested on 9.5.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information in relation to the location of septic tanks. This was the first time that the applicant requested for deferment of the application.

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 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/506 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” Zone, Government Land in D.D. 27 (near Lot 253 in D.D.
 27), Shuen Wan Sha Lan Village, Tai Po
 (RNTPC Paper No. A/NE-TK/506)

Presentation and Question Sessions

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

- (a) background to the application;

[Dr Eugene K.K. Chan arrived to join the meeting at this point.]

- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Notwithstanding the above, the application only involved construction of a Small House, he considered the application could be tolerated unless it was rejected on other grounds. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning perspective as the construction of the proposed house would likely involve cutting of slopes/building of raised platform and the associated work activities. It would affect the surrounding natural vegetated slopes and there would be no space for mitigation planting.

Approval of this application would attract more Small House applications encroaching onto the subject green belt and leading to further degradation of existing landscape resources in the area;

- (d) during the first three weeks of the statutory publication period, five public comments were received. A public comment, submitted by the Indigenous Inhabitant Representative of Sha Lan, supported the application as there was insufficient land available within the village to meet the indigenous villagers' Small House demand. A local resident objected to the application due to its adverse landscape impact. The other three comments, submitted by World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation, objected to the application mainly on the grounds that the site was well vegetated and located at the periphery of a woodland; the proposed development was not in line with the planning intention of "Green Belt" ("GB") zone and does not comply with the Town Planning Board Guideline No.10 (TPB PG-No. 10); approval of the application would cause cumulative adverse impacts on the subject "GB" zone; and there was a lack of access and parking spaces in the area. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the "GB" zone which had a general presumption against development. Although the proposed Small House footprint fell entirely within the village 'environs' of Shuen Wan Chan Uk, Lei Uk, Chim Uk and Sha Lan and there was a general shortage of land in meeting the future Small House demand, the proposed development did not meet the Interim Criteria for assessing planning applications for NTEH/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas. The proposed Small House also did not comply with the TPB-PG No. 10 for development within "GB" zone in that the proposed development and its associated site formation works would affect

the existing natural landscape on the surrounding environment. Approval of the application will encourage similar Small House applications encroaching onto the remaining natural vegetated slope and leading to further degradation of the landscape quality in the surrounding area. CTP/UD&L, PlanD objected to the application. As the site was the subject of two previously rejected applications and there had been no change in planning circumstances, there was no strong planning justification to merit sympathetic consideration of the current application. Regarding the public comments, they had been taken into account in the assessments above.

55. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. The applicant fails to provide information in the submission to justify a departure from this planning intention;
- (b) the application does not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories and the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve site formation works and clearance of vegetation that would affect the existing natural landscape on the surrounding environment; and

- (c) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.”

Agenda Item 15

Section 16 Application

[Open Meeting]

A/TP/549 Proposed Religious and Columbarium Uses in “Government, Institution or Community” Zone, Lot 1006 RP in D.D. 5, 2 Mui Shue Hang Village, Tai Po
(RNTPC Paper No. A/TP/549)

57. The Secretary reported that the application site was the subject of a previous application (Application No. A/TP/461) for the same use and submitted by the same applicant, which was rejected by the Committee on 16.3.2012 on traffic grounds. In the current application, the applicant had submitted a revised Traffic Impact Assessment (TIA) and proposes various measures including road widening and provision of car parking and unloading/unloading facilities to address the traffic concern. The Commissioner for Transport had comments on the TIA and the Director of Environmental Protection also requested the applicant to provide further information of the proposal.

58. The Committee noted that the applicant requested on 8.5.2014 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 relevant Government departments. This was the first time that the applicant requested for deferment of the application.

59. 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' enquires. He left the meeting at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting]

A/NE-LYT/541 Temporary Vehicle Park for Private Car and Light Goods Vehicle (excluding Container Vehicle) and Loading/Unloading for a Period of 3 Years in "Residential (Group C)" Zone, Lots 799 S.A RP and 800 S.B RP and 801 S.B in D.D. 83, 192 Sha Tau Kok Road, Lung Yeuk Tau, Fanling
(RNTPC Paper No. A/NE-LYT/541)

60. The Committee noted that the applicant requested on 7.5.2014 for deferment of the consideration of the application for two months in order to allow time for the applicant to clarify on the extent of the site boundary and prepare additional supporting information. This was the first time that the applicant requested for deferment of the application.

61. 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 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/542 Temporary Warehouses (Excluding Dangerous Goods Godown) for a Period of 3 Years in “Agriculture” and “Residential (Group C)” Zones, Lots 755, 835 S.B ss.1, 836, 837, 838 RP, 841 RP, 842 RP, 844 RP and 854 in D.D. 83, 31A Ma Liu Shui San Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/542)

Presentation and Question Sessions

62. 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 warehouses (excluding dangerous goods godown) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected from the use of heavy goods vehicles;
- (d) during the first three weeks of the statutory publication period, a public comment was received from a North District Council member who had no specific comment on the application and advised that consultation with the

residents nearby should be done. District Officer (North) had consulted the locals regarding the application. The Chairman of Fanling District Rural Committee, the Residents Representative of Ma Liu Shui San Tsuen, the Indigenous Inhabitant Representative (IIR) of Ma Liu Shui San Tsuen and the IIR of Fu Tei Pai had no comments on it.; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary warehouse (excluding dangerous goods godown) could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. Although DEP did not support the application, there was no record of pollution complaint for the site in the past three years. The concerns of DEP on possible environmental nuisance to surrounding area could be addressed through the incorporation of approval conditions restricting the operation hours and days, prohibiting open storage and manufacturing activities, and storage of electronic waste on the site. The applicant would also be advised to follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisances. Since the last approval (Application No. A/NE-LYT/422) was revoked due to non-compliance with the approval conditions, shorter compliance periods were recommended to monitor the progress of compliance.

63. Members had no question on the application.

Deliberation Session

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.5.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation except indoor forklift operation inside the enclosed warehouses is allowed on the site between 7:00 p.m. and 8:00 p.m., as proposed by the applicant, during the planning approval period;

- (b) no operation between 8:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays is allowed on the site, as proposed by the applicant, during the planning approval period;
- (d) gates should be provided at the entrance of the site at all times during the planning approval period;
- (e) a maximum of two heavy goods vehicles/container vehicles are allowed to enter the site per day, as proposed by the applicant, during the planning approval period;
- (f) vehicles longer than 7.5m should only be allowed to use the ingress/egress at Dao Yang Road at all times during the planning approval period;
- (g) no open storage of materials should be carried out on the site at any time during the planning approval period;
- (h) no manufacturing activities shall be carried out on the site at any time during the planning approval period;
- (i) no used electrical appliances, televisions, computer monitors, computer parts or any other types of electronic waste are allowed to be stored on the site at any time during the planning approval period;
- (j) 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 23.8.2014;
- (k) in relation to (j) 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 23.11.2014;

- (l) the submission of proposals for water supplies for fire-fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.8.2014;
- (m) in relation to (l) above, the provision of water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.11.2014;
- (n) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.8.2014;
- (o) in relation to (n) above, the implementation 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 23.11.2014;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) 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
- (q) if any of the above planning conditions (j), (k), (l), (m), (n) or (o) 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.”

65. 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) a shorter compliance period is granted in order to closely monitor the compliance of approval conditions;

- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (d) to note the comments of the District Lands Officer/North, Lands Department that should planning approval be granted, the owner concerned should apply to his office for modification of the existing Short Term Waiver (STW) No. 985 to regularize the irregularities on site. There is no guarantee that the regularization application will be approved. If the regularization application is approved, it will be subject to such terms and conditions to be imposed including payment of STW fee;
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
 - (i) an existing DN80 fresh water mains is found within the site;
 - (ii) if diversion is required, it is needed to be diverted outside the site boundary of any proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of the existing water mains. The grantee/applicant shall bear the cost of any necessary diversion works affected by the proposed development; and the grantee/applicant shall submit all the relevant proposal to the Water Supplies Department for consideration and agreement before the works commence;
 - (iii) if diversion is not required, the following conditions shall apply:
 - (a) existing water mains are affected as indicated on the site plan and no development which requires resiting of water mains will be allowed;

- (b) details of site formation work shall be submitted to the Director of Water Supplies (DWS) for approval prior to commencement of works;
 - (c) no structures shall be built or materials stored within 1.5 metres from the centre line(s) of water main(s) shown on the plan. Free access shall be made available at all times for staff of the DWS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (d) no trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main(s) shown on the plan. No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of DWS. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5 m or less, and the barrier must extend below the invert level of the pipe;
 - (e) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 metres around the cover of any valve or within a distance of 1 metre from any hydrant outlet; and
 - (f) tree planting may be prohibited in the event that DWS considers that there is any likelihood of damage being caused to water mains; and
- (iv) the site is located within the flood pumping gathering ground;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
- (i) if the existing structures are erected on leased land without approval

of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;

- (ii) before any new building works (including containers / open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
 - (iv) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and
 - (v) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (g) to note the comments of the Director of Fire Services as follows:
- (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, FSIs will need to be installed;
 - (ii) in such circumstances, except where building plan is circulated to the Centralised Processing System of BD, the applicant is required

to send the relevant plans to his department incorporated with the proposed FSIs for approval. In doing so, the applicant should note that:

- (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
- (b) the locations of the proposed fire service installations (FSIs) and the access for emergency vehicles should be clearly marked on the layout plans; and
- (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of the aforesaid plans. The applicant will need to subsequently provide such FISs according to the approved proposal; and
- (h) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department in order to minimize any possible environmental nuisances.”

Agenda Items 18 to 20

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/50 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1580 S.A in D.D. 91, Kai Leng, North District

(RNTPC Paper No. A/NE-PK/50, 51 and 52)

A/NE-PK/51 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1580 S.B in D.D. 91, Kai Leng, North District

(RNTPC Paper No. A/NE-PK/50, 51 and 52)

A/NE-PK/52 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1580 S.C in D.D. 91, Kai Leng, North District
(RNTPC Paper No. A/NE-PK/50, 51 and 52)

66. The Committee noted that the three applications were similar in nature and the application sites (the sites) were located in close proximity to each other and within the same zone. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

67. Mr Wallace W.K. Tang, STP/STN, presented the applications 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) of each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agricultural point of view as the sites fell entirely within “Agricultural” (“AGR”) zone and were largely surrounded by abandoned farmland. The sites and their vicinity had high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications and advised that Small House developments should be confined within the “Village Type Development (“V”) zone as far as possible. Notwithstanding, the applications only involved construction of three Small Houses, C for T considered the applications could be tolerated unless they were rejected on other grounds. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning perspective as trees and vegetation within the sites had been removed which lead to adverse impact on existing landscape resources and

character;

- (d) during the first three weeks of the statutory publication period, six public comments were received on applications No. A/NE-PK/50 and 52, and seven public comments were received on application No. A/NE-PK/51. A North District Council member supported all the applications as they could facilitate villagers to build Small Houses. Kadoorie Farm & Botanic Garden Corporation objected to all the applications mainly on the grounds that the proposed developments were not in line with the planning intention of “AGR” zone; the potential cumulative impacts of approving Small Houses developments in the same “AGR” zone should be considered; some landscape changes at the sites are observed and agricultural land should be retained to safeguard the food supply for Hong Kong. The remaining public comments were received from individuals and some local villagers who objected to the applications mainly for the reasons that the applicants were not indigenous villagers of Ping Kong Village; the sites fell outside the ‘VE’ boundary; and approval of such cases would reduce land available to local villagers for Small House development and set undesirable precedents for similar applications.
- (e) District Officer (North) had consulted the locals. The Indigenous Inhabitant Representative (IIR) of Ping Kong objected to the applications while the Incumbent North District Council Constituency member, the Chairman of Sheung Shui District Rural Committee, the IIR of Kai Leng, and the Resident Representative of Kai Leng and Ping Kong had no comment on the applications.; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper. Although DAFC did not support the applications as the sites and their vicinity had high potential for agricultural rehabilitation , it should be noted that the proposed development generally met with the Interim Criteria for assessing planning applications for NTEH/Small House in New Territories in that more than 50% of the proposed Small House footprint fell within the

village ‘environs’ of Kai Leng and there was insufficient land within the “V” zone of Kai Leng to meet the Small House demand. Sympathetic consideration could be given to the application. Although CTP/UD&L, PlanD had reservation on the applications, the sites were not considered not incompatible with the surrounding rural environment and his concerns on the possible adverse landscape impact could be addressed through the incorporation of approval conditions on the submission and implementation of landscape proposal. Regarding the public comments, the assessments above were relevant.

68. Members had no question on the application.

Deliberation Session

69. After deliberation, the Committee decided to approve the applications, on the terms of each of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 23.5.2018, 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. Each of the permissions 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 proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

70. 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;

- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant 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 his department's standards; and
 - (ii) the site is located within the flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal 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 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/471 Proposed 5 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” and “Village Type Development” Zones, Lots 709 S.A, S.B, S.J, S.K, S.L and 709 RP in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/471)

Presentation and Question Sessions

71. 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 5 houses (New Territories Exempted House (NTEH) – 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 as active farming activities were noted in the vicinity of the site and it had high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House developments should be confined within the “Village Type Development (“V”) zone as far as possible. Notwithstanding the above, the application only involved construction of five Small Houses, he considered the application could be tolerated unless it was rejected on other grounds. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective as the existing trees would likely be affected by the proposed access road. No tree survey, tree

preservation and landscape proposals had been submitted to mitigate the possible landscape impact;

- (d) during the first three weeks of the statutory publication period, four public comments were received. A public comment was received from a North District Council Member who supported the application as it would bring convenience to the villagers. A public objected to the application as he/she considered that Small House development was a waste of land resources. The remaining two public comments were submitted by Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation which objected to the application mainly on the grounds that the proposed Small House developments were not in line with the planning intention of the “AGR” zone; approval of the application would set an undesirable precedent for similar Small House developments, the cumulative impacts would result in overloading the soak-away system, increasing human disturbances and degrading the rural character of the area; and no traffic or environmental assessment had been included in the application to assess the possible impacts;
- (e) the District Officer (North) received local views from the Indigenous Inhabitant Representatives and the Residents Representative of Lei Uk Tsuen who supported the application as the proposed Small House development could meet the housing need of the villagers, while the Ta Kwu Ling District Rural Committee and the incumbent District Council member had no comment on it; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Paper. The proposed Small Houses development was not in line with the planning intention of the “Agricultural” (“AGR”) zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. DFAC and CTP/UD&L, PlanD did not support/had reservation on the application. Existing trees would likely be affected by the proposed access road. C for T considered that Small House

developments should be confined within the “V” zone as far as possible. He further advised that permitting such type of Small House development outside the “V” zone would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Although more than 50% of the proposed Small Houses footprint fell within the ‘VE’ to the west of Lei Uk Tsuen and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Lei Uk Tsuen, the proposed development did not meet the Interim Criteria for assessing planning applications for NTEH/Small House in New Territories in that the proposed Small Houses development would frustrate the planning intention of the “AGR” zone where active agricultural activities were found and would have adverse landscape impact. The site was the subject of three previously rejected applications and there had been no change in planning circumstances. Regarding the public comments, the assessments above were relevant.

72. Members had no question on the application.

Deliberation Session

73. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention;
- (b) the proposed development would involve clearance of existing vegetation and would affect the existing natural landscape on the surrounding environment. Approval of the application would set an undesirable

precedent for similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area; and

- (c) land is still available within the “Village Type Development” (“V”) zone of Lei Uk Tsuen where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for an orderly development pattern, efficient use of land and provision of infrastructures and services.”

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

Agenda Item 22

Section 16 Application

[Open Meeting]

A/NE-TKLN/2 Proposed Temporary Ancillary Site Office with Open Storage of Construction Equipment and Materials to Public Works for a Period of 3 Years in “Agriculture” Zone, Lot 939 in D.D. 78, Ta Kwu Ling North
(RNTPC Paper No. A/NE-TKLN/2)

74. The Committee noted that the applicant requested on 8.5.2014 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 Transport Department. This was the first time that the applicant requested for deferment of the application.

75. 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.

Fanling, Sheung Shui and Yuen Long East District

[Ms Maggie M.Y. Chin, District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE), 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 23

[Open Meeting]

Land Use Review on the "Recreation" Zone in Hang Tau Tai Po on the approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/14

(RNTPC Paper No. 9/14)

76. With the aid of a PowerPoint presentation, Ms Maggie M.Y. Chin, DPO/FSYLE, presented the land use review and covered the following aspects as detailed in the Paper:

Background

- (a) on 7.12.2012, the RNTPC considered a s.12A planning application (No. Y/NE-KTS/5) for rezoning the north-eastern portion of the "REC" zone (about 1.77ha) to "Comprehensive Development Area" ("CDA") to facilitate a low-rise and low-density residential development. The Committee agreed in principle the application and requested the Planning Department to carry out a land use review of the whole "Recreation" ("REC") zone as the concerned application site formed part of the larger

“REC” zone;

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

The Subject “REC” Zone

- (b) the subject “REC” zone (8.47ha) was located in a predominantly rural environment dominated by low-rise residential developments, village dwellings or domestic structures, temporary structures for storage and warehouse purposes and vacant or unused land;
- (c) the subject zone comprised mainly private land (about 90%) with mixed land uses. The agreed s.12A application was located at the north-eastern portion, and had been fenced off and left vacant;
- (d) no recreational use was currently found within the subject “REC” zone and no recreational use had been proposed by any concerned Government department for the subject “REC” zone since its designation in 1994;

Rezoning Proposals

- (e) taking into account the site conditions, planning considerations, land ownership pattern, development opportunities (such as environmental improvement) and constraints (such as traffic, sewerage and noise impact), potential developments in the surrounding area, infrastructural capacity and the need to optimize valuable land resources to meet housing demand, the following sites were proposed to be rezoned as follow:
 - (i) a site fronting Hang Tau Road (Site A) (about 1.87ha) – the majority of the site was the subject of a planning application (No. Y/NE-KTS/5) for rezoning to “CDA” for a proposed residential development of 30 detached houses approved by the Committee on 7.12.2012. Site A was proposed to be rezoned to “CDA” with maximum plot ratio (PR) of 0.4, maximum site coverage of 20% and

maximum building height of 3 storeys (including carport) to facilitate a comprehensive private residential development with appropriate planning control over the development mix, scale, design and layout of the proposed development within the site;

- (ii) a site to the immediate north of Hang Tau Village (Site B) (about 0.21ha) – it was the subject of three approved planning applications for Small House development with a total of 17 Small Houses and the said development had been completed. Site B was proposed to be rezoned from “REC” to “Village Type Development” (“V”) with maximum building height of 3 storeys (8.23m) to reflect the as-built condition under the approved planning applications;
- (iii) a site to the further north of Hang Tau Village (Site C) (about 0.37 ha) – it was the landscape area for an approved Small House development. To reflect the proposed use under the planning application and the as-built condition of the landscape area, the subject site was proposed to be rezoned to “Open Space (1)” (“O(1)”), the planning intention of which was for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of local residents;

[Ms Christina M. Lee arrived to join the meeting at this point.]

- (iv) a site to the west of Hang Tau Road (Site D1) (about 0.06 ha) – it was currently occupied by Hang Tau Sewage Pumping Station which was approved by the Committee on 17.3.2000. The site was proposed to be rezoned to “Government, Institution or Community” (“G/IC”) to reflect the as-built condition;
- (v) a site to the further north-east of Serenity Gardens (Site D2) (about 0.04 ha) – it was currently occupied by the existing underground sewage treatment plant and two electricity package substations which serve the adjacent residential development, i.e. Serenity Gardens.

The site was proposed to be rezoned to “G/IC” to reflect the existing uses; and

- (vi) the remaining area of the “REC” zone (Site E) (about 5.92ha) – the site was currently occupied by a mix of land uses with low-rise and low-density domestic uses and vacant dilapidated structures in the eastern and northern portions. The central portion of this site was occupied by unused and vacant land whereas open storage yards, workshops, warehouses and a vehicle park were found in the western portion. “Residential (Group D)” (“R(D)”) zone with maximum PR of 0.4 and maximum building height of 3 storeys (9m) was recommended to encourage phasing out/upgrading of existing temporary structures into permanent buildings through redevelopment and to reserve the area for low-rise and low-density residential developments through the planning permission system;

Technical Considerations

Visual and Air Ventilation Considerations

- (f) the maximum building height of 3 storeys for the proposed “CDA” and “R(D)” zones was generally in line with the rural character of the area and the approved schemes in the area. The proposed residential developments would not cause adverse visual impacts;

Traffic, Environmental and Infrastructure Considerations

- (g) the capacity of the existing local road network, especially Hang Tau Road, was limited. A supplementary Traffic Impact Assessment (TIA) review was conducted to assess the traffic impact arising from the land use review of the subject “REC” zone under the rezoning application No. Y/NE-KTS/5. The sensitivity test in the TIA demonstrated that low-density residential use with PR of 0.4 at the “REC” zone would be technically feasible;
- (h) the subject “REC” zone fell within the sewage catchment boundary of the

Shek Wu Hui Sewage Treatment Works (SWHSTW) which would reach its maximum treatment capacity soon. The development or redevelopment proposals within the zone were also subject to the “no net increase in pollution load in Deep Bay” requirement as the subject “REC” zone fell within the Deep Bay Catchment. With provision of temporary storage facilities or in-situ sewage treatment systems, the proposed developments at the “REC” zone would not add to the pollution load in Deep Bay;

- (i) concerned Government departments had been consulted on the land use proposals and they had no adverse comment on the proposed rezoning. Technical assessments such as TIA, Drainage Impact Assessment, Sewerage Impact Assessment and Environmental Assessment would need to be carried out for developments on the “CDA” and “R(D)” zones at the planning application stage;

Provision of Open Space and Government, Institution or Community (GIC) Facilities

- (j) the existing and planned population in the Kwu Tung South area was about 10,704 and 16,581 respectively. While the land use proposals would generate additional population, there would still be a surplus in the planned district and local open space provision, at 2.43ha and 10.57ha respectively; and
- (k) as for the provision of GIC facilities, there would be a deficit of 24 classrooms and 5 classrooms for primary school and kindergarten respectively. The shortfall could be addressed/partly addressed by the provision in the Fanling/Sheung Shui New Town. The demand for other GIC facilities such as hospital beds, social welfare facilities including children and youth centre and the elderly services, post office, etc. generated by the local population was rather low in view of the small population of the area and such requirement could be met by the facilities provided in the neighbouring areas.

77. A Member asked whether there would be a comprehensive review of the Kwu Tung South area. Ms Maggie M.Y. Chin replied that the “Preliminary Feasibility Study on Developing the New Territories North” would cover parts of Kwu Tung South together with other areas in Northern New Territories. For the remaining part of Kwun Tung South, there were active agricultural activities.

78. Another Member asked whether the capacity of the sewerage infrastructure in the area would be a constraint for further development. Ms Chin explained that technical assessments including SIA would need to be carried out for sites within the “CDA” and “R(D)” zones to demonstrate that sewerage and other impacts of the residential developments would be acceptable. The Drainage Services Department would also examine the feasibility of upgrading the sewerage infrastructure in future.

79. After deliberation, the Committee decided to :

- (a) note the findings of the land use review; and
- (b) agree to the zoning proposals as detailed in paragraph 8 of the Paper for consultation with the relevant Rural Committee and District Council.

[The Chairman thanked Ms Maggie M.Y. Chin, DPO/FSYLE, and Ms Wendy W.L. Li, STP/FSYLE, for their attendance to answer Members’ enquires. They left the meeting at this point.]

[A short break of 5 minutes was taken and Mr H.M. Wong left the meeting at this point.]

Agenda Item 24

Section 12A Application

[Open Meeting]

Y/YL-KTS/1 Application for Amendment to the Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/11, To rezone the application site from “Other Specified Uses” annotated “Petrol Filling Station” and “Residential (Group C) 1” to “Commercial”, Lots 1480 S.B, 1484 S.B ss.1 RP, 1488 S.B RP and 1489 S.C in D.D. 106 and Adjoining Government Land, Kam Sheung Road, Pat Heung, Yuen Long
(RNTPC Paper No. Y/YL-KTS/1)

80. The Committee noted that the applicant requested on 9.5.2014 for deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments from the Drainage Services Department (DSD) on the application. This was the applicant’s second request for deferment. Since the last deferment, the applicant had submitted revised layout/floor/section plans, new photomontages and a new drainage proposal on 8.1.2014 and a revised drainage proposal on 5.3.2014. As further comments were received from DSD on the revised drainage proposal, the applicant needed more time for the preparation of submission of further information to address the comments of DSD.

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

Agenda Item 25

Section 16 Application

[Open Meeting]

A/NE-KTS/367 Temporary Storage of Metal Ware with Ancillary Office for a Period of 3 Years in “Recreation” Zone, Lots 1618 (Part), 1619 and 1620 (Part) in D.D. 100 and Adjoining Government Land, Ying Pun, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/367)

82. The Committee noted that the applicant requested on 8.5.2014 for deferment of the consideration of the application for two months in order to allow time to prepare traffic plans to address the comments of the Transport Department. This was the first time that the applicant requested for deferment of the application.

83. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. 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 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/436 Proposed Houses in “Residential (Group D)” Zone, Lot 816 in D.D. 110, Kam Tin Road, Shek Kong San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-KTN/436)

Presentation and Question Sessions

84. 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 proposed houses;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application. The Director of Environmental Protection (DEP) was concerned that the area along Kam Tin Road would be subject to severe traffic noise impact. Having reviewed the further information submitted by the applicant, DEP had no objection to the application subject to the impose of an approval condition regarding noise mitigation measures;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed houses were located within an existing village, namely Shek Kong San Tsuen and were considered compatible with the surrounding land uses. The current scheme was a revision to the previous approved scheme No. A/YL-KTN/294. In view that the proposed amendments were minor in nature and there was no increase in scale/density of the proposed development, sympathetic consideration could be given to the current application. Relevant Government departments consulted had no adverse comment on the application. The approval condition requiring the applicant to provide appropriate noise mitigation measures was recommended to address DEP's concern.

85. Members had no question on the application.

Deliberation Session

86. 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 23.5.2018, 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 a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the design and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the design and provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) the approval of the application does not imply that the proposed building design elements could fulfill the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted

by the Building Authority and the Lands Authority and major changes to the current development are required, a fresh planning application to the Board may be required;

- (b) to note the comments of the District Lands Officer/Yuen Long, LandsD that the proposed development with site coverage at 23.36% and structures within the non-building area contravene the development restrictions under lease. The applicant has to apply to LandsD for a lease modification. However, there is no guarantee that the lease modification application will be approved. Such application, if approved by LandsD acting in the capacity as the landlord at its sole discretion, would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed. The access to the site requires traversing private land and Government land. LandsD does not guarantee any right of way to the site;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, BD that the site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation (B(P)R) 5 and emergency vehicular access shall be provided under the B(P)R 41D. The site does not seem to abut on a specified street having a width not less than 4.5m, the development intensity shall be determined under the B(P)R 19(3) at building plan submission stage. Exclusion of the proposed plant rooms from GFA calculations shall be assessed during the plan submission stage. The proposed open space provision should not be less than the requirements as stipulated in the Second Schedule of B(P)R. The quality and sustainable built environment requirements are applicable to the site. In accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the applicant should observe the sustainable building design requirements (including building separation, building setback and greenery coverage). Detailed checking of plans will be carried out upon formal submission of building plans;

- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that an abandoned meander / stream course is found to the north of the proposed development. The applicant should adopt good site practice and implement appropriate pollution control measures to minimize any environmental impacts and nuisances caused by the proposed development;
- (e) to note the comments of the Commissioner of Transport that the site is connected to the public road network via a section of 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. Drivers of goods vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (f) to note the comments of the Director-General of Civil Aviation that since the site is in the close vicinity of the Shek Kong Barrack/Airfield. The site may be subject to aircraft noise when there are aircraft operations at the Airfield;
- (g) to note the comments of the Secretary for Security that as the site is in close proximity to the Shek Kong Barrack/Airfield. The development may be affected by noise impact arising from the flying operations conducted thereat;
- (h) 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;
- (i) 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 application site

within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier 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 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/442 Temporary Open Storage of Building Materials with Ancillary Site Office and Staff Restroom for a Period of 3 Years in “Agriculture” Zone, Lots 377 S.C RP (Part), 379 RP (Part), 380 RP (Part), 381 RP (Part), 382 RP (Part), 412 RP (Part) and 414 (Part) in D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/442)

Presentation and Question Sessions

88. 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 proposed temporary open storage of building materials with ancillary site office and staff restroom for a period of 3 years;

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

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as the site was within 100m of local residential dwellings or the heavy vehicles used to and from the site were via an access road which was within 50m of local residential dwellings and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site fell within “Agricultural” “AGR” zone. Agricultural activity in the vicinity was very active and the site had good supporting infrastructures. The site had high potential for agricultural rehabilitation.

[Mr F.C. Chan left the meeting temporarily at this point.]

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary open storage of building materials with ancillary site office and staff restroom could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Although DAFC did not support the application from the agricultural point of view, the temporary nature of the development would not frustrate the long-term planning intention of the “AGR” zone. Besides, the site and its adjoining areas were bounded by a nullah which separates them from the agricultural lots and orchards. There was also a large piece of land zoned “Open Storage” and “Industrial (Group D)” abutting the eastern part of the “AGR” zone which was occupied by open storage/port back-up uses. Although DEP also did not support the application, most of the residential dwellings/structures in the vicinity were separated by the nullah to the

northwest and no environmental complaint was received by DEP in the past three years. To minimize any possible nuisance generated by the temporary use, approval conditions restricting the operation hours and types of goods vehicles and prohibiting workshop-related activities. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to alleviate any potential impact.

[Mr F.C. Chan returned to join the meeting at this point.]

89. Members had no question on the application.

Deliberation Session

90. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.5.2017, 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. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicle exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other

workshop activities are allowed on the site at any time during the planning approval period;

- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of the record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.8.2014;
- (g) the provision of boundary fencing, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.11.2014;
- (h) the submission of landscaping and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.11.2014;
- (i) in relation to (h) above, the implementation of landscaping and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.2.2015;
- (j) 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 23.8.2014;
- (k) 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;
- (l) if the above planning conditions (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.”

91. 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 issues relating to the development with the concerned owners of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval of the government. The site is accessible from Kam Tai Road via a track on private land and government land (GL). His office does not provide maintenance work on the GL nor guarantee right of way. The lot owner will need to apply to his office to permit structures to be erected or regularize any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such approval is given, it will be subject to such terms and conditions including among others the payment of premium or fee, as imposed by LandsD;
- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that by comparing the submitted landscape plan with the site inspection record of her office in 2011, three

planted trees are missing on-site. Replacement planting is required;

- (f) to note the comments of the Commissioner of Transport that the site is connected to public road network via a section of local access road which is not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibility of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (g) to note the comments of the Director of Fire Services that installation / maintenance / modification / repair work of fire service installations (FSIs) shall be undertaken by an 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 his department for consideration. 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;
- (h) 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 the BO and should not be designated for any use under the application. Before any new building works (including ancillary office and storage as temporary buildings) are to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy

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

- (i) 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 (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 application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by PlanD. Besides, 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. In addition, the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.”

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/200 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” and “Village Type Development” Zones, Lot 663 in
 D.D. 112, Shui Lau Tin, Pat Heung, Yuen Long
 (RNTPC Paper No. A/YL-SK/200)

Presentation and Question Sessions

92. 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 proposed house (New Territories Exempted House (NTEH) – Small House);

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) did not support the application as the site fell entirely outside the village ‘environs’ (‘VE’) of a recognized village and it should be rejected even though the concerned indigenous villager would obtain a planning permission under the Small House policy. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the agricultural activities in the vicinity were very active and the site had high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view as the surrounding area was predominantly rural in character dominated by agricultural land and scattered woodland. The proposed development, if approved, would set an undesirable precedent attracting

similar applications, thus resulting in piecemeal development and destroying the tranquil nature of the rural area.

- (d) during the first three weeks of the statutory publication period, two public comments were received from Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited. They objected to the application on the similar grounds that the proposed development was incompatible with the planning intention of the “Agricultural” (“AGR”) zone; supply of farmland should be safeguarded as the proposed development would diminish the farming potential and threaten the food safety; and the design of village houses would cause environmental/ecological impact on the surroundings. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The site mainly fell within “AGR” zone (99.8%) and there was no strong planning justification given for a departure from the planning intention of “AGR” zone. DAFC did not support the application from the agricultural point of view. The application did not comply with the Interim Criteria for assessing planning applications for NTEH/Small House in New Territories in that the site and the NTEH/Small House footprint fell entirely outside the ‘VE’ of Lin Fa Tei and majority of the site was located outside the “Village Type Development” (“V”) zone for Lin Fa Tei, Shui Lau Tin, Shui Tsan Tin and Ngau Keng. DLO/YL did not support the application. The applicant had not demonstrated that why suitable sites within the areas zoned “V” within Lin Fa Tei, Shui Lau Tin, Shui Tsan Tin and Ngau Keng could not be made available for the proposed Small House development. Besides, CTP/UD&L, PlanD had reservation on the application as the proposed development would set an undesirable precedent for other similar applications, resulting in piecemeal development and destroying the tranquil nature of the rural area.

93. Members had no question on the application.

Deliberation Session

94. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed Small House development is not in line with the planning intention of the “Agriculture” zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the application does not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House (NTEH)/Small House development in that the site and the proposed NTEH/Small House footprint fall entirely outside the village ‘environs’ for Lin Fa Tei and majority of the site is located outside the “Village Type Development” (“V”) zone for Lin Fa Tei, Shui Lau Tin, Shui Tsan Tin and Ngau Keng. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. The applicant fails to demonstrate in the submission why suitable sites within the areas zoned “V” could not be made available for the proposed development. Besides, the proposed development would set an undesirable precedent for other similar applications, resulting in piecemeal development and destroying the tranquil nature of the rural area. There is no exceptional circumstance to justify approval of the application.”

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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/224C)

95. The Secretary reported that the application was submitted by Richduty Development Ltd., which was an affiliate of Sun Hung Kai Properties Ltd. (SHK), and Environ Hong Kong Ltd. (Environ), MVA Hong Kong Ltd. (MVA) and Urbis Ltd. were the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest on this item as he had current business dealings with SHK, Environ, MVA and Urbis Ltd. Ms Janice W.M. Lai had also declared an interest on this item as she had current business dealings with SHK. The Committee considered that the interests of Mr Fu and Ms Lai were direct and they should leave the meeting temporarily for this item.

[Mr Ivan C.S. Fu left the meeting temporarily and Ms Janice W.M. Lai left at this point.]

Presentation and Question Sessions

96. 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 – the site fell within the Wetland Buffer Area (WBA) in accordance with the Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB PG-No. 12B), which several requirements outlined in paragraph 7 of the Paper had to be met for residential development in this area. Any development within WBA required submission of an ecological impact (EcoIA) assessment for the Town Planning Board’s consideration. The site was also the subject of the previous planning application No. A/YL-NSW/172 for comprehensive residential development which was approved with

conditions by the Committee on 14.12.2007. The validity of the planning permission had been extended once up to 14.2.2015 under Application No. A/YL-NSW/172-1;

- (b) the proposed residential development with proposed filling and excavation of land. The current application was an amendment application to the previously approved application (No. A/YL-NSW/172) for compliance with the latest Sustainable Building Design (SBD) Guidelines to foster a sustainable and quality built environment. Comparing with the previously approved scheme, the current scheme involved the following changes:
- (i) the site area was reduced from 32,955m² to 32,711m² (-244m²/-0.74%);
 - (ii) the domestic GFA was reduced from 12,222m² to 12,103m² (-119m²/-0.97%);
 - (iii) the number of houses was reduced from 100 to 65 (-35 houses/-35%);
 - (iv) the average unit size was increased from 122m² to 186.2m² (+64.2m²/+52.62%);
 - (v) the proposed population was reduced from 368 to 240 (-128 persons/-34.78%);
 - (vi) the floor area of the club house was reduced from 612m² to 605m² (-7m²/-1.14%) and the building height of the club house was increased from 10m to 12m (+2m/+20%);
 - (vii) the number of residential car parking spaces was reduced from 105 to 98 (-7 spaces/-6.67%); the number of motorcycle parking spaces was reduced from 11 to 10 (-1 space/-9.09%); and the number of bicycle parking spaces was induced by 5;

- (viii) the building disposition and the alignment of internal access/emergency vehicular access (EVA) were amended;
 - (ix) the previously proposed noise barrier of 8.8m high at the eastern side of the southern boundary was deleted as self-protecting design at the 2/F and acoustic balcony of houses near to Yuen Long Highway was proposed;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper and were summarised as follows: -
- (i) the Director of Agriculture, Fisheries and Conservation (DAFC) had no adverse comment on the application from ecological perspective because the current baseline condition of the site, impact assessment and proposed mitigation measures remained the same as those suggested in the Environmental Assessment (EA) previously submitted for the approved scheme. Besides, the proposed development would not involve any filling of wetland. The applicant would provide a landscape area with natural habitat with water feature of not less than 2,400m² at the north-eastern corner of the site;
 - (ii) the Director of Environmental Protection (DEP) noted that self-protecting building design for 2/F of houses nearest to Yuen Long Highway, instead of noise barrier, would be provided for the proposed development in the current application. The proposed arrangement of discharging the sewage of the proposed development to Sha Po Sewage Pumping Station (SPS) or Au Tau SPS was considered feasible provided that the connection to public sewer should be made before the population intake. In view of the above, DEP had no adverse comment on the application. Yet the applicant was advised to adopt steps to disclose information of the proposed noise mitigation measures to potential buyers and ways to avoid the

measures from being changed/removed by future users after occupation and to ensure that the proposed noise mitigation measures would be properly provided and maintained in the development;

- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application as the reduction in the number of houses and deletion of noise barrier would have a better layout. An approval condition requiring the applicant to submit and implement a Landscape Master Plan as suggested by CTP/UD&L, PlanD was suggested should the application be approved. The changes in the internal road layout, provision of car parking spaces and loading/unloading bays were also acceptable by the Commissioner for Transport. There were also no objection to or no comment on the changes in disposition of building blocks and flat size as confirmed by other concerned departments;

- (d) during the first three weeks of the statutory publication periods of the application and the further information, a total of 492 comments were received. Among them, 355 comments from private individuals supported the application; 135 comments from a member of Yuen Long District Council, village representatives (VRs) of Wong Uk Tsuen, Tung Tau Tsuen and Shan Pui Tsuen, an villager of Shan Pui Tsuen, the manager of Shan Pui Tsuen Ki Choi Cho, six green groups (viz. World Wide Fund, Kadoorie Farm & Botanic Garden Corporation, Conservancy Association, Hong Kong Wild Bird Conservation Concern Group, Designing Hong Kong Limited and Hong Kong Ecology Association) and 100 private individuals objected to the application; and two comments from VRs of Shan Pui Tsuen and a private individual raised concerns on the application. No comment was received by the District Officer (Yuen Long). Their comments were summarised as follows: -

Supportive Comments

- (i) the proposed development was compatible with the nearby residential/village type houses;
- (ii) the proposed development had no adverse impacts on its surrounding environment and would provide more trees for birds;
- (iii) the proposed development could provide more residential units to meet the demand of Hong Kong residents;
- (iv) the proposed development could utilise vacant land and improve the environment;
- (v) the proposed development could provide job opportunities;

Adverse Comments

- (i) the construction works would create air problem and water pollution to San Pui River which would adversely affect the health of the nearby villagers and and Feng Shui of the villages;
- (ii) the ecological assessment for the proposed development was too descriptive and without sufficient statistic support and thus not complied with the requirements of the TPB PG-No. 12B;
- (iii) the site was located within the flight path of egrets from Tung Shing Lei Egretry, the proposed development would affect the movement of birds between Tung Shing Lei and Nam Sang Wai as well as Deep Bay Area. Disturbance from human activities, such as light and noise, would disturb the flight path;
- (iv) the natural habitat reserve area of water pond acted as a landscape feature but not to compensate/restore any ecological impacts;

- (v) the cumulative impacts of the proposed development together with the nearby residential development proposals on Wetland Conservation Area had not been addressed;
 - (vi) the traffic impact assessment had not considered the future development of the area adjacent including Yuen Long South development and Hung Shui Kiu New Development Area that might underestimate the traffic impact, which affected the existing or future residents;
 - (vii) the proposed development would impose air ventilation, traffic and infrastructural problems; and
 - (viii) approval of the application would set a precedent for future large-scale development proposals in the area;
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper, which were summarised as follows: -
- (i) the application involving changes to the approved scheme were mainly arising from the need to satisfy the Sustainable Building Design Guidelines which was introduced in 2011, i.e., after the approval of the application in 2007. Despite the changes, the development parameters including plot ratio and building height were the same as the previously approved scheme. The proposed residential development with a plot ratio of 0.37 and a building height of 3 storeys (including carport) was not incompatible with the surrounding existing and planned developments. Approval of the subject application was in line with the Committee's previous decision;
 - (ii) the application was in line with the TPB PG-No. 12B as ecological impacts arising from the proposed residential development would be

insignificant. The requirements of DAFC regarding the submission and implementation of a wetland scheme had been covered by imposing approval condition; and

- (iii) the proposed development involving refinement of the layout and reduction in the number of houses without any changes in the development parameters would not have adverse impacts on the surrounding areas.

97. In response to a Member's query on the existing site conditions, Mr Ernest C.M. Fung said that the site was currently a vacant depressed flatland covered with vegetation. It fell within WBA in accordance with the TPB-PG No. 12B. Submission of EcoIA was required for the development within WBA. Same as the previously approved application, the applicant submitted EcoIA in the current application and DAFC considered that the assessment criteria for residential development within WBA under the TPB-PG No. 12B were being complied with.

Deliberation Session

98. 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 23.5.2018, 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 a revised Master Layout Plan, taking into account the existing nullah to the south and approval conditions (b) to (f) and (h) below, to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a Landscape Master Plan including a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;

- (c) the submission and implementation of a wetland scheme within the development, including its long-term management and maintenance plan, to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (d) the submission and implementation of the proposed road widening of Ho Chau Road from the site to the junction with Nam Sang Wai Road to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the provision of fire service installations and water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (f) the submission of a revised Drainage Impact Assessment (DIA) and the implementation of the drainage proposal and other necessary flood mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) in relation to (g) above, no filling and excavation of land on site prior to implementation of the flood relief mitigation measures identified in the DIA is accepted by the Director of Drainage Services or of the TPB;
- (h) the design and provision of sewer connecting the proposed development to the Sha Po Sewage Pumping Station or Au Tau Sewage Pumping Station to the satisfaction of the Director of Drainage Services or of the TPB;
- (i) in relation to (h) above, no population in-take prior to the sewerage connection to Sha Po Sewage Pumping Station or Au Tau Sewage Pumping Station is accepted to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (j) the disclosure of the environmental mitigation measures to future owners through brochures and/or exhibition of the environmental assessment report in the sales office and recorded in the Deed of Mutual Covenant, as

proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB.”

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

- “(a) 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 gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;
- (b) to note the comments of the District Lands Officer/Yuen Long, LandsD that to apply to his office for a modification to the land exchange being processed or a new application as appropriate. There is no guarantee that the application will be eventually approved. The maintenance responsibility of those proposed facilities shall be confirmed before the completion of the proposed land exchange for the development and formal approval, including their future maintenance should be sought and obtained before the commencement of the works;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that to seek comments from DSD’s Sewerage Projects Division whether the proposed sewer alignments would have any interfaces with their existing and planned sewerage projects in the vicinity. The applicant should ensure in the course of the project that the proposed development would not cause any unacceptable flood risk to the surrounding areas and villages. The proposed flood mitigation measures should be implemented prior to any pond filling activities around the

periphery of the site. In the drainage submission, the flood mitigation measures shall be clearly delineated from the internal drainage of the development. The applicant should refer to DSD publications “Technical note to prepare Drainage Submission and Advice Note No. 1 – application of the Drainage Impact Assessment Process to Private Sector Projects which are free to be downloaded at DSD’s website of www.dsd.gov.hk. The maintenance arrangements of the proposed drainage facilities (stormwater and sewerage) of the proposed development, whether to be constructed within and outside the site, should be based on the relevant condition of the land lease and other relevant government documents. DSD reserves comments when further details and information are available in the subsequent detailed design stages. The applicant should be advised to seek comments from their Sewerage Projects Division whether the proposed sewer alignments would have any interfaces with their existing and planned sewerage projects in the vicinity;

- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the construction of the proposed sewer should avoid the dry season so as to minimize any possible off-site disturbance impacts to the Wetland Conservation Area;
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend his inside services to the nearest suitable Government watermains 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. Existing water mains will be affected. The applicant 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 centreline of the affected watermains shall be provided to WSD. 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 watermains and all other services across, through or under it which the Water Authority may require or authorize. The water mains in the vicinity of the site cannot provide the standard pedestal hydrant;

- (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 arrangement of emergency vehicular access shall comply with the Code of Practice for Fire Safety in Buildings 2011 which is administrated by the BD;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, BD that before any new building works are to be carried out on the site, prior approval and consent of the BA should be obtained. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). If 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) Regulations (B(P)R) 19(3) at building plan submission stage. In such scenario, he reserves comment on the proposed plot ratio under BO at this stage. Means of obtaining access from a street B(P)R 5 and emergency vehicular access shall be provided under the B(P)R 41D. In view of the size of the site, any internal private streets provided under s.16(1)(p) of the BO may have to be deducted from site area from the purposed of site coverage and plot ratio calculation. The new quality and sustainable built environment requirements (including the requirements of building separation, building set back and greenery) and the new GFA concession policy are applicable to this development. Detailed checking will be made at the building plan submission stage. If the works involve filing and excavation of land, a Registered Geotechnical Engineer may be appointed for the proposed works in accordance with the BO. The proposed club

house is accountable for GFA calculation under the BO, unless exempted;

- (h) to note the comments of the Head (Geotechnical Engineering Office), Civil Engineering and Development Department that the site is located within Scheduled Area No. 2 and may be underlain by cavernous marble. For any new development at the site, extensive geotechnical investigation will be required. Such investigation may reveal the need for a high level of involvement of an experienced geotechnical engineer both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the site; and
- (i) to note the local concerns as stated in paragraph 11 of the Paper and to liaise with the locals to address their concerns as far as possible.”

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/228 Renewal of Planning Approval for Temporary Eating Place (Restaurant) for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” Zone, Lots 3719 S.G ss. 9 RP (Part) and 3719 S.G ss.10 (Part) in D.D. 104, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/228)

Presentation and Question Sessions

100. 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;

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

- (b) the renewal of planning approval for temporary eating place (restaurant) under previous Application No. A/YL-NSW/208 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three objecting comments were received from a Yuen Long District Council member, the Fairview Park Property Management Ltd. and a private individual. They raised concerns on traffic and illegal parking, noise pollution, sewage and hygiene problems. 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 eating place could be tolerated for a further period of 3 years based on the assessments made in paragraph 12 of the Paper. Regarding the three objection received, the concerned departments, including the Commissioner for Transport, the Chief Engineer/Mainland North, Drainage Services Department, the Director of Food and Environmental Hygiene and the Director of Environmental Protection (DEP) had no adverse comments or no objection to the restaurant at the site. Besides, DEP had not received any environmental complaints about the site in the past three years.

101. Members had no question on the application.

Deliberation Session

102. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years, and be renewed from 23.7.2014 until 22.7.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the maintenance of the existing landscape planting on the site at all times during the planning approval period;
- (b) the maintenance of the existing drainage facilities on the site at all times during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.10.2014;
- (d) the submission of a parking layout plan within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 22.1.2015;
- (e) the provision of parking facilities identified in the parking layout plan within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 22.4.2015;
- (f) the submission of a 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 22.1.2015;
- (g) in relation to (d) above, the provision of fire service installations proposed 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 22.4.2015;
- (h) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (i) if any of the above planning conditions (c), (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 expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site is accessible through an informal village track traversing through both Government land (GL) and private land. His office provides no maintenance work for the GL and does not guarantee right-of-way. The lot owner(s) concerned will need to apply to his office for the modification of the terms and conditions of Short Term Waiver No. 2568 to regularise any irregularities on site (except the area covered by the Building Licence No. 3636). Such application(s) 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(s) 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;
- (b) to note the comments of the Director of Environmental Protection that all wastewater from the site shall comply with the requirements in the Water Pollution Control Ordinance; and
- (c) to note the comments of the Director of Fire Services that the layout plans for fire service installations (FSIs) should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply

with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.”

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/301 Renewal of Planning Approval for Temporary Container Storage and Container Vehicle Park with Ancillary Repairing Workshop for a Period of 3 Years in “Open Storage” Zone, Lots 2849 (Part), 2915 (Part), 2916 (Part), 2917 (Part), 2919 (Part), 2920 (Part), 2922, 2923, 2925 RP (Part), 2926 RP, 2927 RP, 2930 RP, 2932 RP, 2935 RP, 2937 RP, 2938 RP, 2939 RP, 2940, 2941, 2942, 2943 (Part), 2944 (Part), 2945, 2946 (Part), 2951 (Part), 2952, 2953 RP (Part) and 2972 (Part) in D.D. 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/301)

104. The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) was the consultant of the applicant. Ms Anita K.F. Lam, Assistant Director of Lands, had declared an interest on this item as she had current private business dealings with Lanbase. As Ms Anita K.F. Lam had no involvement in the application, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

105. 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 renewal of planning approval for temporary container storage and

container vehicle park with ancillary repairing workshop under previous Application No. A/YL-NTM/262 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 (the closest residential dwelling being about 90m to its northeast) 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 container storage and container vehicle park with ancillary repairing workshop could be tolerated for a further period of 3 years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, no local objection was received during the statutory public inspection period and DEP had not received any environmental complaints about the site in the past 3 years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and stacking of containers had been proposed. Non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority. Besides, the applicant would be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts on the nearby sensitive receivers.

106. Members had no question on the application.

Deliberation Session

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years as proposed by the applicant, from 7.6.2014 until 6.6.2017, 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 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) in addition to (a) above, no operation between 8:00 a.m. and 10:00 a.m. and between 5:00 p.m. and 11:00 p.m. on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the stacking height of the containers stored within 5m of the peripheral of the site should not exceed the height of the boundary fencing at any time during the approval period;
- (d) the stacking height of containers stored at any other location within the site should not exceed 8 units at any time during the approval period;
- (e) the fencing implemented on the site should be maintained properly at all times during the planning approval period;
- (f) the drainage facilities implemented on the site should be maintained properly at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.9.2014;
- (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 6.12.2014;

- (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 6.3.2015;
- (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 6.12.2014;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.3.2015;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (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.”

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

- “(a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that no permission has been given for the proposed use and/or occupation of the Government land (GL) included into the site. The act of occupation of GL without Government’s prior approval

should not be encouraged. The site is accessible to Kwu Tung Road via a short stretch of GL which fall within resumption limit of “Drainage Improvement in Northern New Territories Package B Drainage Improvement Work in Ki Lun Tusen Yuen Long New Territories” His office provides no maintenance works for this GL nor guarantee right-of-way. The lot owner will still need to apply to his office to permit structure to be erected or regularize any irregularities onsite. The applicant has either to exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application 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;

- (c) to note the comments of the Commissioner for Transport that the site is connected to an unknown local access road which is not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Engineer/Railway Development (2-2), Railway Development Office, Highways Department that the site would fall within the Area of Influence of Northern Link (NOL). Although the programme and the alignment of the proposed NOL are still under review, those areas within the railway protection boundary may be required to be vacated at the time for the construction of the proposed NOL;
- (e) to note the comments of the Director of Environmental Protection to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;

- (f) to note the comments of the Chief Engineer/Mainland North of Drainage Services Department (DSD) that to provide a set of latest record photographs showing the completed drainage works and marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs. 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 the planning approval period. 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 sewerage maintained by his office is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. The applicant is reminded that the proposed drainage proposal/works outside the site boundary in order to ensure the unobstructed discharge from the site in future. The applicant should consult DLO/YL regarding all the proposed drainage works outside the site boundary in order to ensure the unobstructed discharge from the site in future;

- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that there are small fish ponds in the vicinity of the site. From fisheries point of view, the existing access roads, water sources and drainage should be maintained and other disturbance should be avoided in order not to affect any fish pond farming operation in the vicinity. A watercourse and some well-established vegetation are immediately adjacent to the site. The applicant should be advised to adopt good site practices to prevent discharging surface run-off into the watercourse or damaging the trees during the operation as far as practicable;

- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that existing water mains will be affected. The applicant should bear the cost of any necessary water mains diversion works affected by the development. In case it is not feasible to divert the affected water mains, waterworks reserve with 1.5 m measuring from the

centerline of the water mains shown on Plan A-2a of the Paper shall be provided to his department. No structure shall be erected over this area and such area shall not be used for storage 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 authorize. 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;

- (i) to note the comments of the Director of Fire Services that the layout plans for fire service installations (FSIs) should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is also 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; and

- (j) to note the comments of the Chief Building Surveyor/New Territories West of Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD, they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including warehouse, containers and workshop 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 unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the site under

the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

Agenda Item 32

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/178-2 Proposed Residential Development with Ancillary Recreational Facilities - Proposed Class B Amendments to the approved scheme under Application No. A/YL-NTM/178
(RNTPC Paper No. A/YL-NTM/178-2)

109. The Secretary reported that the application was submitted by Bonus Plus Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK), and Masterplan Ltd. was the consultant of the applicant. Mr Ivan C.S. Fu had declared an interest on this item as he had current business dealings with SHK and Masterplan Ltd. Ms Janice W.M. Lai had also declared an interest on this item as she had current business dealings with SHK. The Committee noted that Ms Janice W.M. Lai had left the meeting already. The Committee also considered that the interest of Mr Ivan C.S. Fu was direct and he should leave the meeting temporarily for this item.

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

Presentation and Question Sessions

110. 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 for the proposed Class B amendments to the

approved scheme under Application No. A/YL-NTM/178;

- (b) the proposed Class B amendments to the approved application involving: -
- (i) changes in average flat size from “122 m² to 174 m²” to “101 m² to 210 m²” (-21 m² to +36 m²/-17.2% to +20.69%) under Category 4;
 - (ii) minor changes in disposition of building blocks under Category 5;
 - (iii) increase in number of residential car parking spaces from 469 to 508 (+39 nos./+8.32%) under Category 13;
 - (iv) provisions of 47 motorcycle parking spaces and 2 loading/unloading, and changes in layout of internal roads, emergency vehicular access (EVA) and carpark under Category 13;
 - (v) increase in the number of trees to be felled from 382 to 420 (+38 nos./+9.95%) under Category 15;

[Mr Frankie W.P. Chou left the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper and were summarised as follows: -
- (i) the Director of Agriculture, Fisheries and Conservation (DAFC) considered that many of the trees proposed to be felled were exotic landscape species, common fruit trees and self-seeded species, and poor in form and condition. Noting that the applicant would compensate with 892 nos. of new tree planting, DAFC and the Chief Town Planner/Urban Design and Landscape (CTP/UD&L of PlanD) considered the compensatory planting proposal as acceptable and had no objection to the application. CTP/UD&L of PlanD suggested imposing an approval condition requiring the submission and implementation of a Landscape Master Plan (LMP) including a

tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board (the Board);

- (ii) the District Officer/Yuen Long (DO/YL) collected local views on the application from the San Tin Rural Committee (STRC) and Village Representative (VR) of Mai Po Tsuen. STRC stated that there were some objections from the local residents against the proposed development as it would affect the burial grounds and Feng Shui of the nearby villages. Besides, there were currently insufficient infrastructural facilities. The local roads, such as San Tam Road, Castle Peak Road and Fairview Park roundabout, were already saturated and could not cater for the new residential development. The VR of Mai Po Tsuen objected to the proposed amendments to the approved scheme as the construction of the project would induce large volume of dust which would affect the health and safety of the villagers and affect the burial area and Feng Shui of the village. In view of DO/YL's comments above, the application could not be considered as acceptable by concerned Government departments and would need to be submitted to the Committee for consideration;
- (iii) other concerned Government departments had no objection to the amendments in building design and layout. The Commissioner for Transport had no comment on the changes in in the internal road layout, provision of parking spaces and loading/unloading spaces. The applicant had also committed to set back the development site from the Northern Link. The Chief Engineer/Mainland North, Drainage Services Department had no comment on the application from the public drainage perspective and suggested the applicant to incorporate the changes arising from the amendments in the future Drainage Impact Assessment submission;
- (d) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper,

which were summarised as follows: -

- (i) the application involving changes to the approved scheme were mainly arising from the need to satisfy the Sustainable Building Design (SBD) Guidelines which was introduced in 2011, i.e. after the approval of the MLP in 2006. A more efficient road layout was adopted in the current scheme so that more open space and greenery could be provided to fulfill SBD. With the change of road layout, the disposition of building blocks of the proposed development had to be changed accordingly. With the above changes, the maximum plot ratio (PR) was maintained as 0.4, which was in line with the permissible PR of the “CDA” zone. The slight increase in the absolute building height and the reduction in site area and domestic GFA were Class A amendments under ‘Town Planning Board Guidelines for Class A and Class B Amendments to Approved Development Proposals’ (TPB-PG No. 36A);
- (ii) the increased felling of trees was considered acceptable from nature conservation and landscape perspectives as they mainly consisted of common tree species and self-seeded undesirable species in poor condition. The applicant would compensate with 892 nos. of new tree planting. Concerned Government departments had no objection to or no comment on the amendments. Their concerns and requirements could be addressed by imposing approval conditions should the application be approved;
- (iii) as to the public concerns, similar concerns on the burial grounds had been raised in the previously approved application No. A/YL-NTM/178 and appropriate approval condition was imposed requiring the submission and implementation of a revised MLP which should take into account “the burial ground boundaries, avoiding the existing grave the re-provisioning of any affected accesses leading to the graves”. In the current application, the applicant had revised the site boundary by excluding the existing

burial grounds. Besides, the local concerns on burial grounds could be addressed by maintaining the same approval condition suggested in the approved application. Regarding the public concerns on dust problem during construction, the Director of Environmental Protection had no adverse comments on the previously approved application and the current proposed changes to the approved scheme. The applicant would be advised to further liaise with the locals to address their concerns as far as possible.

111. In response to a Member's query on the difference between Class A and Class B amendments, Mr Ernest C.M. Fung said that according to TPB-PG No. 36A, where a planning permission was granted by the Board, amendments to the approved development proposals were provided for under section 16A of the Town Planning Ordinance (the Ordinance). TPB-PG No. 36A set out the types of amendments and the application procedures and assessment criteria. There were a total of 20 categories covering aspects such as gross floor area (GFA), site area, building height, site coverage, mix of use, and provision of open space, recreational facilities and car parking, etc. Changes falling within Class A amendments did not require further application to the Board. Class B amendments are subject to the approval of the Board upon application made under section 16A(2) of the Ordinance. The Board had delegated, under section 2(5)(b)(i) of the Ordinance, its authority to the Director of Planning (D of Plan), and to the Deputy Director of Planning (DD) and Assistant Directors of Planning (ADs) in the District Planning Branch of PlanD, to consider planning applications submitted under section 16A(2) of the Ordinance for Class B amendments to development proposals. However, application for Class B amendments which was considered unacceptable to the concerned Government departments, or involving deletion of the previously proposed Government, Institution or Community facilities initiated by the relevant Government departments would be submitted to the Board for consideration.

112. A Member said that the proposed amendments involving, inter alia, increase in parking spaces and number of trees to be felled could not be considered as a sustainable development. The same Member asked which aspects of sustainable development would be achieved in the application. In response, Mr Fung said that the Buildings Department had promulgated the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-152 on building separation, building set

back and site coverage of greenery as one of the measures to promote a quality and sustainable built environment. The Building Authority (BA) would take account of the compliance with the SBD Guidelines as promulgated in the PNAP APP-152, where applicable, as a pre-requisite in exempting or disregarding green/amenity features and non-mandatory/non-essential plant rooms and services from GFA and/or site coverage calculations (GFA concessions) in new building developments. The current amendments to the approved scheme were made for compliance with the SBD Guidelines. In response to the same Member's query on the assessment criteria of the amendments against the SBD Guidelines, Mr Ernest C.M. Fung explained that the current scheme had adopted the building separation requirement in the SBD Guidelines that buildings with a projected façade length exceeding 60m in large development sites (with an area exceeding 2ha) should be separated by intervening spaces in order for BA to grant GFA concessions. This would improve air ventilation, enhance the environmental quality at pedestrian level and mitigate heat island effect arising from the undesirable walling effect of "long buildings". The Secretary supplemented that apart from building separation requirement, new building developments of different site areas should be provided with greenery areas at the pedestrian zone, communal podium roof/flat roof/main roof, slope and retaining structure, where appropriate, to meet the minimum site coverage of greenery. The building separation and greenery area requirements were different for high-rise and low-rise developments and BA would vet each case against the SBD Guidelines. The Secretary further explained that subsequent to the approval of the application in 2006, the SBD Guidelines was promulgated and the applicant had to revise the development scheme in order to get GFA concessions. As the changes to the approved scheme fell within Class B amendments, the application was submitted to the Board for consideration.

113. In response to a Member's query, Mr Fung said that the compensation ratio for the trees felled was 1:1.15 (based on aggregate girth). The same Member asked whether the proposed development was a Designated Project under the Environmental Impact Assessment Ordinance. The Chairman clarified that the current application was made in accordance with the Town Planning Ordinance and TPB-PG No. 36A.

Deliberation Session

114. 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 18.8.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a revised Master Layout Plan (MLP), taking into account the burial ground boundaries, avoiding the existing graves, the re-provisioning of any affected accesses leading to the graves and approval conditions (d) to (g) below, to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of an implementation programme with phasing proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a Drainage Impact Assessment and the implementation of the flood mitigation measures/provision of drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the setting back of the site from the Northern Link (NOL) railway reserve to the satisfaction of the Director of Highways or of the TPB;
- (e) the submission and implementation of a Landscape Master Plan, including a tree preservation proposal, to the satisfaction of the Director of Planning or of the TPB;
- (f) the submission and implementation of the proposed section of Shek Wu Wai Road, and the access roads proposed and the access arrangement from San Tam Road to the site to the satisfaction of the Commissioner for Transport or of the TPB; and
- (g) the design and provision of emergency vehicular access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;

- (b) the approval of the application does not imply that the proposed building design elements could fulfill the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;

- (c) to note the comments of the District Lands Officer/Yuen Long, LandsD that the proposed land exchange is still being processed. The boundary of the site and the major development parameters of the current scheme are apparently in line with the basic terms of the proposed land exchange except the building height (BH) of the proposed development is restricted to not exceeding 10.45 m above the mean formation level of the site. His office reserves comments on the proposed BH of the current scheme at this moment. Subject to the execution of the proposed land exchange, detailed checking against the proposed development parameters (including GFA, site coverage, BH, car parking provision and recreational facilities, etc.) shall be conducted in building plan submission stage. According to the basic terms of the proposed land exchange, the Pink Hatched Blue Area area shown on the draft lease plan is designated as a non-building area,

which shall be carved out and shall be surrendered to Government upon demand. The application for a land exchange to effect the proposed development, including the designation of any non-building area, is still being processed by LandsD. The application will be considered by LandsD acting in its capacity as a landlord at its sole discretion and there is no guarantee that the land exchange will eventually be granted or concluded. In the event that the land exchange application is approved, it would be subject to such terms and conditions including, among other things, the payment of premium and administrative fee, as may be imposed by his Department at its sole discretion;

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that most of the existing access road leading to San Tam Road is not maintained by HyD. The implementation of the existing access road leading to San Tam Road to the site should be upgraded to the satisfaction of HyD;
- (e) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department that the proposed residential development is in close proximity to the proposed Northern Link, the applicant is advised to conduct a railway noise impact assessment at this planning stage and to recommend mitigation measures (e.g. noise barrier along NOL viaduct, rearrange the orientation of the proposed development blocks, etc) such that there will be no insurmountable impacts in the future;
- (f) to note the comments of the Director of Environmental Protection that the site is adjacent to the Deep Bay Wetland Buffer Area, and the latest information shows that there is no programme for public sewerage in the area, the applicant should be reminded to follow the principle of “No Net Increase in Pollution Load to Deep Bay” in handling the sewage generated from the proposed development;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage

Services Department that to incorporate the changes arising from the amendments in the next round submission of Drainage Impact Assessment;

- (h) 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;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that detail checking of plans will be carried out upon resubmission of building plans; and
- (j) to note the local concerns in paragraph 9.1.12 of the Paper and to liaise with the locals to address their concerns as far as possible.”

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

[Ms Anita K.F. Lam left the meeting temporarily at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 33

Section 12A Application

[Open Meeting]

Y/YL-TYST/3

Application for Amendment to the Approved Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/10, To rezone the application site from “Government, Institution or Community” to “Residential (Group B) 1”, Lots 533 S.C (Part), 542 (Part), 543 RP (Part), 544 (Part), 1944 (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. Y/YL-TYST/3)

116. The Secretary reported that the application was submitted by Realray Investments Ltd., which was a subsidiary of New World Development Co. Ltd. (NWD). Mr Ivan C.S. Fu had declared an interest on this item as he had current business dealings with NWD. The Committee noted that Mr Ivan C.S. Fu had refrained from joining the meeting.

117. The Secretary further reported that a petition letter was submitted by the Kam Lan Koon, the existing Taoist temple located adjacent to the subject site, expressing its strong objection to the application on grounds that the existing temple was in line with the planning intention of the existing “Government, Institution or Community” (“G/IC”) zone and the long-term proposal to retain the “G/IC” zoning as promulgated in the “Planning and Engineering Study for Housing Sites in Yuen Long South – Investigation” commissioned by the Planning Department and the Civil Engineering and Development Department; the site should be reserved for development of community facilities; the site served as a buffer area between Kam Lan Koon and the residential developments nearby; the proposed rezoning for residential development would overload the existing infrastructure in the area and affect the public access to Kam Lan Koon; the application involving privatisation of Government land was unfair and unjustified; and the application would affect the religious activities in the area which were a cultural heritage. The petition letter was tabled at the meeting. As the applicant requested for deferment of the consideration of the application, the Secretary proposed and Members agreed that the Secretariat would process the letter under the prevailing mechanism.

118. The Committee noted that the applicant requested on 9.5.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to respond to the departmental and public comments received on the application. This was the first time that the applicant requested for deferment of the application.

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

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

[Mr Edmond S.P. Chiu, Mr K.C. Kan and Ms Bonita K.K. Ho, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TM&YLW), were invited to the meeting at this point.]

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/896 Proposed Temporary Shop for Construction Machinery Parts with Warehouse and Workshop, Logistics Warehouse and Logistics Vehicles Back-up Centre, and Ancillary Site Office, Guard Room, and Staff Canteen for a Period of 3 Years in "Comprehensive Development Area" Zone, Lots 3169 (Part), 3170 (Part), 3172 RP (Part), 3173 S.A RP (Part), 3173 S.B (Part), 3173 S.C, 3174 RP (Part), 3175 (Part), 3176, 3177 (Part), 3178 (Part), 3179 (Part), 3184 (Part), 3185 (Part) and 3187 RP (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/896)

Presentation and Question Sessions

120. Mr Edmond S.P. Chiu, STP/TM&YLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

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

- (b) the proposed temporary shop for construction machinery parts with warehouse and workshop, logistics warehouse and logistics vehicles back-up centre, and ancillary site office, guard room, and staff canteen 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 because there were sensitive uses in vicinity of the site (the nearest residential dwelling was about 2m away) and along the access road (Ping Ha Road). While there was a substantiated complaint on machine noise from metal recycling workshop in 2012, the owner was prosecuted and convicted. The complaint was withdrawn by the complainant;
- (d) during the first three weeks of the statutory publication period, a public comment from Designing Hong Kong Limited was received. It objected to the application for the reasons that the proposed use and development did not comply with the planning intention of the “Comprehensive Development Area” (“CDA”) zone; the application might affect the land supply; the proposed temporary use once approved was normally renewed, making it difficult for the development of the land for more suitable uses; and the approval of the application would set undesirable precedent for similar application. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary shop for construction machinery parts with warehouse and workshop, logistics warehouse and logistics vehicles back-up centre, and ancillary site office, guard room, and staff canteen could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, the ancillary workshop activities were proposed to be located within an enclosed structure away from the nearby sensitive user and approval conditions to

restrict operation hours and to prohibit workshop activities outside the proposed workshops were recommended to mitigate any potential environmental impacts. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' to minimize the possible environmental impacts on the adjacent areas. Regarding the public comment objecting the application, there was not yet any known programme to implement the zoned use on the Outline Zoning Plan and the approval of the application on a temporary basis would not frustrate the planning intention of the "CDA" zone.

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 3 years until 23.5.2017, 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 7:00 p.m. to 8:30 a.m. is allowed on the site during the approval period except for the logistics vehicles back-up centre where no night-time operation between 9:00 p.m. and 8:30 a.m., as proposed by the applicant, is allowed during the 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 cutting, dismantling, repairing, melting, compaction, cleansing activity is allowed on the site, except within the workshops, as proposed by the applicant, at any time during the planning approval period;

- (d) no material is allowed to be stored/dumped within 1m of any tree at any time during the planning approval period;
- (e) no vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (f) the existing drainage facilities on-site should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.8.2014;
- (h) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.7.2014;
- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.11.2014;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.2.2015;
- (k) the submission of a tree preservation and landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 23.11.2014;
- (l) in relation to (k) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 23.2.2015;

- (m) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 23.11.2014;
- (n) in relation to (m) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 23.2.2015;
- (o) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.11.2014;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (g), (h), (i), (j), (k), (l), (m), (n) or (o) 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
- (r) 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.”

123. 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) to note the comments of the District Lands Officer/Yuen Long that the private land under application site comprises Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. The private

land of Lot No. 3173 S.B in D.D. 129 is covered by Short Term Waiver (STW) No. 3242 which allows the use of land for workshop and ancillary use to storage of machinery and construction material and ancillary use to storage respectively. A Building Licence No. 372 is granted to Lot No. 3174 RP in D.D. 129 for the erection of a 3-storey New Territories Exempted House for non-industrial purpose. No permission has been given for the proposed use and/or occupation of the Government land (GL) (about 2.8m² subject to verification) included into the site. The act of occupation of GL without Government's prior approval should not be encouraged. He provides no maintenance works for the GL involved and does not guarantee right-of-way. Should the application be approved, the land owners would need to apply to him to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior the actual occupation of the GL portion. Such application would be considered by the Lands Department (LandsD) acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application would be approved. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium or fee, as may be imposed by LandsD;

- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (d) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures at the site access to prevent surface runoff flowing from the site onto the nearby public roads/drains;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the trees at the southern boundary are in fair to poor conditions due to loss of tree crown and topping. Replacement of these trees is required. In addition, the object dumped on the tree planting areas may affect the health condition of the existing trees.

- (g) to note the comments of the Director of Fire Services that the applicant should submit relevant layout plans incorporated with the proposed FSIs to him for approval. Detailed fire safety requirements will be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to him for consideration; and

- (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 Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works (including offices and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The site shall be provided

with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/898 Temporary Logistic Centre and Ancillary Tyre Repair Workshop for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 3305 RP (Part), 3306 (Part), 3307 RP, 3310 S.A RP (Part), 3310 S.B (Part), 3311 RP, 3312 S.A (Part), 3312 S.B, 3313(Part) and 3314 (Part) in D.D. 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/898)

Presentation and Question Sessions

124. Mr Edmond S.P. Chiu, STP/TM&YLV (Atg.), presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary logistic centre and ancillary tyre repair workshop 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 users in vicinity of the site (the closest residential dwelling about 65m away) and along the access road (Ping Ha Road) and environmental nuisance was

expected;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary logistic centre and ancillary tyre repair workshop could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, no environmental complaint against the site over the past 3 years and approval conditions on restrictions on operation hours and prohibition of workshop activities were recommended to mitigate any potential environmental impacts. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant would also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' to minimize the possible environmental impacts on the adjacent areas.

[Ms Anita K.F. Lam returned to join 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 period of 3 years until 23.5.2017, 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 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the 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 cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair and workshop activity, other than tyre repair, is allowed on the site at any time during the planning approval period;
- (d) no vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the existing trees within the site shall be maintained in good condition at all times during the planning approval period;
- (g) the submission of a condition record of existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.8.2014;
- (h) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 23.11.2014;
- (i) in relation to (h) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 23.2.2015;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.11.2014;
- (k) in relation to (j), the implementation of the fire service installations

proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.2.2015;

- (l) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.11.2014;
- (m) if any of the above planning conditions (a), (b), (c) (d), (e) or (f) is not complied with during the 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 above 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 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) prior planning permission should have been obtained before continuing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, the Lands Department (LandsD) that the land under the site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. Application for Short Term Waiver to regularize the irregularities on site have been received and being processed

by his Office. The 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. The site abuts directly to Ping Ha Road. His office provides no maintenance work for the Government Land involved and does not guarantee right-of way.

- (d) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site;
- (e) to note the comments of the Chief Highway Engineer/New Territories West of Highways Department that the applicant should construct a run-in/out at the road near Ping Ha Road in accordance with the latest version of Highway Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the exiting adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains.
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (g) to note comments of the Director of Fire Services that the applicant is advised to 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. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant is advised to submit a valid fire certificate (FS251) to his department for approval. Furthermore, should the applicant wish to apply for exemption from the provision of FSI as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to

comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (h) 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 the BD (not being a New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including warehouse, site office, tyre repair workshop etc. as temporary buildings) are to be carried out on the application site, the prior approval and consent of the Buildings Authority should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For the UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

[The Chairman thanked Mr Edmond S.P. Chiu, STP/TM&YLW, for his attendance to answer Members' enquires. He left the meeting at this point.]

Agenda Item 36

Section 16 Application

[Open Meeting]

A/TM-LTY Y/281 Temporary Public Vehicle Park (for Private Cars only) for a Period of 3 Years in “Village Type Development” Zone, Lot 1506 RP (Part) in D.D. 130, Tsing Chuen Wai, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/281)

128. The Committee noted that the applicant requested on 9.5.2014 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 relevant Government departments. This was the first time that the applicant requested for deferment of the application.

129. 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 37

Section 16 Application

[Open Meeting]

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

130. The Secretary reported that the application was submitted by Beautiglory

Investment Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK), and Environ Hong Kong Ltd. (Environ) and MVA Hong Kong Ltd. (MVA) were the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest on this item as he had current business dealings with SHK, Environ and MVA. Ms Janice W.M. Lai had also declared an interest on this item as she had current business dealings with SHK. The Committee noted that Ms Janice W.M. Lai had left the meeting already. As the applicant had requested for deferment of consideration of the application, and Mr Ivan C.S. Fu had no involvement in the application, Members agreed that he could stay in the meeting but should refrain from participating in the discussion.

131. The Committee noted that the applicant requested on 8.5.2014 for further deferment of the consideration of the application for two months in order to allow time for concerned Government departments to review his further information submitted in March 2014 and preparation of further information to address the comments of concerned Government departments and public comments received. This was the fourth time that the applicant had requested for deferment. Since the Committee's agreement to the last deferment request, the applicant submitted further information including responses-to-comments, revised photomontages, revised Environmental Assessment, and revised calculation showing detailed breakdown of sewage flow on 26.3.2014.

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 two months were allowed for preparation of the submission of the further information. Since this was the fourth deferment and a total of eight months were allowed for preparation of the submission of the further information, this was the last deferment and no further deferment would be granted.

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/446 Renewal of Planning Approval for Temporary Open Storage of Construction Materials for a Period of 3 Years in “Recreation” Zone, Lots 202 RP (Part), 203 (Part), 204 (Part), 205 (Part), 206 (Part), 207 (Part), 209 (Part) and 214 (Part) in D.D. 126, and Adjoining Government Land, Ping Shan
(RNTPC Paper No. A/YL-PS/446)

Presentation and Question Sessions

133. Mr K.C. Kan, STP/TM&YLW, 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 open storage of construction materials under previous Application No. A/YL-PS/346 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of construction materials could be tolerated for a further period of 3 years based on the assessments made in paragraph 12 of the Paper. The Director of Environmental Protection (DEP) advised that

no environmental complaint related to the site was received from 2011 to March 2014. Other relevant Government departments had no objection to or no adverse comment on the application. Their technical concerns on traffic, drainage, landscape, fire services and water supply aspects could be addressed by imposing relevant approval conditions.

134. Members had no question on the application.

Deliberation Session

135. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 4.6.2014 until 3.6.2017, 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) no operation on Sundays and public holidays is allowed on the site during the planning approval period;
- (c) no vehicle washing, vehicle repairing, dismantling and workshop activity is allowed on the site at any time during the planning approval period;
- (d) 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;
- (e) only light goods vehicles as defined in the Road Traffic Ordinance and its subsidiary regulations are allowed to be parked on/entered into the site at all times during the planning approval period;
- (f) the delivery route to and from the site via Tin Wah Road, 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 public road is allowed at any time during the planning approval period;
- (h) the provision of a waterworks reserve within 1.5m from the centreline of the affected water mains within the site at all times during the planning approval period;
- (i) the maintenance of existing drainage facilities on the site at all times during the planning approval period;
- (j) the submission of record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.9.2014;
- (k) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.7.2014;
- (l) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.12.2014;
- (m) in relation to (l) 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 3.3.2015;
- (n) 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 3.12.2014;

- (o) in relation to (n) 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 3.3.2015;
- (p) 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 3.12.2014;
- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) 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;
- (r) if any of the above planning conditions (j), (k), (l), (m), (n), (o) or (p) 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
- (s) 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 issues relating to the development with the 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 the land within the site 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. There is no structure to be erected on the lots within the site. No permission has been given for the proposed use/or occupation of Government land (GL) included in the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Tin Tsz Road via GL and other private lots. His office provides no maintenance works to the GL involved and does not guarantee right-of-way. 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 minimize 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 the public road. The local track leading to the site is not under the Transport Department's (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 Tin Wah 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 Tin Wah Road;

- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to Fire Services Department (FSD) for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The Good Practice Guidelines for Open Storage Sites should be adhered to (Appendix VI of the RNTPC Paper). The applicant should be advised to submit a valid fire certificate (FS 251) to FSD for approval. Should the applicant wish to apply for exemption from the provision of FSI as prescribed by FSD, the applicant is required to provide justifications to FSD for consideration. The applicant is reminded that if the proposed structure(s) is/are required to comply with the Buildings Ordinance, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that existing water mains will be affected. No structure shall be erected over the Waterworks Reserve and such area shall not be used for storage purposes. The Water Authority (WA) and his office 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 WA may require or authorize. 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.”

[The Chairman thanked Mr K.C. Kan, STP/TM&YLLW, for his attendance to answer Members' enquires. He left the meeting at this point.]

Agenda Item 39

Section 16 Application

[Open Meeting]

A/YL-PS/447 Proposed Residential-cum-Commercial Development (Flat, Eating Place, Shop and Services) and Minor Relaxation of the Building Height Restriction in “Comprehensive Development Area” and “Residential (Group A) 2” Zone and area shown as ‘Road’, Lots 2328 RP, 2328 S.B RP, 2340 RP, 2340 S.A ss.1, 2340 S.A ss.2, 2340 S.A ss.3, 2340 S.A ss.4 RP, 2340 S.A ss.5 RP, 2340 S.A ss.6, 2340 S.A RP, 2341, 2342 S.A, 2342 S.B ss.1, 2342 S.B RP, 2342 S.C RP, 2342 S.D RP, 2343 S.A ss1, 2343 S.A RP, 2343 S.B RP and 2350 in D.D. 124 and Adjoining Government Land, Hung Shui Kiu, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/447)

137. The Secretary reported that ADI Ltd. was the consultant of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests on this item as they had current business dealings with ADI Ltd. The Committee noted that Ms Janice W.M. Lai had left the meeting already. As the applicant had requested for deferment of consideration of the application and Mr Ivan C.S Fu had no involvement in the application, Members agreed that he could stay in the meeting

138. The Committee noted that the applicant requested on 16.5.2014 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 Planning Department. This was the first time that the applicant requested for deferment of the application.

139. 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 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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/321A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary eating place for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no comment on the application. The Director of Food and Environmental Hygiene (DFEH) received 3 complaints against improper discharge of waste water in the past 12 months;
- (d) during the first three weeks of the statutory publication period of further information, ten public comments from Chairman of the Shap Pat Heung Rural Committee, Shap Pat Heung District Resident Association, New

Territories Warehouse and Logistic Business Association, villager representatives and members of the public were received. Four commenters objected to the application mainly on the grounds of: (i) previous revocation due to non-compliance with approval conditions; (ii) potential hazards to the villagers/visitors; (iii) illegal operation of eating place at the site; and (iv) occupation of Government land. The other 6 public comments supported the application for reasons that the proposed eating place could provide catering services and a place for organising festival events and the rural characteristics of the village type development could be preserved. 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 eating place could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Although DFEH had received 3 complaints against improper discharge of waste water in the past year, the complaints were not substantiated and the situation at the site was improved after the follow-up inspection by his Department. Regarding the 4 public comments in objection to the application, shorter compliance periods were recommended to closely monitor the progress on compliance with approval conditions and relevant departments consulted had no adverse comment on the application.

141. Members had no question on the application.

Deliberation Session

142. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.5.2017, 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 10:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no parking/queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (c) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.8.2014;
- (d) in relation to (c) above, the implementation 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 23.11.2014;
- (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 23.8.2014;
- (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 23.11.2014;
- (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 23.8.2014;
- (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 23.11.2014;
- (i) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;

and

- (k) 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.”

143. 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 imposed to monitor the situation on the application site and the progress on compliance with approval conditions. Sympathetic consideration may not be given by the TPB to any further application if the planning permission is revoked again due to non-compliance of approval conditions;
- (c) resolve any land issue relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. No permission has been given for the proposed use and/or occupation of the Government land (GL) within the site. The lot owners concerned will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application 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. Modification of Tenancy (MOT) No. MT/LM 324 was issued for erection of structures over Lot No. 1186 in D.D. 117 for agricultural purposes. Change of use of the lot will cause a breach of the terms of the MOT concerned. Besides, the site is abuts directly onto Tai Tong Shan Road. His office does not provide maintenance works for such track nor guarantees right-of-way;

- (e) to note the comments of the Commissioner of Transport that sufficient space should also be provided within the site for manoeuvring of vehicles;
- (f) 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 department shall not be responsible for the maintenance of any access connecting the site and Tai Tong Shan Road;
- (g) the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department and the requirements stipulated in the Water Pollution Control Ordinance;
- (h) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that although a portion of the premises under application, namely Lot 2146 in D.D. 117, is currently covered by valid licence issued by his Department, any food business carrying on the remaining portions of the site should be granted with a licence issued by DFEH. The applicant should also prevent creating environmental nuisance affecting the public;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that tree planting in ground or fixed planters along the eastern side of the site should also be proposed for enhancing the screening and greening effect. All the existing trees should be properly maintained including replacement planting of dead tree, if any;

- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the drainage plan (Drawing A-4 of the Paper) that the invert level of the proposed 525mm drain pipe at Manhole No. SMH1031163 at Tai Tong Shan Road should be shown on the drainage plan. The manhole should be reinstated back to its original after removal of the proposed 525mm drain pipe if the temporary eating place is closed down. The applicant should apply for technical audit for the proposed connection work to the existing Manhole No. SMH1031163 at Tai Tong Shan Road from his Department;

- (k) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. 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 by his Department, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (l) 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 the BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on leased land in the site, the prior approval and consent of BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on

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

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/330 Temporary Place of Entertainment (War Game Playground) for a Period of 3 Years in “Green Belt” and “Recreation” Zones, Lots 1589 (Part), 1592, 1596 (Part), 1597, 1598, 1600 S.A (Part) and 1600 S.B (Part) in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long

(RNTPC Paper No. A/YL-TT/330)

Presentation and Question Sessions

144. Ms Bonita K.K. Ho, STP/TM&YLV, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed temporary place of entertainment (war game playground) 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 two residential dwellings within 100m of the site. It was also understood that the proposed use would involve human shouting, gun shooting and probably the use of audio amplification system, which would generate noise nuisance to the sensitive receivers. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape perspective as noticeable change and disturbances to the existing landscape character and resources of the “Green Belt” (“GB”) had taken place. Approval of this application would set an undesirable precedent for encouraging more incompatible use in the “GB” area that would further deteriorate the landscape quality.

- (d) during the first three weeks of the statutory publication period, five public comments from World Wide Fund for Nature Hong Kong, Kadoorie Farm & Botanic Garden Corporation, Tai Tong Concern Group and members of the public raised objection to the application on the grounds that: (i) the proposed war game playground was not in line with the planning intention of the “GB” zone, not in line with Town Planning Board Guideline No.10 and was incompatible with the surrounding environment; (ii) set undesirable precedent for similar applications; (iii) would generate noise nuisance, traffic, visual/landscape, drainage and ecological impacts and pose danger to visitors; (iv) the approval conditions under the previous approval were not complied with; and (v) would affect the feng shui of the area. Some commenters considered that the war game activities should be confined within the “Recreation” (“REC”) zone. 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 place of entertainment (war game playground) could be tolerated for a period of 1 year based on the assessments made in paragraph 12 of the Paper. Although CTP/UD&L, PlanD had reservation on the application, the “GB” portion of the site was paved and had been in use for accommodating supporting facilities since the granting of previous planning approval under Application No. A/YL-TT/262. Besides, the applicant undertook that there would be no vegetation clearance on the site; additional trees were proposed within the site; they would confine the war game activities within the western portion of the site with protective fence and erect fencing along the periphery of the eastern portion to protect the existing landscape and to avoid further proliferation into the “GB” zone. Although DEP also did not support the application, there was no environmental complaint in the past three years and therefore it was not expected that the development would generate significant environmental impact on the surrounding areas. Approval conditions restricting the operation hours, prohibiting war game activities outside the site and the use of audio amplification system, and requiring the provision protective

boundary fence for the site, as proposed by the applicant, were recommended to address possible concerns on environmental and landscape impacts. Relevant approval conditions prohibiting the queuing and reverse movement of vehicle on public road and requiring the submission and implementation of tree preservation and landscape proposals, and fire service installations proposals were also recommended. As CTP/UD&L of PlanD had reservation on the application and there were public concerns on the operation of the war game playground, a shorter approval period of 1 year instead of 3 years sought was recommended to allow close monitoring of the situation of the site and its surroundings and shorter compliance periods were proposed to monitor the compliance with approval conditions in order to minimize potential impacts on the surrounding areas. Regarding the public comments, the assessments above were relevant.

145. Members had no question on the application.

Deliberation Session

146. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, instead of 3 years sought, until 23.5.2015, 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 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no war game activities are allowed to be carried out outside the site at any time during the planning approval period;
- (c) no audio amplification system is allowed to be used on the site at any time during the planning approval period;
- (d) no queuing and reverse movement of vehicle are allowed on public road at

any time during the planning approval period;

- (e) the provision of protective boundary fence and guiding net on the site (i.e. eastern and western portions) within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.8.2014;
- (f) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.8.2014;
- (g) in relation to (f) above, the implementation 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 23.11.2014;
- (h) 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 23.8.2014;
- (i) in relation to (h) 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 23.11.2014;
- (j) 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;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (l) upon 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.”

147. 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 other concerned owner(s) of the site;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no approval is given for the occupation of the Government land (GL) within the site. The act of occupation of GL without Government’s prior approval should not be encouraged. Portion of Lot 1589 in D.D. 117 is covered by Permit No. MT/LM 6757 for erection of agricultural structures thereon. Change of use of the Permit will cause a breach of the terms of the Permit concerned. The lot owners concerned will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application 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 access route to the site to and from Tai Tong Shan Road would require traversing through a long haul of informal track on open Government land and other private lots. His office provides no maintenance work for the Government land involved and does not guarantee right-of-way;
- (e) to note the comments of the Commissioner of 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;

- (f) 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;
- (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 minimize any potential environmental nuisances;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that an updated tree survey indicating the particulars and condition of the existing trees within the site should be provided and the size of the proposed trees should be specified;
- (i) 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;
- (j) to note the comments of the Director of Fire Services that in consideration

of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans 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 of where the proposed FSIs to be installed should also be clearly marked on the layout plans. Furthermore, 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. However, 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;

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD, they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds) are to be carried out on the leased land, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage; and

- (l) 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 (and overhead line alignment drawings, where applicable) 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 and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures. 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 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 42

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/599-7 Application for Extension of Time for Compliance with Planning Conditions - Temporary Religious Institution (Shelter for Gathering) for a Period of 3 Years in “Residential (Group B) 1” Zone, Lot 555 RP in D.D. 121, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/599-7)

Presentation and Question Sessions

148. Ms Bonita K.K. Ho, STP/TM&YLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed extension of time for compliance with conditions ‘(g) the submission of water supplies for fire fighting and fire service installations (FSIs) proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 10.11.2012 (extended six times to 21 months until 10.5.2014)’ and ‘(h) the implementation of water supplies for fire fighting and FSIs proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 10.2.2013 (extended five times to 21 months until 10.5.2014)’ until 10.8.2014 (additional 3 months since the last extension of time (EOT) approval) for the approved temporary religious institution (shelter for gathering) for a period of 3 years under Application No. A/YL-TYST/599;
- (c) departmental comments – departmental comments were set out in paragraph 5 of the Paper. Concerned departments had no objection to or no comment on the application; and

[Mr H.F. Leung left the meeting temporarily at this point.]

- (d) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 6 of the Paper. The previous approval for the subject development (under Application No. A/YL-TYST/543) was revoked due to non-compliance with approval conditions. The current approval was subject to shorter compliance periods for close monitoring of the progress on compliance with approval conditions. The temporary religious institution (shelter for gathering) use was already in operation. The time limits for compliance with approval conditions (g) and (h) have been extended six times and five times respectively up to a total of 21 months. The applicant had not provided

any information to demonstrate the progress made since the granting of the last EOT (No. A/YL-TYST/599-6), any remedial actions taken to address departmental concerns, nor justifications to warrant further EOT. Whilst the Director of Fire Services had no objection to the current EOT application, PlanD considered that the applicant has not made due effort to comply with approval conditions (g) and (h) since the last EOT to ensure timely provision of FSIs at the site to address potential fire risks. The EOT application was submitted late and the time limit for compliance with approval conditions (g) and (h) had already expired during the processing of the application.

149. Members had no question on the application.

Deliberation Session

150. After deliberation, the Committee agreed that the application for EOT for compliance with planning conditions could not be considered for reason that conditions (g) and (h) had already expired on 10.5.2014, and the planning approval for the application had ceased to have effect and had on the same date been revoked, the Committee could not consider the section 16A application as the planning permission no longer existed at the time of consideration.

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/679 Temporary Open Storage of Construction Materials (Gravels, Bricks, Sand, Cement in Bags and Paints) with Ancillary Vehicle Repair Workshop for a Period of 3 Years in “Undetermined” Zone, Lots 2357 S.B RP and 2358 RP in D.D. 120, Tin Liu Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/679)

Presentation and Question Sessions

151. Ms Bonita K.K. Ho, STP/TM&YLV, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials (gravels, bricks, sand, cement in bags and paints) with ancillary vehicle repair workshop for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the south and in the vicinity of the site, and environmental nuisance was expected.
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary open storage of construction materials (gravels, bricks, sand, cement in bags and paints) with ancillary vehicle repair workshop could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, the concerns of DEP on possible environmental nuisance to surrounding area could be addressed through the incorporation of approval conditions restricting the operation hours, prohibiting the use of heavy good vehicles exceeding 24 tonnes (including container trailer/tractor) and workshop activities on the site (except for vehicle repairing activities within Compartment C) and requiring the implementation of dust suppression measures for sand and gravels stored at the site, as proposed by the applicant. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on

the site would be subject to enforcement action by the Planning Authority. Besides, the applicant would be advised to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact and to keep the site clean and tidy at all times. Other technical concerns of the Government departments could be addressed by imposing relevant approval conditions.

152. Members had no question on the application.

Deliberation Session

153. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.5.2017, 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 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/exit the site at any time during the planning approval period;
- (d) no repairing, cleaning, dismantling or other workshop activities, except vehicle repairing activities within Compartment C, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (e) the implementation of dust suppression measures for sand and gravels stored at the site, as proposed by the applicant, at all times during the

planning approval;

- (f) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a record of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.8.2014;
- (i) 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 23.11.2014;
- (j) in relation to (i) 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 23.2.2015;
- (k) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.7.2014;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.11.2014;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.2.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby

given shall cease to have effect and shall be revoked immediately without further notice;

- (o) if any of the above planning conditions (h), (i), (j), (k), (l) 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.”

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

- “(a) the planning permission is given to the development/uses under application. It does not condone any other development/uses and structures which currently exist on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no approval has been given for the specified structures including converted containers and open sheds for storage, office, rain shelter and toilet. Lot 2357 S.B RP is covered by Short Term Waiver No. 3208 to allow the use of the land for the purpose of ancillary use to vehicle repair workshop. Should the application be approved, the lot owner concerned will still need to apply to his office to permit structures to be erected or regularize any irregularities on site. Such application will be

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

- (e) to note the comments of the Commissioner of 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 Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) 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 department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (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 minimize any potential environmental nuisances;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the number and locations of the existing trees as indicated on the submitted ‘Tree Preservation and Landscape Plan’ (Drawing A-4 of the Paper) do not tally with the actual site situation as observed during her site visit on 31.5.2012. Moreover, it seems that there is room for further tree planting within the site;

- (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. The good practice guidelines for open storage attached in Appendix V of the Paper should be adhered to. 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, 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;

- (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 the BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the application site under the BO. The application site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the application site does not abut on a specified street of

not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage; and

- (k) 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 (and overhead line alignment drawings, where applicable) 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 and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures. 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 supplies 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. The applicant should also note that there is a high pressure town gas pipeline running along Yuen Long Highway. The project proponent should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing and planned gas pipe routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipes/gas installations if any excavation works are required during the design and construction stages of the development. The project proponent shall also note the requirements to the Electrical and Mechanical Services Department’s Code of Practice on Avoiding Danger from Gas Pipes.”

Agenda Item 44

Section 16 Application

[Open Meeting]

A/YL-TYST/680 Temporary Open Storage of Construction Materials for a Period of 3 Years in “Undetermined” Zone, Lot 334 (Part) in D.D. 119, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/680)

155. The Committee noted that the applicant requested on 5.5.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to follow up the departmental comments. This was the first time that the applicant requested for deferment of the application.

156. 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 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/201 Proposed Flat (Residential Development) in “Residential (Group E)1” Zone, Tak Yip Street, Tung Tau, Yuen Long (Yuen Long Town Lot 528)
(RNTPC Paper No. A/YL/201A)

157. The Secretary reported that the application was submitted by Trioland Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK) and AECOM Asia Co. Ltd. (AECOM) and Environ Hong Kong Ltd. (Environ) were the consultants of the applicant. The following Members had declared interests in this item:

- | | | |
|---------------------|---|--|
| Mr Ivan C.S. Fu | - | having current business dealings with SHK, AECOM and Environ |
| Ms Janice W.M. Lai | - | having current business dealings with SHK and AECOM |
| Professor S.C. Wong | - | AECOM had financially sponsored the Institute of Transport Studies of the University of Hong Kong, of which Professor Wong was the Director of the Institute; also having current business dealings with AECOM |

158. The Committee noted that Ms Janice W.M. Lai had left the meeting already. The Committee considered that the interest of Mr Ivan C.S. Fu was direct and he should leave the meeting temporarily for this item. Members also noted that Professor S.C. Wong had no direct involvement in the application and agreed that he could stay in the meeting.

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

Presentation and Question Sessions

159. Ms Bonita K.K. Ho, STP/TM&YLLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed flat (residential development);

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no comment on the application. The District Officer (Yuen Long) (DO(YL)) advises that the local residents and Yuen Long District Council (YLDC) members would likely raise objection to the application as it might result in more congested layout and the increasing population in the district would overload the transport, education and medical infrastructure and also lead to a series environmental and air ventilation impacts.;

- (d) during the first three weeks of the statutory publication period, 55 public comments from YLDC members, Owners Committee (OC) of Po Wai Building, Village Representatives (VRs) and the general public, were received, of which 25 objecting to and 30 expressing concerns on the application. They raised concerns and/or objection on the grounds that: the proposed development cause adverse impacts on environmental, traffic, urban design, air quality and ventilation, fire safety, sewage, flooding, quantitative risk and feng shui aspects, etc.; would have Industrial/Residential interface problems; and inadequate supporting facilities in the vicinity for the influx of population. It was recommended that the proposed development should be developed with a plot ratio of 3 and the podium level should be placed underground, as well as the imposition of a mechanism in monitoring the building design. They considered that the Tung Tau Industrial Area was currently actively in use and should be retained for industrial use. An YLDC member suggested that an approval condition on the provision of a dual two-lane carriageway of the unnamed road to the north of the site should be included and the OC of Po Wai Building also suggested that a pedestrian crossing should be provided to accommodate the additional traffic.

- (e) the DO (YL) had received two comments from the VRs of Sai Pin Wai, Nam Pin Wai and San Pui Tusen raising objection to the application mainly on the land use compatibility, urban design and traffic aspects. The comments were also received by the Town Planning Board and had been treated as valid public comments; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Regarding the public comments, the relevant Government departments consulted including the Commissioner for Transport (C for T), Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department and Chief Town Planner/Urban Design and Landscape, PlanD had no adverse comment on/no objection to the application, and feng shui was outside the planning consideration by the Committee. With regard to the public comments suggesting an approval condition on the provision of a dual two-lane carriageway and a pedestrian crossing, C for T considered that based on the results of the Traffic Impact Assessment, the local road network would still operate within its capacity after the introduction of the proposed development

160. Members had no question on the application.

Deliberation Session

161. 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 23.5.2018, 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 design and implementation of environmental mitigation measures, as proposed by the applicant, in the Noise Impact Assessment report, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the submission of a land contamination assessment and a waste management plan prior to the commencement of site formation works, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or the TPB;

- (c) the submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB;
- (d) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (e) the submission of a revised Drainage Impact Assessment (DIA), and the implementation of the drainage proposal identified in the revised DIA to the satisfaction of the Director of Drainage Services or of the TPB; and
- (f) the design and provision of vehicular access arrangement, car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB.”

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

- “(a) the approval of the application does not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the Building Authority and major changes to the current scheme are required, a fresh planning application to the TPB may be required;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the applicant is advised to take into account the restrictions of the Conditions of Sale and complied with other relevant lease conditions such as landscaping and provision of parking spaces clauses governing the lot;

- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should maximize the provision of greening, especially at-grade tree and shrub planting to improve the landscape and visual amenity of the proposed development;
- (d) 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 arrangement of emergency vehicular access shall comply with the Code of Practice for Fire Safety in Buildings which is administered by Buildings Department;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant is reminded that should there be any changes of design parameters revealed in the course of the development or due to site conditions which would materially affect the validity of the DIA report, the application should review/revise the DIA report and submit it to his Division for comment. The applicant should implement the drainage provisions on site in accordance with the agreed DIA. The applicant is required to rectify the proposed drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system. The proposed development would neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL and seek consent from relevant lot owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (f) to note the comments of the Chief Building Surveyor /New Territories West, Buildings Department that the sustainable building design requirements and pre-requisites under Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAPs) APP 151 and 152 for GFA concessions would be applicable to development in the site; the exemption of proposed club house from GFA

calculation is subject to compliance with all exemption criteria stipulated in PNAPs; bicycle parking area is accountable for GFA calculation, unless exempted; the high headroom of entrance lift lobby/recreational facilities at G/F should be justified. He reserves his comments under Building (Planning) Regulation 23(3)(a). Detailed comments will be made at the building plan submission stage. In accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and greenery coverage) should be included;

- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant is advised to observe and implement the recommendations as stated in the revised Quantitative Risk Assessment which include minimizing the window area facing the liquefied petroleum gas filling station, use of laminated glass windows and carrying out periodic drills for the future residents in the proposed development; and
- (h) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the site falls within Scheduled Area No. 2 where the site may be underlain by cavernous marble. Extensive geotechnical investigation would be required. Experienced geotechnical engineers shall be involved both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the site.

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

Agenda Item 46

Section 16 Application

[Open Meeting]

A/YL/204 Proposed Public Utility Installation (Package Substation) in “Green Belt” Zone, Government Land in D.D. 115, Tsoi Uk Tsuen, Yuen Long
(RNTPC Paper No. A/YL/204)

163. The Committee noted that the applicant requested on 8.5.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the departmental and public comments. This was the first time that the applicant requested for deferment of the application.

164. 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 Ms Bonita K.K. Ho, STP/TM&YLW, for her attendance to answer Members’ enquires. She left the meeting at this point.]

Agenda Item 47

Any Other Business

165. The Chairman said that this meeting was the last Rural and New Town Planning Committee meeting attended by the Secretary prior to her retirement. The Chairman proposed and Members extended a vote of thanks to Miss Ophelia Y.S. Wong for her

contribution to the work of the Town Planning Board (the Board) in the past years.

166. The Chairman said that the Administration proposed to appoint Miss Ophelia Y.S. Wong as a special advisor to the Town Planning Board Secretariat to assist and represent the Board in handling judicial review cases. Members agreed to the proposal.

167. There being no other business, the meeting was closed at 5:45 p.m.