

TOWN PLANNING BOARD

Minutes of 520th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 17.10.2014

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

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

Dr Eugene K.K. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

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

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

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

Assistant Director/Regional 3,
Lands Department
Mr Tony Moyung

Deputy Director of Planning/District
Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Mr Lincoln L.H. Huang

In Attendance

Assistant Director of Planning/Board
Miss Fiona S.Y. Lung

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

Town Planner/Town Planning Board
Ms Winnie W.Y. Leung

Agenda Item 1

Confirmation of the Draft Minutes of the 519th RNTPC Meeting held on 26.9.2014

[Open Meeting]

1. The draft minutes of the 519th RNTPC meeting held on 26.9.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

[Mrs Alice K.F. Mak and Ms Donna Y.P. Tam, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/236 House (Private Garden Ancillary to New Territories Exempted House)
in “Road” and “Village Type Development” zones, Lots No. 1074 S.B
(Part) and 1067 R.P (Part) in D.D. 244 and Adjoining Government
Land, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/236)

Presentation and Question Sessions

3. With the aid of a PowerPoint presentation, Mrs Alice K.F. Mak, STP/SKIs,

presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (private garden ancillary to New Territories Exempted House)
- (c) departmental comments – departmental comments were set out in paragraph 11 of the Paper. Both Commissioner for Transport (C for T) and the Chief Town Planner / Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application as the permanent private garden was not in line with the planning intention of the ‘Road’ zone which was reserved for road access development in the long term. Besides, Director of Fire Services (D of FS) did not support the application as the Site fell within an emergency vehicular access (EVA);

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

- (d) during the first three weeks of the statutory public inspection period, one public comment was received objecting to the application for the reasons that the applied use was incompatible with the ‘Road’ zone; adequate access was required for safety, convenience and welfare of the community; the private garden was located at a critical EVA for Ho Chung New Village and currently EVA through Ho Chung New Village was blocked; and two young boys died in Pat Heung Upper Village as their house was inaccessible by fire engine; and
- (e) the PlanD’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The private garden use at the Site was not in line with the planning intention of the area designated as ‘Road’ on the Outline Zoning Plan (OZP) which was reserved for road access development to serve the local residents. The applicant failed to provide strong justification in the submission for a departure from the planning intention. Moreover, about 74% of the Site was on Government

land (i.e. 89m²). The applicant failed to provide any justification and there was no exceptional circumstance or strong planning justification for granting permission to the applicant to utilise the piece of Government land for a private garden, which was for the sole enjoyment of the applicant, on a permanent basis.

4. The Chairman drew Members' attention that the application involved permanent use of the subject site for private garden purpose, not on a temporary basis. Members had no question on the application.

Deliberation Session

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

- “(a) the permanent private garden use is not in line with the planning intention of the Site which is mainly designated as ‘Road’. The planning intention is to make land reservation for access road to facilitate the traffic circulation within the area; and
- (b) approval of the application would set an undesirable precedent for similar applications within the area designated as ‘Road’ in Ho Chung New Village. The cumulative effect of approving similar applications would jeopardise the implementation of the planned access road on the Outline Zoning Plan.”

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/137 Proposed Public Utility Installation (Mobile radio base station, antenna and associated facilities) in “Coastal Protection Area” zone, Upper Cheung Sha Beach Changing Room, Cheung Sha, Lantau
(RNTPC Paper No. A/SLC/137)

6. The Secretary reported that the application was submitted by Smartone Mobile Communications Limited (a subsidiary of Sun Hung Kai Properties Ltd. (SHK)). The following Members had declared interests in this item:

- | | |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Ms Janice W.M. Lai | - having current business dealings with SHK |
| Mr Ivan C.S. Fu | - having current business dealings with SHK |
| Dr Eugene K.K. Chan | - being the Convenor of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from SHK |
| Ms Christina M. LEE | - being a committee member of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from SHK |

7. Members agreed that Ms Janice W.M. Lai and Mr Ivan C.S. Fu should leave the meeting temporarily as their interests were considered direct. Dr Eugene K.K. Chan and Ms Christina M. LEE had not yet arrived at the meeting.

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

Presentation and Question Sessions

8. 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;

- (b) the proposed public utility installation (mobile communication radio base station, antenna and associated facilities);
- (c) departmental comments – department comments were set out in paragraph 8 of the Paper. Although the proposal was not entirely in line with the planning intention of the “Coastal Protection Area” (“CPA”) zone, the Director-General of Communications considered that the proposed installation would help to enhance the signal coverage of mobile phones in Cheung Sha area and supported the proposed development. The Chief Town Planner / Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application from landscape planning point of view. However, to ensure visual compatibility of the proposed development with the existing changing room and the surrounding environment, an approval condition was proposed;
- (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; and
- (e) the PlanD’s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper.

9. Members had no question on the application.

Deliberation Session

10. 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 17.10.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- “the submission of the design and colour scheme of the proposed

development including the proposed measures to mitigate the visual impact on the surrounding areas to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of Director of Health that the project proponent should ensure that the installation complies with the relevant International Commission on Non-Ionising Radiation Protection guidelines or other established international standards. World Health Organization also encourages effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should ensure that the colour scheme of the proposed installations would match with that of the existing changing room and the surrounding environment; and
- (c) to note the comments of the Director of Architectural Services that:
 - (i) technical proposal should be submitted separately to the Architectural Services Department (Arch SD) for further consideration and approval;
 - (ii) the proposed works should not cause damages to the existing building including but not limited to the existing waterproofing system at roof & the existing external wall painting system;
 - (iii) the applicant should make good all affected areas at their own costs and expenses to the satisfaction of Arch SD;
 - (iv) adequate space should be allowed for Arch SD’s future repair and maintenance of waterproofing system;

- (v) additional protective barriers/railing should be provided to ensure the effective height of parapet walls at Roof in accordance with the current statutory requirements; and
- (vi) the proposed works should be designed and carried out in compliance with the current statutory requirements.”

[The Chairman thanked Mrs Alice K.F. Mak and Ms Donna Y.P. Tam, STPs/SKIs, for their attendance to answer Members’ enquires. Mrs Mak and Ms Tam left the meeting at this point.]

[Ms Janice W.M. Lai and Mr Ivan C.S. Fu returned to join the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 5

[Open Meeting]

Proposed Amendment to the

Approved Shap Sz Heung Outline Zoning Plan No. S/NE-SSH/9

(RNTPC Paper No. 12/14)

12. With the aid of a PowerPoint presentation, Mr C.T. Lau, STP/STN, presented the proposed amendments to the approved Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/9 as detailed in the Paper, which were summarised as follows :

Proposed Amendment to the OZP

- (a) The proposed amendment involved the rezoning of an area of about 103m² on the northern periphery of Kei Ling Ha Lo Wai from “Conservation Area” (“CA”) to “Village Type Development” (“V”);

Background

- (b) on 9.11.2012 and 19.7.2013, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board agreed to two s.12A applications (No. Y/NE-SSH/1 and 2 respectively) for rezoning two areas (with a total area of about 98m²) located on the northern periphery of Kei Ling Ha Lo Wai from “CA” to “V” for house developments permitted under the lease;
- (c) the subject area, consisting of two building lots (part), was adjoining the “V” zone of Kei Ling Ha Lo Wai and had building entitlement for residential developments of not more than 2 storeys or 25 feet (7.62m). The Committee noted that there was no provision under the Notes of the “CA” zone for house development and rezoning the area from “CA” to “V” would be required to allow development of houses as permitted under the lease. The Committee considered that unless there was an overriding public need, it was the Committee’s usual practice to respect the development right of a landowner. In view of the unique planning circumstances, the Committee agreed to the two rezoning applications;
- (d) the proposed amendments were to take forward the decisions of the Committee in 2012 and 2013. Minor technical amendments would also be incorporated to rationalise the zoning boundary;

Departmental Consultation

- (e) the concerned government bureaux/departments had been consulted and had no objection to/no adverse comment on the proposed amendments to the OZP; and

Public Consultation

- (f) the Tai Po District Council (TPDC) (or its sub-committee) and Sai Kung North Rural Committee would be consulted on the proposed amendments during the exhibition period of the draft Shap Sz Heung OZP.

13. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Shap Sz Heung OZP No. S/NE-SSH/9 as shown on the draft Shap Sz Heung OZP No. S/NE-SSH/9B (to be renumbered as S/NE-SSH/10 upon exhibition) and its draft Notes were suitable for exhibition under section 5 of the Ordinance;
- (b) adopt the revised Explanatory Statement (ES) for the draft Shap Sz Heung OZP as an expression of the planning intention and objectives of the Board for various land use zonings on the OZP; and
- (c) agree that the revised ES was suitable for exhibition together with the draft Shap Sz Heung OZP and issued under the name of the Board together with the OZP.

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

Agenda Items 6 to 8

Section 16 Applications

[Open Meeting]

A/NE-KLH/475 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 111 S.B ss. 1 in D.D.7, Tai Wo Village, Tai Po

(RNTPC Paper No. A/NE-KLH/475)

A/NE-KLH/476 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 111 S.B ss. 4 in D.D.7, Tai Wo Village, Tai Po

(RNTPC Paper No. A/NE-KLH/476)

A/NE-KLH/477 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 111 S.B ss. 6 in D.D.7, Tai Wo Village, Tai
Po
(RNTPC Paper No. A/NE-KLH/477)

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

15. The Committee noted that the applicants’ representative requested on 22.9.2014 for further deferment of the consideration of the application for another two months in order to allow more time for the applicant to conduct the noise impact assessment again as required by the Environmental Protection Department. This was the applicant’s second request for deferment.

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

Agenda Item 9

Section 16 Application

[Open Meeting]

A/NE-LT/515 Proposed Place of Recreation, Sports or Culture (Hobby Farm) in
“Agriculture” zone, Lot 1759 in D.D. 8, Tai Po
(RNTPC Paper No. A/NE-LT/515)

17. The Committed noted that the applicant requested on 30.9.2014 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Agriculture, Fisheries and Conservation Department, Environmental Protection Department and Transport Department. This was the first time that the applicant requested for deferment of the application.

18. 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 10

Section 16 Application

[Open Meeting]

A/NE-SSH/95 Proposed Temporary Animal Boarding Establishment (Dog Kennels Facility) for a Period of 3 Years in "Conservation Area" zone, Lot 465 in D.D. 207, Shap Sz Heung
(RNTPC Paper No. A/NE-SSH/95)

19. The Committed noted that the applicant requested on 7.10.2014 for deferment of the consideration of the application for two months in order to allow more time to prepare further information to address the comments of the Environmental Protection Department. This was the first time that the applicant requested for deferment of the application.

20. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the

applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. 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 Items 11 and 12

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/519 Proposed House (New Territories Exempted House - Small House) in
"Green Belt" zone, Lots 554 S.A and 561 S.A in D.D. 28, Tai Mei Tuk,
Tai Po
(RNTPC Paper No. A/NE-TK/519 and 510)

A/NE-TK/520 Proposed House (New Territories Exempted House - Small House) in
"Green Belt" zone, Lots 554 RP and 561 RP in D.D. 28, Tai Mei Tuk,
Tai Po
(RNTPC Paper No. A/NE-TK/519 and 520)

21. The Committee noted that the two 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

22. Mr C.T. Lau, 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) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the applications as the sites fell wholly outside the village ‘environs’ (‘VE’) of Lung Mei/Wong Chuk Tsuen and Tai Mei Tuk. The Director of Environmental Protection did not support the applications as sewer connection to the proposed Small Houses was not feasible. The Chief Town Planner / Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) also objected to the applications as clearing of vegetation would be required for the Small Houses and their access and site formation works would affect the trees of the dense woodland to the west of the Site. The Director of Agriculture, Fisheries and Conservation did not support the applications, while the Commissioner for Transport had reservation on the applications;
- (d) during the first three weeks of the statutory public inspection period, three public comments were received. They objected to the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “Green Belt” (“GB”) zone and did not comply with Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10); no environmental, traffic, drainage and sewage assessments had been provided for the possible adverse impacts; the proposed Small Houses without proper ancillary facilities might have adverse impacts on the surrounding area; and approval of the applications would set an undesirable precedent causing cumulative impacts on the area; and
- (e) the PlanD’s views – PlanD did not support the applications based on the assessments as set out in paragraph 12 of the Paper. The proposed developments were not in line with the planning intention of the “GB” zone

which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. Although there was a general shortage of land in meeting the future Small House demand, the proposed Small Houses did not comply with the Interim Criteria as the Sites were entirely outside the “V” zone and the ‘VE’ of any recognised villages. Furthermore, the Sites were the subject of two previous applications for the same use submitted by the same applicants which were rejected by the Committee in 2013. There had been no major change in planning circumstances since the rejection of these previous applications. There was no strong reason to depart from the Committee’s previous decision.

23. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone;
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape on the surrounding environment;
- (c) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small

House in New Territories in that the site is entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognized villages, and the proposed development would cause adverse sewerage and landscape impacts on the surrounding areas; and

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

Agenda Items 13 and 14

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/521 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Lot 612 S.A in D.D. 28, Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/521 and 522)

A/NE-TK/522 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Lot 612 S.B in D.D. 28, Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/521 and 522)

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

Presentation and Question Sessions

26. Mr C.T. Lau, 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) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, which ended on 10.10.2014, two public comments were received. They objected to the applications mainly for not in line with the planning intention of the “Green Belt” (“GB”) zone; not complying with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10); no impact assessment was provided; setting of an undesirable precedent;
- (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. While the proposed Small Houses were not in line with the planning intention of the “GB” zone, the sites were hard paved without vegetation and mostly fell within the “Village Type Development” (“V”) zone. The proposed Small Houses also complied with the Interim Criteria in that more than 50% of the proposed Small House footprints fell within the village ‘environs’ (‘VE’) or “V” zone and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the concerned village. The proposed Small Houses were not incompatible with the surrounding area which was predominately rural in character with a village cluster to the immediate south of the sites. Concerned government departments had no objection to or adverse comment on the applications. Since the proposed developments were not expected to have adverse impacts on the landscape, and the existing and planned infrastructure such as sewerage, drainage and water supplies, it was considered in compliance with the TPB PG-No. 10. There were also similar applications in the vicinity of the sites previously approved by the

Committee.

27. Members had no question on the application.

Deliberation Session

28. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 17.10.2018, 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 connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “(a) the applicant is required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (b) to note the comments of the Director of Environmental Protection that the proposed Small House falls within the catchment of Lung Mei Beach; there is a completed sewer about 10m away from the proposed Small House, sewer connection is feasible with sufficient capacity; and the applicant should connect the public sewer at his own cost;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that 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 area 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 any boundary wall/fence is to be erected; 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 to 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 District Lands Officer / Tai Po and / or relevant private lot owners should be sought;

- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (e) 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. Detailed fire safety requirements will be formulated during land grant stage;

- (f) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead electricity line) within or in the vicinity of the site. Based on the

cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:

- (i) for application site within the preferred working corridor of high voltage overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (g) 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.”

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/553 Further Consideration of Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone, Lot 81 S.A R.P. in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/553A)

Presentation and Question Sessions

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

Background

- (a) On 27.6.2014, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board considered the application. Noting that there were similar applications for Small House developments approved in the vicinity, Members enquired about the progress of the similar applications within the same “GB” zone that were approved by the Committee, noting that construction of the proposed Small Houses had not commenced. Members also expressed concern on further encroachment onto the vegetated area by Small House developments, and whether the application would be a ‘destroy first, build later’ case.

- (b) The Committee decided to defer making a decision on the application pending the submission of further information by the Planning Department (PlanD) on the latest progress of the approved applications in the vicinity of the site, the land area available in San Uk Ka for Small House development, and the history of the site condition.

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

Further Information

Estimation of Supply of Land for Small House Development

- (c) In general, the number of new Small Houses that could be accommodated within a “Village Type Development” (“V”) zone was calculated based on the net developable area, which would exclude land occupied by the existing village houses and permanent buildings (e.g. village office, temple, church, Tsz Tong, ancestral hall, etc.), road/footpath and track, and areas not suitable for development, such as steep slope, tree clusters (especially ‘fung-shui’ woodland), existing heritage site, burial ground, stream, New Territories Exempted House (NTEH) cases already approved by District Lands Office, and planned public facilities. A uniform rate of 40 houses per ha was assumed for the remaining areas within the “V” zone, i.e. the net developable area. Such factor had taken into account the need for access road/emergency vehicular access, circulation space, local open space and other necessary supporting facilities. In estimating the land available, land ownership or whether it was government or private land would not be taken into account as it could be subject to change and land parcel could be sub-divided to suit development needs;

Land Available for Small House development in Wun Yiu, Cheung Uk Tei and San Uk Ka Village

- (d) The subject “V” zone included four villages comprising Wun Yiu (including Sheung Wun Yiu and Ha Wun Yiu), Cheung Uk Tei and San Uk Ka and the village ‘environs’ (‘VE’) of these four villages were overlapping. According to District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) latest information, the outstanding Small House applications in the villages concerned was 25/17/11 respectively (total 53) and the 10-year Small House demand forecast for the same villages was 97/24/35 respectively (total 156). According to the latest estimate of Planning Department, about 2.94 ha (equivalent to about 117 Small House sites) of land were available within the subject “V” zone. As

such, the land available in these villages could not fully meet the future Small House demand (about 5.23 ha of land or equivalent to about 209 Small House sites are required). For San Uk Ka Village alone, about 0.75 ha (equivalent to about 30 Small House sites) of land were available, which also could not meet the future Small House demand (about 1.15 ha of land or equivalent to about 46 Small House sites) of the village. The vacant land available for Small House development were mainly found at the land parcels sandwiched between the existing village house clusters, formed areas and shrub land at the fringe of the “V” zone;

Progress of the Similar Small House Applications Approved by the Committee in the Vicinity

- (e) As shown on Plan FA-2a of the Paper, there were six similar applications (No. A/TP/282, 286, 287, 353, 363 and 380) involving 13 Small House developments to the east and southeast of the site. 12 Small Houses were completed and one was nearing completion. To the further northwest of the Site, four similar applications (No. A/TP/302, 303, 424 and 425) involving two Small House developments had also been completed. Another 13 similar applications (No. A/TP/464, 465, 466, 467, 468, 469, 471, 472, 473, 474, 475, 476 and 477) in the vicinity of the site had been granted Building Licences and registered in the Land Registry, among which eight Small Houses were under construction. An application for Small House grant covered by Application No. A/TP/470 was being processed by DLO/TP, LandsD;

Previous Site Conditions

- (f) According to the aerial photos in the Paper, in 1980, the Site was a piece of vegetated land at the edge of a wooded slope with small trees at the western and southern fringes. The vegetation became denser in 1990 and 1998 but was found disturbed in 2004 and 2008. Since 2010, the site was covered by grasses and small shrubs whilst the area to the southeast under Applications Nos. A/TP/464 to 477 was cleared of vegetation in general.

With a number of Small Houses approved in the vicinity, the site and the nearby area had been formed for Small House developments, drainage, vehicular access and car parking;

Limit for Small House Developments

- (g) As shown on Plan FA-2b of the Paper, for land outside the “V” zone but within the ‘VE’ of San Uk Ka, the area to the west and south of the application site and the approved Small House sites were mainly government land on steep slopes with gradient of around 20° and covered by woodland. Developments on these wooded slopes would be subject to topographical constraints and felling of tree was subject to land control action by LandsD. It was considered that the boundaries of those wooded slopes could broadly set the limit for Small House developments in the subject “GB” zone in general;

Planning Department (PlanD)’s views

- (h) PlanD maintained its view of having no objection to the application based on the assessments in paragraph 3 of the Paper. The application generally met the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell within the ‘VE’ of San Uk Ka and there was insufficient land within the “V” zones of Wun Yiu/Cheung Uk Tei/San Uk Ka to meet the Small House demand. Applications with similar site conditions in the vicinity of the site had been approved and developments commenced. The site was flat and not covered by significant vegetation and adjacent to existing village houses. The application also generally met the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) for application for development within “Green Belt” zone. The wooded slopes to the west and south of the site could set broadly the limit for Small House developments.

31. In response to the Chairman’s query, Mr C.T. Lau, STP/STN, clarified that the

boundary of the existing village development as shown on Plan FA-2b was delineated by the vegetated slope with gradient of around 20°.

Deliberation Session

32. A Member, who had no objection to the application, considered that Plan FA-2b was very clear in showing the extent of the existing village expansion which could serve as a useful reference to facilitate the Committee's consideration of future Small House applications in the area. He also pointed out that there was discrepancy in information between the aerial photo and Plan FA-2a as he noted from the aerial photo that the sites under Small House application nos. A/TP/477, 466, 467 and 476 were densely vegetated whilst Plan FA-2a indicated that the sites were under construction. In response, Mr C.T. Lau, STP/STN, clarified that the sites were under construction.

33. The Chairman suggested PlanD to show similar plan (like Plan FA-2b) for future Small House applications in this area for Members' reference.

34. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 17.10.2018, 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 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; and
- (c) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there are no existing DSD maintained public stormwater drains available for connection in this area. The applicant is required to maintain his own stormwater systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems; for works to be undertaken outside the lot boundary, the applicant should consult the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) and seek consent from relevant lot owners before commencement of the drainage works; and public sewerage connection is available at a distance of more than 90m from the site. The applicant should be reminded to follow the established procedures and requirements for the connecting sewers from the site to the public sewerage system. A connection proposal should be submitted to DSD for approval beforehand. Moreover, the sewerage connection will be subject to DSD’s technical audit, for which an audit fee will be charged. The relevant guidelines can be downloaded from DSD web site at <http://www.dsd.gov.hk>. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank;
- (b) to note the comment of the Commissioner for Transport that the existing village access connecting the site is not under the Transport Department’s management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction,

operation and maintenance of the inside services within the private lots to WSD's standards;

- (d) to note the comment of Director of Fire Services that the applicant is reminded to 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;
- (e) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should be reminded to make necessary submissions to the LandsD to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemptions are not granted, the applicant shall submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (f) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
 - (i) 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, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) 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; and

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

- (g) to note the comments of the District Lands Officer/Tai Po, LandsD that there would be no guarantee to the grant of a right-of-way to the Small House concerned and the applicant has to make his own arrangement for access to the lot; and

- (h) 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 Items 16 to 18

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/554 Further Consideration of Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone, Lot 191 (Part) in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/554A to 556A)

A/TP/555 Further Consideration of Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Lot 190 (Part) in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/554A to 556A)

A/TP/556 Further Consideration of Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone, Lot 190 (Part) in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/554A to 556A)

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

Presentation and Question Sessions

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

Background

- (a) On 27.6.2014, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board considered the applications. Members expressed concern that the land available within the subject “V” zone in San Uk Ka could meet most of the outstanding Small House applications and majority of the Small House demand was made up of the 10-year Small House demand forecast. As there was only one approved application for Small House in the vicinity of the sites, approval of the applications would have a precedent effect for similar applications and would significantly change the landscape character of the area. Besides, Members enquired about the status of the existing temporary structures to the east of the sites; and
- (b) the Committee decided to defer making a decision on the application

pending the submission of further information by Planning Department on the land available in San Uk Ka for Small House development, and the temporary structures in the area east of the “Village Type Development” zone of San Uk Ka.

[Mr Frankie W.P. Chou arrived to join the meeting at this point.]

Further Information

Estimation of Supply of Land for Small House Development

- (c) In general, the number of new Small Houses that could be accommodated within a “V” zone was calculated based on the net developable area, which would exclude land occupied by the existing village houses and permanent buildings (e.g. village office, temple, church, Tsz Tong, ancestral hall, etc.), road/footpath and track, and areas not suitable for development, such as steep slope, tree clusters (especially ‘fung-shui’ woodland), existing heritage site, burial ground, stream, New Territories Exempted House (NTEH) cases already approved by DLO, and planned public facilities. A uniform rate of 40 houses per ha was assumed for the remaining areas within the “V” zone, i.e. the net developable area. Such factor had taken into account the need for access road/emergency vehicular access, circulation space, local open space and other necessary supporting facilities. In estimating the land available, land ownership or whether it was government or private land would not be taken into account as it could be subject to change and land parcel could be sub-divided to suit development needs;

Land Available for Small House development in Wun Yiu, Cheung Uk Tei and San Uk Ka Village

- (d) The subject “V” zone included four villages comprising Wun Yiu (including Sheung Wun Yiu and Ha Wun Yiu), Cheung Uk Tei and San Uk Ka and the village ‘environs’ (‘VE’) of these four villages were

overlapping. According to the latest information provided by the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD), the outstanding Small House applications in the villages concerned was 25/17/11 respectively (total 53) and the 10-year Small House demand forecast for the same villages was 97/24/35 respectively (total 156). According to the latest estimate of PlanD, about 2.94 ha (equivalent to about 117 Small House sites) of land were available within the subject “V” zone. As such, the land available in these villages cannot fully meet the future Small House demand (about 5.23 ha of land or equivalent to about 209 Small House sites are required). For San Uk Ka Village alone, about 0.75 ha (equivalent to about 30 Small House sites) of land were available, which also cannot meet the future Small House demand (about 1.15 ha of land or equivalent to about 46 Small House sites) of the village;

Temporary Structures to the east of the “V” zone of San Uk Ka

- (e) According to the information provided by LandsD, the temporary structures to the east of San Uk Ka Village were generally covered by government land licences (GLL) or short term tenancies (STT) and currently used for domestic purpose. Many of them were found in existence since the 1980s;

PlanD’s views

- (f) PlanD maintained its view of having no objection to the applications based on the assessments in paragraph 3 of the Paper. The applications generally met the Interim Criteria in that more than 50% of the footprint of the proposed Small Houses fell within the ‘VE’ of San Uk Ka and there was insufficient land within the “V” zones of Wun Yiu/Cheung Uk Tei/San Uk Ka to meet the Small House demand. Applications with similar site conditions in the vicinity of the sites had been approved and developments commenced. The sites were flat and not covered by significant vegetation and adjacent to existing village houses. The applications also generally met the Town Planning Board Guidelines for Application for Development

within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) for application for development within “Green Belt” zone. The wooded slopes to the west and south of the sites could set broadly the limit for Small House developments.

Deliberation Session

38. A Member asked whether there were Small House applications previously approved in the area outside the “V” zone but falling within ‘VE’. Making reference to Plan FA-2a, Members noted that several Small House applications had been previously approved in that area.

39. 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 17.10.2018, 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 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; and
- (c) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there are no existing DSD maintained public stormwater drains available for connection in this area. The applicant is required to maintain his own stormwater systems properly and rectify the systems if they are found to be inadequate or ineffective during operation.

The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems; for works to be undertaken outside the lot boundary, the applicant should consult the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) and seek consent from relevant lot owners before commencement of the drainage works; and public sewerage connection is available in the vicinity of the sites. The applicant should be reminded to follow the established procedures and requirements for the connecting sewers from the sites to the public sewerage system. A connection proposal should be submitted to DSD for approval beforehand. Moreover, the sewerage connection will be subject to DSD's technical audit, for which an audit fee will be charged. The relevant guidelines can be downloaded from DSD web site at <http://www.dsd.gov.hk>. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank;

- (b) to note the comments of the Commissioner for Transport that the existing village access connecting the site is not under the Transport Department's management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (d) to note the comment 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 LandsD. Detailed fire safety

requirements will be formulated upon receipt of formal application referred by LandsD;

- (e) 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. Based on the cable plans 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:
 - (i) 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, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the site, the applicant and/or their contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; 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 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/561 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Lot 83 S.A in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/561)

Presentation and Question Sessions

41. 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 (NTEH) – Small House);

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Town Planner / Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) did not support the application as the construction of the proposed Small House would result in more of the wooded land being disturbed and encroachment of developments onto the “Green Belt” (“GB”), and approval of the application would set an undesirable precedent for similar applications in the area. Nevertheless, the Director of Agriculture, Fisheries and Conservation (DAFC) had no comment on the application from nature conservation point of view noting that the site was largely hard paved;

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

public comments were received. Two comments objected to the application mainly on the grounds that the site and its surroundings were well vegetated; the proposed development was not in line with the planning intention of the “GB” zone and did not comply with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10); approval of the application would cause cumulative adverse impacts on the subject “GB” zone; no technical assessments had been provided and there was a lack of access, parking spaces and public sewerage in the area. One comment from the Village Representative of San Uk Ka Village had no objection to the application provided that arrangements on soil protection, planting and landscaping, drainage and sewerage, water supply, parking and access were satisfactory; and

- (e) the PlanD’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The proposed Small House development met the Interim Criteria that more than 50% of the footprint of the proposed Small House fell within the village ‘environ’ (‘VE’) of San Uk Ka and Cheung Uk Tei Village and there was a general shortage of land in the “Village Type Development” (“V”) zone of these villages to meet the demand for Small House development. A total of 33 similar applications within/partly within the same “GB” zone in proximity to the sites were approved by the Committee between 2000 and 2013 mainly on the same grounds. Many of these approved Small House sites had been granted Building Licences and registered in the Land Registry, and some were completed or under construction. There had not been any material change in planning circumstances for the area since the approval of these applications.

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

42. As requested by the Chairman, Mr C.T. Lau, STP/STN, by making reference to Plan FA-2b of the Paper, informed Members that the subject application site was outside the vegetated slope to its west.

43. A Member asked why the 'VE' overlapped with the "GB" zone. In response, the Chairman explained that the 'VE' was delineated by the Lands Department and it was not a land use boundary on the Outline Zoning Plan.

Deliberation Session

44. Making reference to the aerial photo of the Paper, a Member raised his concern that it was not unusual for Small House applicant to clear the existing vegetation before submitting an application to the Board. He was worried that more and more vegetated area would be destroyed. With reference to Plan FA-2b, the Chairman noted that many applications outside the "V" zone but within the 'VE' had been approved and there was a need to contain the Small House development. He appreciated that DPO had already indicated the extent of woodland / slope where Small House applications would not be supported. Nevertheless, such indication only served as a reference and future Small House applications should be considered on individual merits.

45. A Member suggested and another Member concurred that a plan similar to Plan FA-2b which indicated the possible extent of Small House development for San Uk Ka area should be prepared for future similar applications for Members' reference.

46. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 17.10.2018, 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; and
- (c) the submission and implementation of drainage proposal to the satisfaction

of the Director of Drainage Services or of the TPB.”

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there are no existing DSD maintained public stormwater drains available for connection in this area. The applicant is required to maintain his own stormwater systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems; for works to be undertaken outside the lot boundary, the applicant should consult the District Lands Officer/Tai Po, Lands Department (LandsD) and seek consent from relevant lot owners before commencement of the drainage works; and public sewerage connection is available at a distance of more than 90m from the site. The applicant should be reminded to follow the established procedures and requirements for the connecting sewers from the site to the public sewerage system. A connection proposal should be submitted to DSD for approval beforehand. Moreover, the sewerage connection will be subject to DSD’s technical audit, for which an audit fee will be charged. The relevant guidelines can be downloaded from DSD web site at <http://www.dsd.gov.hk>. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank;
- (b) to note the comment of the Commissioner for Transport that the existing village access connecting the site is not under the Transport Department’s management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the

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

- (d) to note the comment 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 LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should be reminded to make necessary submission to the LandsD to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicant shall submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (f) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
 - (i) 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, prior consultation and arrangement with the electricity supplier is necessary;

- (ii) 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; and
- (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (g) 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 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/562 Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone, Lot 83 S.D in D.D. 21 and adjoining Government land, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/562)

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 (NTEH) – Small House);

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

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Whilst Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the application from nature conservation point of view, the Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning perspective as the approval of the application would set an undesirable precedent to similar Small House applications in the area, thus defeating the purpose of the green belt and rendering an unfavourable environment to the preservation of the existing wooded area. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that there had been unauthorised cutting and filling works within and in the vicinity of the site;
- (d) during the first three weeks of the statutory public inspection period, three public comments were received. Two comments objected to the application mainly on the grounds that the site and its surroundings were well vegetated; the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone and did not comply with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10); approval of the application would cause cumulative adverse impacts on the subject “GB” zone; no technical assessments had been provided and there was a lack of access, parking spaces and public sewerage in the area. One comment from the Village Representative of San Uk Ka Village had no objection to the application provided that

arrangements on soil protection, planting and landscaping, drainage and sewerage, water supply, parking and access were satisfactory; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. Although the site was entirely within the village 'environ' ('VE') of San Uk Ka Village and there was a shortage of land in "Village" ("V") zone to meet the future Small House demand of the village, the proposed development did not comply with the Interim Criteria and TPB-PG No. 10 as the proposed development had involved clearance of vegetation affecting the existing landscape character and the applicant had failed to demonstrate that the proposed development would not be subject to adverse geotechnical impact. Although a total of 33 similar applications within/partly within the same "GB" zone in proximity to the site were approved by the Committee between 2000 and 2013, the current application did not warrant the same planning considerations as the approved similar applications given the reasons stated above.

49. As requested by the Chairman, Mr C.T. Lau, STP/STN, by making reference to Plan FA-2b of Paper No. A/TP/553A, informed Members that the application site was located very close to the vegetated slope to its south.

Deliberation Session

50. A Member, whilst not supporting the subject application, was concerned that the rejection reasons in paragraph 13.1 of the Paper might not be applicable for future application at the site if the existing vegetation was cleared prior to submission of the application. It was explained that if an application site was involved in clearance of existing natural vegetation for site formation prior to the submission of application, the application would be considered as not complying with the Town Planning Board Guidelines for 'Application for Development within "Green Belt" zone under section 16 of the Town Planning Ordinance'.

51. Making reference to Plan A-4 of the Paper, the Chairman asked whether the site formation and vegetation clearance for the proposed Small House development had already

encroached onto the foot of the vegetated slope. It was explained that a small portion of the proposed Small House had encroached onto the man-made slope.

52. For cases involving clearance of the existing vegetation before planning approval was granted, the Chairman pointed out that reference could be made to aerial photos and historical record in addressing Small House applications based on the situation before clearance of vegetation.

53. A Member expressed concern that it was difficult to define whether an application would be a 'destroy first, build later' case, particularly when there was no evidence that the existing vegetation was cleared by the applicant. The Member's view was shared by another Member. Notwithstanding, whether Small House application would involve 'destroy first, build later' should be considered on individual merits.

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which is to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the application does not comply with 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 clearance of existing natural vegetation affecting the existing natural landscape, and the applicant fails to demonstrate that the proposed development would have no adverse landscape impact on the surrounding areas and that the stability of the adjacent slope would not be adversely affected; and

- (c) the application does not comply with the Interim Criteria for Assessing Planning Applications for New Territories Exempted House/Small House Development in the New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas and be subject to adverse geotechnical impact.”

Agenda Item 21

Section 12A Application

[Open Meeting]

Y/ST/27 Application for Amendment to the Draft Sha Tin Outline Zoning Plan No. S/ST/29, To rezone the application site from “Village Type Development” to “Comprehensive Development Area (2)”, Lots No. 479 s.X ss. 1 to ss.16 and 479 s.X RP in DD189 and adjoining Government Land, Hin Keng Street, Tai Wai, Sha Tin
(RNTPC Paper No. Y/ST/27)

55. The Secretary reported that the application was submitted by Wai Lai Ting, with Landes Ltd. as one of the consultants. Ms Janice W.M. Lai and Mr Ivan C.S. Fu had declared interests in this item for having current business dealings with Landes Ltd.. Ms Christina M. Lee also declared an interest in this item as she owned a property in the area. As the applicant had requested for deferment of consideration of the applications, and Ms Janice W.M. Lai and Mr Ivan C.S Fu had no involvement in the application and Ms Christina M. Lee’s property was not located in the vicinity of the application site, Members agreed that they could stay in the meeting.

56. The Committee noted that the applicant requested on 25.9.2014 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Lands Department, Transport Department, Environmental Protection Department and Planning Department. This was the first time that the applicant requested for deferment of the application.

57. 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.

Agenda Item 22

Section 16 Application

[Open Meeting]

A/ST/851 Proposed Residential Development with Club House and Car Parking Facilities in "Comprehensive Development Area" zone, Lots 698 S.B, 698 S.C, 698 S.D, 698 S.E, 698 S.F, 698 S.G, 698 S.H, 698 S.I, 698 S.J, 698 S.L, 698 S.M, 698 S.N, 698 S.O, 698 RP (part) and adjoining Government land in D.D. 181, Heung Fan Liu, Sha Tin
(RNTPC Paper No. A/ST/851A)

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

- | | |
|---------------------|---------------------------------------------------------------------------------|
| Ms Janice W.M. Lai | - having current business dealings with SHK and AECOM |
| Mr Ivan C.S. Fu | - having current business dealings with SHK, AECOM and Environ |
| Professor S.C. Wong | - having current business dealings with AECOM and being the Chair Professor and |

Head of Department of Civil Engineering of HKU where AECOM had sponsored some activities of the Department

- Dr Eugene K.K. Chan - being the Convenor of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from SHK
- Ms Christina M. LEE - being a committee member of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from SHK

59. Professor S.C. Wong, Dr Eugene K.K. Chan and Ms Christina M. Lee had no involvement in the application, and Members agreed that they could stay in the meeting. As the applicant had requested for deferment of consideration of the application, Members agreed that Ms Janice W.M. Lai and Mr Ivan C.S Fu could also stay in the meeting but should refrain from participating in the discussion.

60. The Committee noted that the applicant requested on 10.8.2014 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Transport Department, Civil Engineering and Development Department and Planning Department. This was the applicant's second request for deferment.

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. Since it was the second deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of four months for preparation of further submission, 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. Mr Lau left the meeting at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/143 Proposed Temporary Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years in "Other Specified Uses" annotated "Port Back-up Uses" Zone, Lot 140 in D.D. 52, Sheung Shui
(RNTPC Paper No. A/NE-FTA/143A)

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 :

- (d) background to the application;
- (e) the temporary open storage of construction machinery and construction materials for a period of 3 years;
- (f) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. temporary structures for domestic use in the vicinity of the site;
- (g) during the first three weeks of the statutory public inspection period, one public comment was received. It was submitted by a villager of Hung Kiu San Tsuen who objected to the application mainly on the grounds that unauthorised development on the site was found and the proposed

development would cause adverse drainage and noise impacts to the nearby residents; and

- (h) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of construction machinery and construction materials could be tolerated for a period of 3 years based on the assessments in paragraph 12 of the Paper. The proposed development was in general in line with the planning intention of the “Other Specified Uses” annotated “Port Back-up Uses” (“OU(PBU)”) zone which was intended primarily to accommodate the anticipated increasing cross-boundary freight traffic. Besides, the proposed development was considered not incompatible with the surrounding environment. The application generally complied with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) in that no major adverse departmental comments have been received on the application. Although DEP did not support the application, there was no environmental complaint for the open storage use at the site in the past three years and appropriate planning approval conditions could be imposed to address DEP’s concern.

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 17.10.2017, 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. on Mondays to Saturdays, 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, should be allowed on the site during the planning approval period;

- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (d) the provision of boundary fencing on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.4.2015;
- (e) 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 17.4.2015;
- (f) in relation to (e) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2015;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.4.2015;
- (h) in relation to (g) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2015;
- (i) 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 28.11.2014;
- (j) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.4.2015;
- (k) in relation to (j) above, the provision of water supplies for fire-fighting and

fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2015;

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

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

- “(a) to note the District Lands Officer/North, Lands Department’s comments that the owner of the lot concerned have to apply to his office for a Short Term Waiver (STW) for the proposed structures. There is no guarantee that the application for STW would necessarily be successful. If the STW is granted, it will be made subject to such terms and conditions to be imposed as the Government shall deem fit to do so including the payment of STW fee;
- (b) to note the Commissioner for Transport’s comments that the unnamed non-standard local track connected to Man Kam To Road is not under his office’s management. In this regard, the land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the Director of Fire Services’ comments on the following:
 - (i) to address the approval condition on provision of fire extinguisher(s), the applicant should submit certificate(s) under Regulation 9(1) of

the Fire Service (Installations and Equipment) Regulations (Chapter 95B) to his Department for compliance of condition;

- (ii) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will need to be installed;
- (iii) in such circumstances, except where building plan will be circulated to his Department via the Centralised Processing System of Buildings Department (BD), the applicant is required to send the relevant layout plans to his Department incorporated with the proposed FSIs for approval. In preparing the submission, the applicant is advised of the following points:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the location of the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and
- (iv) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicant will need to subsequently provide such FSIs according to the approved proposal;
- (d) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the site is in an area where no public sewerage connection is available;
- (e) to note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site cannot provide the standard pedestal hydrant;

- (f) to note the Director of Agriculture, Fisheries and Conservation's comments that the applicant is advised to adopt good site practices and implement water pollution control measures as necessary in order to avoid affecting the watercourse in the vicinity of the site;

- (g) to note the Chief Building Surveyor / New Territories West, BD's comments as follows:
 - (i) if the existing structure(s) are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under application;

 - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, prior approval and consent from BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

 - (iii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;

 - (iv) if the proposed use under application is subject to the issue of a license, any existing structures on the site intended for such use are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;

 - (v) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular

access in accordance with Building (Planning) Regulations (B(P)Rs) 5 and 41D respectively; and

- (vi) if the site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under B(P)R 19(3) at the building plan submission stage; and
- (h) to follow the environmental mitigation measures as set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances.’

Agenda Item 24

Section 16 Application

[Open Meeting]

A/NE-FTA/148 Proposed Temporary Asphalt Plant for a Period of 5 Years in “Open Storage” zone, Lots 20 RP, 21 and 23 RP (Part) in D.D. 88 and adjoining Government Land, East of Man Kam To Road, Sheung Shui
(RNTPC Paper No. A/NE-FTA/148)

66. The Secretary reported that the application was submitted by Build Way International Inc., with CKM Asia Ltd. as one of the consultants. Professor S.C. Wong had declared an interest in this item for having current business dealings with CKM Asia Ltd. and being the Chair Professor and Head of Department of Civil Engineering of HKU where CKM Asia Ltd. had sponsored some activities of the Department. As the applicant had requested for deferment of consideration of the application and Professor Wong had no involvement in the application, Members agreed that he could stay in the meeting.

67. The Committee noted that the applicant requested on 30.9.2014 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Architectural Services Department, Agriculture, Fisheries and Conservation Department, Department of Health and Transport Department.

This was the first time that the applicant requested for deferment of the application.

68. 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.

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

Agenda Items 25 to 30

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/85 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" zone, Lot 1402 S.B in D.D. 39, Ma Tseuk Leng, Sha Tau
Kok

(RNTPC Paper No. A/NE-LK/85, 86, 88 to 91)

A/NE-LK/86 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" zone, Lot 1402 S.A in D.D. 39, Ma Tseuk Leng, Sha Tau
Kok

(RNTPC Paper No. A/NE-LK/85, 86, 88 to 91)

A/NE-LK/88 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" zone, Lots 1396 S.D and 1397 S.D in D.D. 39, Ma Tseuk
Leng, Sha Tau Kok

(RNTPC Paper No. A/NE-LK/85, 86, 88 to 91)

A/NE-LK/89 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone, Lots 1396 S.C and 1397 S.C in D.D. 39,
Ma Tseuk Leng, Sha Tau Kok
(RNTPC Paper No. A/NE-LK/85, 86, 88 to 91)

A/NE-LK/90 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone, Lots 1396 S.B and 1397 S.B in D.D. 39,
Ma Tseuk Leng, Sha Tau Kok
(RNTPC Paper No. A/NE-LK/85, 86, 88 to 91)

A/NE-LK/91 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone, Lots 1396 S.A and 1397 S.A in D.D. 39,
Ma Tseuk Leng, Sha Tau Kok
(RNTPC Paper No. A/NE-LK/85, 86, 88 to 91)

69. The Committee noted that the six applications were similar in nature and the application sites (the sites) were located in close proximity to one another and within the same zone. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

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

- (d) during the first three weeks of the statutory public inspection period, four public comments were received. A North District Council member supported the applications as they would bring convenience to the villagers. The other three public comments objected to the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “Agriculture” (“AGR”) zone; the agricultural land should be retained to safeguard food supply; there was no environmental, traffic, drainage and sewerage assessments submitted; and approval of the applications would cause adverse impacts on the surrounding area and set an undesirable precedent for similar applications within the “AGR” zone; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 11 of the Paper. Based on District Lands Officer/North, Lands Department’s records, the total number of outstanding Small House applications for Ma Tseuk Leng Village was 75 while its 10-year Small House demand forecast was 62. According to the latest estimate by PlanD, about 1.74 ha (equivalent to about 69 Small House sites) of land were available within the “Village Type Development” (“V”) zone of Ma Tseuk Leng. There was insufficient land in the “V” zone of Ma Tseuk Leng to meet the Small House demand (i.e. about 3.43 ha of land which was equivalent to about 137 Small House sites). The applications generally met the Interim Criteria for consideration of application for NTEH/Small House in New Territories. The proposed Small Houses were not incompatible with the surrounding environment which was in an area of rural landscape character dominated by farmland, tree groups, and scattered village houses.

71. In response to the Chairman’ enquiry, Mr Wallace W.K. Tang, STP/STN, confirmed that the outstanding Small House applications for Ma Tseuk Leng Village was 75 while the land available within the “V” zone was equivalent to about 69 Small House sites only.

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

72. A Member asked whether reference could be made to any natural physical features (e.g. existing vegetation and slopes) in establishing the extent of Small House development in the area. In response, Mr Wallace W.K. Tang referred to Plan A-2 of the Paper and said that the sites were found to be left abandoned during his recent site visit and were surrounded by farmland. There was no natural physical feature that could be made reference to in establishing the extent of Small House development.

73. The Chairman enquired whether there were any Small House applications within the “Green Belt” (“GB”) zone near Wo Tong Kong. In response, Mr Wallace W.K. Tang said that two applications (No. A/NE-LK/48 and 49) were approved in 2007. Besides, there were two other applications (No. A/NE-LK/92 and 93) within the “AGR”, “GB” and “V” zones which would be considered at today’s meeting.

74. A Member asked whether there was land available within the “V” zone for Small House development. Mr Wallace W.K. Tang responded that having excluded the natural physical features, such as the stream and ‘fung shui’ pond in the area, about 1.74 ha (equivalent to about 69 Small House sites) of land were available within the “V” zone.

Deliberation Session

75. Making reference to the aerial photo in the Paper, the Chairman enquired whether the “Conservation Area” zone in the northwest of the area and the “GB” zone sandwiched between the “V” and “CA” zones had been encroached by Small House development. Members noted that there was no Small House development in the concerned areas as these were slopes with maximum gradient more than 15 degrees.

76. The Vice-chairman pointed out that the ‘incremental approach’ should be adopted for approving Small House applications and raised concern that approval of the six applications would set undesirable precedents for approving Small House applications in the agricultural land to the north abutting the “V” zone. Members noted that the six applications were new cases in the area. There were a number of applications for Small Houses located to the north and northwest of the application sites approved between 2010 and 2011 whilst to the southeast and south of the application sites, Small Houses applications

were approved as early as 2000. Some of the Small Houses were already developed while some others were being implemented.

77. The Chairman pointed out that as there were previously approved Small House applications to the south of the subject application sites. The Committee might need to take them into account in considering applications for Small Houses in the area. A Member considered that the Committee should not be bound by previous decisions. It was important to convey to the villagers that applications for Small House located far away from the “V” might not be approved and each application would be considered on its individual merits.

78. Another Member considered that the subject sites were located in a quite strategic area given that they were situated close to the “GB” zone. This Member also noted AFCD’s comment that the fallow arable land had good potential for rehabilitation for cultivation and other agricultural purposes, and expressed reservation on the six applications.

79. The Chairman drew the Committee’s attention that the total number of outstanding Small House applications for Ma Tseuk Leng Village was 75 while the 10-year Small House demand forecast was 62. According to the latest estimate by PlanD, land equivalent to only about 69 Small House sites was available within the “V” zone and there was insufficient land to meet the Small House demand. As there were previously approved applications in the vicinity of the application sites, the Committee might consider approving the subject applications.

80. The Chairman drew the Committee’s attention that the six applications were separate applications which could be considered individually. A Member said that the six applications should be considered together as the application sites were in close proximity (about 20m) to each other. He was concerned with the consistency of the Committee’s decision on the six applications. His view was shared by two other Members who considered that there was no strong ground for approving some applications while rejecting the others. One Member pointed out that there was inadequate land within the “V” zone for Small House development and there was no evidence that the private land owners would rehabilitate their fallow arable land if the applications were not approved.

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

81. The Vice-chairman agreed that the six applications could be considered together whilst the applications could be approved due to inadequate land within the “V” zone for Small House development. Following the ‘incremental approach’, Small House development should concentrate near the “V” zone of Ma Tseuk Leng and expand gradually towards the south.

82. A Member raised concern that approval of applications No. A/NE-LK/88, 89, 90 and 91 might render the fallow arable land no opportunity for rehabilitation. A Member, who had reservation on the possibility of rehabilitation of the fallow arable land, pointed out that it was difficult to rehabilitate fallow arable land as the private land owners were reluctant to rent out their land to outsiders. As the applications involved private land, this Member anticipated that the land would just be left abandoned if the applications were not approved. Another Member who did not support the application was of the view that arable farmland should be preserved and whether the private land owners would abandon their land should not affect the Committee’s consideration.

83. A Member pointed out that rehabilitation of fallow arable land involved both social and economic issues. In most cases, private land owners found that farming, even organic farming, was not profitable. Besides, farms would tend to cluster in certain locations with easy means of transport instead of at areas identified as suitable for rehabilitation by AFCD. This Member was of the view that rehabilitation of fallow arable land would be difficult to be realized because of economic reason. This view was shared by another Member. The Member considered that for addressing the Small House demand and given that there were a number of Small House applications previously approved in the area, approval could be given to the applications.

84. The Chairman concluded that the majority view of the Committee was in support of the applications. Given that land available for Small House development was not sufficient within the “V” zone to meet the demand and the application sites fell within the ‘VE’, favourable consideration could be given to the applications.

85. After further deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the

permissions should be valid until 17.10.2018, 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 is 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.”

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

- “(a) to note the Chief Engineer/Development (2), Water Supplies Department’s (WSD) comments 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;
- (b) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the site is in an area where no public sewerage connection is available;
- (c) to note the Director of Fire Services’ comments that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (d) to follow the requirements as set out in the Practice Notes for Professional Persons ProPECC PN 5/93 published by the Director of Environmental Protection on the design, construction of the septic tank and soakaway pit system for the proposed Small House;
- (e) to note the Chief Highway Engineer/New Territories East, Highways Department's comments that any access road leading from Sha Tau Kok Road to the site is not maintained by her department; and
- (f) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Board where required before carrying out the road works."

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

Agenda Items 31 to 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/92 Proposed House (New Territories Exempted House - Small House) in "Agriculture" and "Green Belt" zones, Lots 1505 S.A and 1510 S.A in D.D. 39, Ma Tseuk Leng, Sha Tau Kok

(RNTPC Paper No. A/NE-LK/92)

A/NE-LK/93 Proposed House (New Territories Exempted House - Small House) in "Agriculture" and "Green Belt" and "Village Type Development" zones, Lots 1505 S.B and 1510 S.B in D.D. 39, Ma Tseuk Leng, Sha Tau Kok

(RNTPC Paper No. A/NE-LK/93)

87. The Secretary reported that these two cases were presented in two separate RNTPC Papers. However, as the two applications were similar in nature and the application sites (the sites) were located in close proximity to each other and within similar zones, the Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of both Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from both the agricultural development and nature conservation points of view as the site was of high potential for agricultural rehabilitation and the proposed development encroached upon the wooded area. The Chief Town Planner / Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the applications as the proposed development would inevitably lead to the felling of large mature *Bischofia javanica* located within / adjacent to the “Green Belt” (“GB”) zone and given the small size of the sites, tree compensation to recover the same landscape effect was not feasible. Approval of the applications would encourage further impact on the wooded area by extending the village area and encroachment onto the “GB” zone. Besides, the Commissioner for Transport (C for T) had reservation on the applications as they would set an undesirable precedent case for similar applications in

the future. The resulting cumulative adverse traffic impact could be substantial;

- (d) during the first three weeks of the statutory public inspection period, four public comments were received on each of the applications. A North District Council member supported the applications as they would bring convenience to the villagers. The other three public comments objected to the application mainly on the grounds that the proposed developments were not in line with the planning intention of the “Agriculture” (“AGR”) and “GB” zones; the agricultural land should be retained to safeguard food supply; there was no environmental, traffic, drainage and sewerage assessments submitted; and approval of the application would cause adverse impacts on the surrounding area and set an undesirable precedent for similar applications within the “AGR” and “GB” zones; and
- (e) the PlanD’s views –PlanD did not support the applications based on the assessments set out in paragraph 12 of both Papers. The proposed Small Houses did not comply with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) for development within the “GB” zone in that the proposed development would affect the existing natural landscape on the surrounding environment. As land was still available within the “Village Type Development” (“V”) zone of Ma Tseuk Leng for Small House development, it was considered more appropriate to concentrate the proposed Small Houses within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructure and services. Approval of the applications would encourage similar Small House applications encroaching onto the “GB” zone leading to further degradation of the landscape quality in the surrounding area. A total of 19 similar applications within/partly within the “AGR” / “GB” zones in the vicinity of the sites were approved by the Committee between 2000 and 2014. The circumstances of these approved applications, however, were different from the current applications which did not warrant the same consideration.

89. Members had no question on the application.

Deliberation Session

90. A Member was of the view that the landscape quality of the “GB” zone should be safeguarded and the application should be rejected.

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone in the Luk Keng and Wo Hang area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone in the Luk Keng and Wo Hang area 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. There is no strong planning justification in the submission for a departure from the planning intention;
- (c) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories and Town Planning Board Guidelines No. 10 on ‘Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance’ in that the proposed development would involve clearance of vegetation and would affect the existing natural

landscape on the surrounding environment;

- (d) land is still available within the “Village Type Development” zone of Ma Tseuk Leng where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (e) the 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.”

[Mr David Y.T. Lui and Ms Anita W.T. Ma left the meeting temporarily and Dr Eugene K.K. Chan returned to join the meeting at this point.]

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/550 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 1776 in
D.D. 76, Leng Tsui, Ma Mei Ha, Fanling
(RNTPC Paper No. A/NE-LYT/550)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 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 one Small House and the application could be tolerated unless it was rejected on other grounds;
- (d) during the first three weeks of the statutory public inspection period, two public comments were received. A North District Council member supported the application as it would provide convenience to the indigenous villagers, while the other comment objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; agricultural land should be retained to safeguard the food supply for Hong Kong; Small House development should be limited to the existing “V” zone; no environmental, traffic, drainage and sewage assessments had been submitted; and approval of the application would set an undesirable precedent for similar applications; and

[Mr David Y.T. Lui returned to join the meeting at this point.]

- (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 application generally met the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH) / Small House in New Territories in that more than 50% of the footprint of the proposed Small Houses fell within the village ‘environs’ (‘VE’) of the same village and there was insufficient land within the “V” zone of the same village to meet the Small House demand. The proposed Small House development was not incompatible with the rural landscape character of the surrounding

area dominated by village houses and farmland. The site was the subject of an approved previous application submitted by a different applicant but the planning permission already lapsed. There were 44 similar applications in the vicinity of the Site approved by the Committee between 2003 and 2014 mainly on the same considerations and some of the approved cases are in close proximity to the Site. There had not been any major change in planning circumstances for the area since the approval of the previous and the similar applications.

93. Members had no question on the application.

Deliberation Session

94. 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 17.10.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of drainage 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.”

95. 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 public storm water drainage is available;

- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Sha Tau Kok Road to the site is not maintained by HyD;
- (c) 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;
- (d) to note the comments of the Director of Environmental Protection that the applicant is requested to make connection to the public sewer and convey all wastewater generated from the proposed Small House to the public sewer;
- (e) 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 Lands Department (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 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 Items 34 and 35

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/96 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 328 S.G in D.D. 37, Man Uk Pin Village, Sha
Tau Kok
(RNTPC Paper No. A/NE-MUP/96 and 97)

A/NE-MUP/97 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 328 S.E in D.D. 37, Man Uk Pin Village, Sha
Tau Kok
(RNTPC Paper No. A/NE-MUP/96 and 97)

96. The Committee noted that the two 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

97. Mr Wallace W.K. Tang, STP/STN, drew Members’ attention that one missing page of the RNTPC paper, i.e. page 8 of the planning application form, was tabled at the meeting.

98. Mr Tang presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the sites;
- (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 applications as the agricultural activities in the vicinity of the sites were active. 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 one Small House and the application could be tolerated unless it was rejected on other grounds;

- (d) during the first three weeks of the statutory public inspection period, two public comments on each of the applications were received. A North District Council member supported both applications as they would bring convenience to the villagers. The other public comment was from a group of Man Uk Pin villagers who objected to both applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “Agriculture” (“AGR”) zone; possible adverse traffic and drainage impacts, concerns on fire risk, water pollution and nature conservation of the area; and

- (e) the Planning Department (PlanD)’s views –PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. The application generally met the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH) / Small House in New Territories in that more than 50% of the footprint of the proposed Small Houses fell within the village ‘environ’ (‘VE’) of the same village and there was insufficient land within the “V” zone of the same village to meet the Small House demand. The proposed Small Houses were located adjacent to the existing village proper of Man Uk Pin Village and situated in an area of rural landscape character dominated by farmland, tree groups and village houses. The proposed Small Houses were not incompatible with the surrounding rural landscape character. There were 18 similar applications in the vicinity approved by the Committee between 2003 and 2014 mainly on the same considerations and some of the approved cases

were in close proximity to the sites. There had not been any major change in planning circumstances for the area since the approval of the similar applications.

99. Members had no question on the application.

Deliberation Session

100. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 17.10.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted is commenced or the permission is 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.”

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

- “(a) to note the Chief Engineer/Development (2), Water Supplies Department’s (WSD) comments that:
 - (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 and to 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

- (ii) the site is located within flood pumping gathering ground;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the site is in an area where public storm water drainage and public sewerage connection are not available;
- (f) to note the Chief Highway Engineer/New Territories East, Highways Department's (HyD) comments that any access road leading from Wo Keng Shan Road to the site is not maintained by HyD;
- (g) to note the Director of Fire Services' comments that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (h) to note the Director of Agriculture, Fisheries and Conservation's comments that the site is in close proximity to the Man Uk Pin Stream, the upstream of which is an Ecologically Important Stream. Precautionary measures to avoid any disturbance and pollution to the stream should be adopted;
- (i) to follow the requirements as set out in the Practice Note for Professional Persons ProPECC PN 5/93 published by the Director of Environmental Protection on the design and construction of the septic tank and soakaway pit system for the proposed Small House;
- (j) to strictly confine the construction works within the site and implement good site practices and other appropriate measures to avoid disturbance to the adjoining stream; and
- (k) 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 Board where required before carrying out the road works.”

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

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/481 Temporary Vehicle Repair Workshop for Lorry, Coach and Container Vehicles with Ancillary Office & Electricity Transformer Station for a Period of 3 Years in “Agriculture” and “Open Storage” zones, Lots 783, 784 in D.D. 77 and Adjoining Government Land, Ping Che (RNTPC Paper No. A/NE-TKL/481)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary vehicle repair workshop for lorry, coach and container vehicles with ancillary office & electricity transformer station 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, i.e. temporary domestic structures in the vicinity of the site, and environmental nuisance to the residents nearby might be created;

- (d) during the first three weeks of the statutory public inspection period, two public comments were received. A North District Council member supported the application as it would bring convenience to the villagers. The other public comment objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; although the application was for a temporary use, it would normally be renewed and the impact on the agriculture land was long-lasting; and no impact assessment had been submitted for the application; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary vehicle repair workshop for lorry, coach and container vehicles with ancillary office & electricity transformer station could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. The site fell largely within Category 1 area (84.2%) with a minor portion within Category 3 area (15.8%) under the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E). Favourable consideration would normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions. Although DEP did not support the application, there was no environmental complaint with regard to the site in the past three years and DEP’s concern could be addressed by imposing suitable approval conditions. The site was the subject of eight previous applications for various open storage and workshop uses and all the previous applications were approved with conditions by the Committee between 1997 and 2011. There had been no major change in the planning circumstances for the area since the approval of the previous applications.

103. Members had no question on the application.

Deliberation Session

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.10.2017, 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, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the peripheral fencing shall be maintained on site at all times during the planning approval period;
- (d) the existing drainage facilities implemented shall be maintained at all time during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.4.2015;
- (f) 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 17.4.2015;
- (g) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.4.2015;
- (h) in relation to (g) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2015;

- (i) 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; and
- (j) if any of the above planning conditions (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.”

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

- “(a) to note the comments of the District Lands Officer/North, Lands Department that the owner of the lots should apply to his office for modification of the existing Short Term Waiver (STW) for regularisation of the irregularities. There is no guarantee that the application will be granted to the applicant. If the STW is granted, the grant will be subject to such terms and conditions to be imposed including the payment of STW fee;
- (b) to note the comments of the Commissioner for Transport that there is a vehicular access leading to the site. Notwithstanding that the access is not under Transport Department’s management, the applicant is advised to check the land status of the access with the lands authority. The management and maintenance requirements of the concerned access should also be clarified with the relevant lands and maintenance authorities;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Ping Che Road to the site is not maintained by HyD;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:

- (i) there is an existing 80mm diameter water mains at the southern part of the site. No structure or support for any structure, except boundary fences, shall be placed or erected and no motor vehicles is allowed to park or remain for any purposes including for display within the area of 1.5 metres from the centrelines of the water mains. Free access shall be made available at all times for staff of the Director of Water Supplies or his authorized contractor to carry out construction, inspection, operation, maintenance and repair works to the water mains. If the applicant raises requests for diversion of the water mains, the cost of the diversion works shall be borne by the applicant; and
 - (ii) the site is located within the flood pumping gathering ground;
- (e) 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. In such circumstances, except where building plan is circulated to the Centralized Processing System of Buildings Department (BD), the applicant is required to send the relevant layout plans to the Fire Services Department incorporated with the proposed fire service installations (FSIs) for approval. In preparing the submission, the applicant shall note that:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the locations of the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans; and
 - (ii) detailed fire safety requirements will be formulated upon receipt of

formal submission of general building plans. The applicant will need to subsequently provide such FSIs according to the approved proposal;

- (f) to note the comments of the Chief Building Surveyor / New Territories West, BD as follows:
- (i) if the existing structures are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;
 - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, prior approval and consent from BD should be obtained. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for Unauthorised Building Works (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 Building (Planning) Regulations (B(P)R) 5 and 41D respectively; and
 - (v) if the site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under the B(P)R 19(3) at the building plan submission stage; and

- (g) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances.”

Agenda Items 37 to 40

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/482 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lots 848 S.C ss3, 848 S.D ss2 & 848 S.F ss6 in D.D. 84, Ha Shan Kai Wat, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/482 to 485)

A/NE-TKL/483 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lots 848B S.B, 848 S.D ss5 & 848 S.E ss5 in D.D. 84, Ha Shan Kai Wat, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/482 to 485)

A/NE-TKL/484 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lots 848B S.C, 848 S.D ss6 & 848 S.E ss4 in D.D. 84, Ha Shan Kai Wat, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/482 to 485)

A/NE-TKL/485 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 848A S.B & 848B S.E in D.D. 84, Ha Shan Kai Wat, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/482 to 485)

106. The Committee noted that the four applications were similar in nature and the application sites (the sites) were located in close proximity to one another and within similar zones. The Committee agreed that the applications should be considered together.

[Mr Johnson M.K. Wong left the meeting temporarily and Ms Anita W.T. Ma returned to join the meeting at this point.]

Presentation and Question Sessions

107. Mr Wallace W.K. Tang, STP/STN, drew Members' attention that two missing pages of the RNTPC paper, i.e. Appendices C and F of the planning application form, were tabled at the meeting.

108. Mr Tang presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agricultural development point of view as the sites had high potential for agricultural rehabilitation. 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 one Small House and the application could be tolerated unless it was rejected on other grounds;
- (d) during the first three weeks of the statutory public inspection period, three public comments were received. One was received from a North District Council member who supported all the applications as they would bring convenience to the villagers. The remaining two public comments objected to the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the

“Agriculture” (“AGR”) zone; agricultural land should be retained to safeguard the food supply for Hong Kong; no traffic, environmental, drainage and sewerage assessments had been submitted; and approval of the applications would set an undesirable precedent for similar applications; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 11 of the Paper. The application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the footprint of the proposed Small Houses fell within the village ‘environ’ (‘VE’) of Ha Shan Kai Wat Village and there was insufficient land within the “V” zone of Ha Shan Kai Wat Village to meet the Small House demand. The proposed Small Houses were located adjacent to the existing village proper of Ha Shan Kai Wat Village and in an area surrounded by fallow agricultural land. The proposed Small Houses were not incompatible with the surrounding environment. Seven similar applications in the vicinity of the sites within/partly within the same “AGR” zone were approved by the Committee between 2011 and 2012. There had not been any material change in planning circumstances for the area since the approval of these applications.

[Mr Johnson M.K. Wong returned to join the meeting and Mr K.C. Siu left the meeting at this point.]

109. The Chairman asked Mr Wallace W.K. Tang, STP/STN, to indicate on the aerial photo (i.e. Plan A-3 of the Paper) the area where Small House development should not be allowed as he noted that the area was quite densely vegetated with some small knolls. He also asked Mr Tang to confirm whether there were similar applications for Small Houses in the area. In response, Mr Tang said that there were similar approved applications in the vicinity of the subject application sites. Referring to the aerial photo, he briefly explained the local context. To the west and northwest of the application sites, there were densely vegetated woodlands which had already been zoned “Green Belt” (“GB”), while the remaining surrounding areas were mainly occupied by fallow agricultural land.

Deliberation Session

110. Given that the total number of outstanding Small House applications for Shan Kai Wat Village was 44 and according to PlanD's latest estimate, about 1.9 ha (equivalent to about 76 Small House sites) of land was available within the "V" zone of Ha Shan Kai Wat Village, a Member considered that there were still sufficient land available within the "V" zone for Small House development and the incremental approach for approving Small House applications should be adopted. In this regard, the four applications should be rejected.

111. The Chairman reminded Members that the 10-year Small House demand forecast of 200 for the same village should not be ignored, although less weight might be given to the 10-year forecast. A Member did not support the applications and considered that Small House development should be confined within the "V" zone before extending to the nearby "AGR" zone. Another Member concurred and said that the four applications should be considered under the incremental approach and should not be bounded by the Committee's previous decision of approving similar applications in the area. The same Member who earlier expressed his views of not supporting the applications pointed out that the approval of the applications might set an undesirable precedent for similar applications to expand into the "AGR" zone. Small House applications outside the "V" zone should not be approved, unless there was insufficient land in the "V" zone to meet the Small House demand.

112. Making reference to a plan prepared by PlanD, Members noted that some land was available in the northern portion of Ha Shan Kai Wat with the existing development concentrating in the central portion. As mentioned in the Paper, the applicants claimed that they could not purchase land within the "V" for building their Small Houses. Among the four application sites, three sites were partly within the existing boundary of the "V" zone whilst the remaining one was at the edge. Four similar applications (No. A/NE-TKL/364, 365, 403 and 404) for Small Houses located close to or adjacent to the subject application sites were approved between 2011 and 2012.

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

113. One Member who did not support the applications reiterated his concern that

there was still land available for Small House development within the “V” zone based on Plan A-2 of the Paper.

114. The Chairman drew Members’ attention that while the total number of outstanding Small House applications for Shan Kai Wat Village was 44 and land for 76 Small House sites was available within the “V” zone of the Village, there were similar applications approved outside the “V” zone in the vicinity. The Committee should be mindful of maintaining the consistency of its decision.

115. A Member sought clarification on whether the Small House demand was from Ha Shan Kai Wat Village only as there were only about 20 applications as shown on the plan prepared by PlanD whilst there were 44 outstanding Small House applications as stated in the Paper. It was explained that the discrepancies were due to the fact that only Small House applications on private land were shown whilst those applications on government land were not indicated.

116. A Member noted that a number of similar applications had been approved since 2011 and some of which were far away from the “V” zone. This Member recalled that those applications were approved having regard to the Small House demand forecast. He shared the view of the Chairman that there would be inconsistency in the Committee’s decision if the four applications which were adjoining or very close to the approved cases were rejected.

117. The Chairman said that it reference should be made to the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories, including taking into consideration the 10-year Small House demand forecast. However, less weighting could be given to such consideration. He reiterated that given the total number of outstanding Small House applications was 44 while land accommodating about 76 Small House was available within the “V” zone, the land remaining within the “V” could only accommodate 32 Small Houses which were equivalent to about 16% of the 10-year forecast (i.e 200) only. It might not be reasonable to reject the applications simply based on the outstanding Small House applications without giving due consideration to the 10-year forecast.

[Dr Eugene K.K. Chan left the meeting temporarily at this point.]

118. The Vice-chairman shared the views of the Chairman and said that there was a general consensus among Members that while more weighting could be placed on the outstanding demand as reflected by the number of outstanding Small House applications, the 10-year forecast could not be ignored. He supported that an incremental approach of approving Small House applications should be adhered to and the Committee would have hesitation to approve any applications in the area to the west of the application sites, but for the four subject applications where permissions for Small Houses development in their close vicinity had been granted, the Committee could adopt a less stringent approach and considered approving the applications. This could encourage the villages to develop Small Houses into clusters, instead of scattering around the area.

119. A Member did not agree that the application should be approved and pointed out that the "AGR" zone should be protected. This view was shared by another Member who considered that the Committee's decision should not be bound by previous decision. The Member emphasized that land availability within the "V" zone should be considered and a more stringent approach should be adopted for these applications given that there was still land available within the "V" zone.

120. Another Member also considered that it was prudent to adopt a more stringent approach given that there was land available within the "V" zone. The Member said that there would not be inconsistency in decision in rejecting the subject applications as more information, including progress on implementation of previously granted permission for Small House development and land availability in "V" zone, were now made available.

121. A Member considered that it was important to maintain consistency in the Committee's decision as the public had reasonable expectation that the applications should be approved as they were similar in nature and circumstance with those approved previously. This view was shared by another Member who considered that the 10-year Small House demand forecast should be taken into account in considering the applications.

[Dr Eugene K.K. Chan returned to join the meeting and Mr. H.F. Leung left the meeting at this point.]

122. A Member said that although there was doubt on the reliability of the 10-year Small House demand forecast, the Member was concerned that inconsistency of the Committee's decision might be subject to public criticism.

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

123. The Chairman explained that the 10-year Small House demand forecast was based on the genealogy (族譜) provided by the villagers. Indeed, such verification was also pragmatically not possible to be made by the government. The Committee had agreed to adopt an incremental approach in considering Small House applications and the 10-year forecast was a relevant consideration to be taken into account, though the weighting assigned to it could be determined by Members, taking into account individual circumstances. He reiterated that the outstanding Small House applications was 44 while land accommodating about 76 new Small House sites was available within the "V" zone, the remaining land available for Small House development within the "V" zone could only accommodate 32 Small Houses which was equivalent to only about 16% of the 10-year forecast. Given that four similar applications (No. A/NE-TKL/364, 365, 403 and 404) for Small Houses in the south had been approved and land availability in "V" zone would not be able to meet the long-term demand, he was of the view that there was no strong justification to reject the subject applications.

124. A Member raised concern that approval of the applications might set an undesirable precedent. As the 10-year forecast could not be verified the Member suggested delineating an area (which might include some streams, ponds and vegetated slopes) where Small House applications should not be allowed. A Member considered that Small House development should take place gradually and in a orderly manner. The Member also pointed out that the development rights of the indigenous villagers should be respected.

125. In conclusion, with the agreement of Members, the Chairman summarised the discussion at this point. The 10-year Small House demand forecast should be taken into account in considering Small House applications though less weighting might be given. PlanD was advised to provide more information on the natural physical features, e.g. existing vegetation and slopes or other factors to facilitate consideration of application for Small House development in future. While each application would be considered on its individual

merits, it was important to maintain consistency in the Committee's decision. Having taken into account this, he considered that there was no strong justification to reject the applications.

126. After further deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 17.10.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted is 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.”

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

- “(a) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments on the following:
 - (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 WSD's standards; and
 - (ii) the site is located within the flood pumping gathering ground;

- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the site is in an area where no public sewerage connection is available;
- (f) to note the Director of Fire Services' comments that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal applications referred by LandsD;
- (g) to note the Chief Highway Engineer/New Territories East, Highways Department's comments that any access road leading from Ping Che Road to the site is not maintained by her department; and
- (h) 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 Board where required before carrying out the road works."

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

[Mr Ivan C.S. Fu, Ms Anita W.T. Ma and Mr Frankie W.P. Chou left the meeting at this point.]

[The Committee agreed to take a 5-minute break at this point and Agenda Items 54 and 55 would be advanced for discussion after the break in order to allow sufficient time for Members' deliberation.]

Tuen Mun and Yuen Long West District

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

Agenda Item 54

[Open Meeting]

Proposed amendments to the

Approved Ping Shan Outline Zoning Plan No. S/YL-PS/14

(RNTPC Paper No. 13/14)

128. With the aid of a PowerPoint presentation, Mr W.S. Lau, DPO/TMYLW, presented the proposed amendments to the Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/14 as detailed in the Paper and covered the following main points :

Proposed Amendments to the OZP

(a) Amendment Item A –

A site to the west of Long Ping Estate in Wang Chau was proposed to be rezoned from “Green Belt” (“GB”) to “Residential (Group A)4” (“R(A)4”), with a maximum plot ratio (PR) of 6.0 and a maximum building height (BH) of 135 mPD for public housing development with school and other Government, institution or community (G/IC) facilities;

(b) The development parameters of the proposed public housing development are as follows:

Gross Site Area	:	About 5.67 ha
Net Site Area	:	About 4.1 ha (excluding a road, areas for a school and other Government, institution or

	community facilities)
Maximum PR	: 6.0
Maximum BH	: 135 mPD (41 storeys) excluding basement
Estimated No. of Flats	: About 4,000
Design Population	: 12,300 persons

Background

- (c) To increase housing land supply, a review of “GB” sites for housing development had been conducted by the Planning Department (PlanD) in 2011 mainly focusing on land which had been de-vegetated, deserted or formed, near the fringes of new towns or planned New Development Areas, in close proximity to existing settlements, and/or accessible to existing roads. A piece of land to the west of Long Ping Estate and the Yuen Long Industrial Estate (YLIE), partly zoned “GB” and partly zoned “Open Storage” (“OS”) was identified suitable, subject to further feasibility study, for public housing development and possible extension of YLIE, if required. A Planning and Engineering Study for the Public Housing Site and Yuen Long Industrial Estate (YLIE) Extension at Wang Chau was commissioned by the Housing Department (HD) in 2012. In early 2014, the Study was completed and the HD would take forward the public housing development in phases;

Technical Assessments

- (d) Air Ventilation Assessment (AVA) – A quantitative AVA in accordance with the Housing, Planning and Lands Bureau Technical Circular No. 1/06 on AVA would be required in the Planning Brief for the public housing development to demonstrate at the detailed design stage the acceptability of the scheme of the proposed housing development in air ventilation terms;
- (e) Visual and Landscape Appraisal – a Visual Appraisal (VA) had been undertaken by HD and was considered acceptable by the Chief Town

Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD). Besides, submission of tree preservation proposal and landscaping proposal/landscape master plan would be required in the Planning Brief;

- (f) Traffic Impact Assessment (TIA) - a TIA had been conducted for the proposed public housing development to take into consideration future pedestrian conditions in design year 2025 and 2031. Based on the TIA, the proposed development would have no adverse traffic impact on the nearby road links, junctions and pedestrian facilities;
- (g) Preliminary assessments on drainage, sewerage and water supply aspects had also been carried out by the HD;

Departmental Comments

- (h) CTP/UD&L, PlanD had no strong views on the air ventilation, visual, and landscape assessments. Concerned government departments consulted including the Environmental Protection Department (EPD), the Transport Department (TD), the Drainage Services Department (DSD) and the Water Supplies Department (WSD) had no adverse comment on the proposed amendment for the public housing development from environmental, traffic, and infrastructural points of view;

Public Consultation

- (i) On 24.6.2014, the Yuen Long District Council (YLDC) was consulted and members of YLDC generally supported the proposed public housing development at Wang Chau;
- (j) The YLDC would be consulted again on the proposed amendments during the statutory exhibition period of the draft Ping Shan OZP under section 5 of the Ordinance;

129. Mr W.S. Lau, DPO/TMYLW, drew Members' attention that during consultation with YLDC, DC members were informed that the site would be rezoned to "Comprehensive Development Area" ("CDA") and the submission of Master Layout Plan and supporting technical assessments were required. Considering that the concerned technical issues had been resolved by HD and the future development parameters could be controlled by the Planning Brief, it was proposed to rezone the site to "R(A)4" instead of "CDA" to facilitate housing provision.

130. Members had no question on the proposed amendments.

131. After deliberation, the Committee decided to :

- “(a) agree that the proposed amendments to the approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/14 and that the draft Ping Shan OZP No. S/YL-PS/14A at Attachment II (to be renumbered as S/YL-PS/15 upon exhibition) and its Notes at Attachment III of the Paper are suitable for exhibition for public inspection under section 5 of the Ordinance; and
- (b) adopt the revised Explanatory Statement at Attachment IV of the Paper for the draft Ping Shan OZP No. S/YL-PS/14A as an expression of the planning intention and objectives of the Board for various land use zones on the Plan and agree that the revised ES is suitable for exhibition together with the OZP.”

Agenda Item 55

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/273 Further Consideration of Proposed Residential Development (Flat) in “Residential (Group E)” Zone, Lots 212 RP, 232, 233, 234, 235, 236 RP, 237, 238, 239, 243, 244, 246 RP, 246 S.A, 246 S.B, 247, 367 and 368 RP in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/273D)

132. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK) with AECOM Asia Co. Ltd. and Environ Hong Kong Ltd. as two of the consultants. The application was opposed by the Director of Housing (D of H), which was the executive arm of the Hong Kong Housing Authority (HKHA), as the site encroached onto part of a planned public housing development with associated welfare, education and retail facilities at San Hing Road. The following Members had declared interests in this item:

- | | |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Ms Janice W.M. Lai | - having current business dealings with SHK, AECOM and HKHA |
| Mr Ivan C.S. Fu | - having current business dealings with SHK, AECOM and Environ |
| Professor S.C. Wong | - being the Chair Professor and Head of Department of Civil Engineering of HKU where AECOM had sponsored some activities of the Department |
| Dr Eugene K.K. Chan | - being the Convenor of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from SHK |
| Ms Christina M. LEE | - being a committee member of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from SHK |
| Mr K.K. Ling
(the Chairman) | - being a member of the Strategic Planning Committee and the Building Committee of |

as the Director of Planning

HKHA

Mr. Tony Moyung
as the Assistant Director of Lands
Department

- being an alternate member for the Director of
Lands who was a member of HKHA

Mr Frankie W.P. Chou
as the Chief Engineer (Works) of
Home Affairs Department

- being an alternate member for the Director of
Home Affairs who was a member of the Strategic
Planning Committee & Subsidized Housing
Committee of HKHA

Mr H.F. Leung

- being a member of the Tender Committee of
HKHA

133. The Committee noted that Ms Janice W.M. Lai, Mr Ivan C.S. Fu, Ms Christina M. Lee, Mr Frankie W.P. Chou and Mr H.F. Leung had left the meeting already and considered that the interests of the Chairman and Mr Tony Moyung were direct and agreed that they should leave the meeting temporarily.

[The Chairman and Mr Tony Moyung left the meeting temporarily at this point.]

134. As the Chairman had left the meeting temporarily and Professor S.C. Wong, the Vice-chairman, had no direct involvement in the application, Members agreed that Professor S.C. Wong could stay and chair the meeting for this item. As Dr Eugene K.K. Chan had no direct involvement in the application, Members agreed that he could stay in the meeting.

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

Presentation and Question Sessions

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

Background

- (a) on 13.12.2013, the applicant sought planning permission for proposed residential development (flat) at application site (the site). The site fell

within an area zoned “Residential (Group E)” (“R(E)”) on the approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY/6.

- (b) on 22.8.2014, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) first considered the application. The application was opposed by D of H as the site encroached onto part of a planned public housing development with associated welfare, education and retail facilities at San Hing Road. D of H considered that the proposed development under application would adversely affect the flat production, layout and associated community works. Noting that the Tuen Mun District Council (TMDC) would be consulted on 2.9.2014 and details on the potential public housing development were not available at the meeting, the Committee decided to defer a decision on the application in order to seek more information on the potential public housing development and to take into account the views of the TMDC on the public housing project;

Further Information

- (c) on 2.9.2014, the Housing Department (HD) consulted the TMDC on the proposed public housing development with associated welfare, education and retail facilities. The major development parameters of the proposed public housing development were as follows:

Site Area	: About 8.7 ha
Maximum plot ratio	: 5
No. of flats	: About 8,000 flats
Design population	: 24,500 persons
No. of residential blocks	: 11 blocks
Maximum building height	: 125 mPD (39 storeys)
Social welfare facilities	: A district elderly community centre cum day care unit, a child care centre and a special child care centre
Education facilities	: 2 kindergartens and 1 primary school

Other facilities : Retail facility, parking and loading/unloading facilities, open space and recreation facilities, access road to Hong Po Road and a public transport lay-by

- (d) many TMDC Members raised objection to the proposed public housing development mainly on the grounds of inadequate consultation, traffic impact, and insufficient details. The TMDC requested the HD to fully consult the locals on the project and further consult the TMDC before submission of the proposed amendment to OZP for the proposed public housing development to the Board for consideration. On 11.9.2014 and 13.9.2014, the HD, with the assistance of concerned Government departments, conducted a site visit and a local consultation meeting respectively with two TMDC members and the local villagers. They expressed grave concerns on the proposed public housing project;
- (e) the HD was coordinating with concerned departments to address local concerns and technical issues with a view to further consulting the TMDC; and

The Planning Department (PlanD)'s views

- (f) PlanD maintained its view of not supporting the application based on the assessments made in paragraph 3 of the Paper. The reasons were the same as those in paragraph 12.1 of the RNTPC Paper No. A/TM-LTY/273C which included:
 - (i) the development proposal did not represent an optimal utilisation of the limited land resources given its irregular boundary with residual land parcel difficult to be developed; and
 - (ii) the application site encroached onto part of a planned public housing development with associated welfare, education and retail facilities. Premature approval of the application might lead to substantial loss

of public housing flats and jeopardise the implementation of the public housing project.

136. A member asked whether HD had submitted any rezoning proposal for the proposed public housing development for the Board's consideration. In response, Mr K.C. Kan explained that HD could submit the proposed amendment to the draft OZP under section 12A of the Town Planning Ordinance; or upon HD's completion of the various technical assessments and consultation with the relevant DC, PlanD would submit the proposed amendment to the draft OZP to the Board for consideration.

137. The Vice-chariman asked whether the proposed public housing development was only at the conceptual stage. In response, Mr K.C. Kan said that HD had consulted the TMDC on the proposed public housing development. A conceptual plan together with some major development parameters were provided for TMDC's consideration.

138. Another Member asked whether the application site was owned by the applicant and if so, how could HD proceed with the public housing development. In response, Mr. K.C. Kan confirmed that the application site was largely on private land owned by the applicant. He said that if the proposed public housing development was considered acceptable, the draft OZP would be amended and the Lands Department would resume the land for public purpose according to the Land Resumption Ordinance. The Secretary supplemented that according to the Land Resumption Ordinance, private land could only be resumed for a public purpose.

Deliberation Session

139. A Member considered that the private residential scheme under the application appeared to be more advanced than the conceptual public housing scheme in terms of readiness for implementation, was in compliance with the development restrictions on the OZP and was generally acceptable. Moreover, it was not for the Committee to decide whether a residential site should be used for public or private housing development.

140. Two other Members were of the view that it would not be in the interest of the public to approve the application as the proposed public housing development, which would

be more comprehensive and covered a larger area, would provide more housing units to meet the public need. A Member asked how the planned public housing development would be affected, if the private housing development was approved. Making reference to a location plan and HD's conceptual layout, Members noted that the applicant site was about 1.4 ha whilst the planned public housing site was about 8.7 ha. If the subject application was approved, blocks 2, 5 and 6 as well as the proposed school within the public housing development would be affected.

141. The Vice-chairman drew Members' attention that the current application had complied with the development restrictions of the "R(E)" zone as stipulated on the OZP and that technical issues associated with the development had been adequately addressed at this stage. The reason for deferring the subject application by the Committee on 22.8.2014 was that Members wished to seek more information on the proposed public housing development and to take into account the views of TMDC on it.

142. A Member considered that there were demand for both private and public housing. Although the supply of public housing might be affected upon approval of the application, the proposed public housing development with adjustment, could still be pursued. The views were shared by another Member who considered that favourable consideration should be given to the private residential scheme under the application, which was more advanced than HD's conceptual public housing scheme and entailed no technical problem. The Member also noted that TMDC strongly opposed HD's proposed public housing development and there was concern about the traffic impact to be generated by the large-scale public housing development proposed by HD given that there were a number of existing large-scale public housing estates in the locality. Even if the application was approved, the HD could still modify the design and implement the public housing development.

[Professor Eddie C.M. Hui left the meeting at this point.]

143. A Member asked whether the approval of the current application might have implications on the assessment of land value in the future land resumption by the Government. Members noted that assessment of land value by LandsD was generally based on the lease entitlement. The Secretary added that even if the subject application was approved, LandsD could still resume the concerned land if the requirement of the Land

Resumption Ordinance was complied with. When assessing the land value upon land resumption, LandsD would base on the existing lease of the lots, which was mainly for agricultural use.

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

144. A Member considered that approval should be given to the subject application given that HD's proposed public housing development was only at a conceptual stage. The view was shared by two other Members as there was no strong justification to reject the application. A Member was of the view that it should not be the Committee's concern on whether the site should be developed for public housing or not. This Member also worried that HD might not be able to obtain TMDC's blessing in the short term because of the lack of information on the proposed public housing scheme. Another Member however considered that TMDC might agree with the public housing scheme once the HD had submitted a detailed proposal.

145. The Secretary drew Members' attention that the applicant had provided sufficient information and relevant technical assessments to support this application which was considered by the Committee at its meeting on 22.8.2014. At that meeting, Members noted HD's strong objection to the application and agreed to defer the decision in order to seek more information on the proposed public housing development and to take into account the views of the TMDC on the public housing project, noting that TMDC would be consulted on the public housing project on 2.9.2014. At today's meeting, HD had not provided much additional information on the proposed public housing development and it was noted that TMDC had strong reservation on the proposed public housing development. According to the information provided by the HD, the public housing development would commence in 2018 and be completed between 2023 and 2024.

146. A Member who did not support the application proposed to submit the application to the full Board for consideration as a decision on the subject application would involve public interest. The land would be used more efficiently for public housing development to provide affordable housing. The proposal was not supported by other Members who considered that the information provided by the applicant was sufficient and there was no strong justification for further deferring a decision on the application by

submitting it to the full Board. The Vice-chairman also explained that it was under very exceptional circumstances that the Committee would submit a section 16 planning application to the full Board for consideration. The Secretary supplemented that according to the Town Planning Ordinance, the Committee was empowered to consider section 16 planning applications under the delegated authority of the Board, while the Board would consider review applications under section 17 of the Town Planning Ordinance.

147. The Vice-chairman reminded Members that it was the Committee's responsibility to consider and decide on s.16 planning application. He reminded Members to focus on deliberation of the current application. Most of the Members agreed that the application should be considered by the Committee.

148. After further consideration, a vote was taken with three Members in support and two against the application. 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 17.10.2018, 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 implementation of the mitigation measures identified in the Environmental Assessment and Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the provision of vehicular access, parking and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission and implementation of detailed drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (e) the submission of detailed archaeological impact assessment and implementation of the mitigation measures identified therein to the

satisfaction of the Director of Leisure and Cultural Services or of the TPB;

- (f) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (g) the design of the boundary treatment and provision of measures to mitigate the visual impact along the boundary of the proposed development, including its boundary fence, to the satisfaction of the Director of Planning or of the TPB.

149. 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 and the Lands 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 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/Tuen Mun, Lands Department (LandsD) that the site comprises a total of 17 private lots and adjoining unleased Government land. The private lots are Old Schedule Agricultural Lots, except Lot 368 RP in D.D. 130, which is held under Tai Po New Grant No. 5324, the lease conditions of which cannot be found in the Land Registry. The proposed residential development contravenes the existing lease conditions and involves adjoining Government land. The applicant will need to apply to the LandsD for a land exchange for the proposal. There is no guarantee that the application, if received by the LandsD, will be approved and he reserves his comment on such. The application will be considered by

the LandsD acting in the capacity as the landlord at its sole discretion. In the event that if the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging the payment of premium and administration fee as may be imposed by the LandsD. The quality and sustainable built environment (QBE) requirements in relation to building separation, building setback, greenery, 10% cap on the GFA concession in respect of green/amenity features and non-essential plant room/services and 100% GFA concession where car parks are provided underground and 50% GFA concession for car parks provided above ground unless exemption for granting 100% GFA concession for above ground car parks is approved by the Building Authority, where applicable, will be imposed in the lease for cases involving lease modification and land exchange. The applicability of each QBE requirement for the proposed residential development will be examined in detail during the processing of the land exchange application. Apart from the track at the northwestern corner of the site, it appears that there are other village track(s) affected by the proposed development. If planning approval is given, detailed access arrangements to the site and the adjoining land, including but not limited to the said footpaths/tracks, will be examined at the land exchange processing stage. Should the proposal involve closure of existing footpaths/tracks, such closure is required to go through the statutory procedures set out in the Road (Works, Use and Compensation) Ordinance (Cap. 370) and may require the gazettal under section 5 of Cap. 370. The gazetting procedures for the concerned modification works to facilitate a private development, if required, would be carried out by his Office and the applicant would be liable to pay the Government all the costs on such works (including administrative costs and non-administrative costs). There is no guarantee that the application, if received by the LandsD, will be eventually approved under the provision of Cap. 370 and he reserve his comment on such. Regarding the local concerns on the possible impact on the existing graves in the vicinity of the site, the applicant should examine whether and how the proposed site boundary or the development design can address the local concern;

- (c) 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 Buildings Department (BD) (not being New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including temporary buildings) are to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the 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 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. 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. 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, where possible, in the conditions in the planning approvals. The provision of lighting and ventilation of rooms used or intended to be used for habitation or as kitchen and rooms containing soil fitments shall comply with the requirements stipulated under B(P)R 30 and 36;

- (d) to note the comments of the Director of Environmental Protection that the applicant shall apply for license under Water Pollution Control Ordinance for the sewage treatment plant;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the proposed potted trees should not be placed directly on top of the proposed 1600mm(W) x 1600mm(H)

rectangular channel and the potted trees should not adversely affect the inspection, operation and maintenance of the channel. Proper access route should be provided to the proposed 1600mm(W) x 1600mm(H) rectangular channel taking into account the size of mechanical plant(s) required for carrying out future operation and maintenance works (e.g. lifting up the concrete channel covers and adjacent potted trees). Detailed comments are at Appendix IV of the paper. The Sewerage Impact Assessment (SIA) for the application needs to meet the full satisfaction of the Director of Environmental Protection, the planning authority of sewerage infrastructure. The DSD's comments on the SIA are subject to views and agreement of the DEP;

- (f) to note the comments of the Chief Engineer/Land Drainage, DSD that the applicant is reminded that a valid license for discharge from DEP is required before the discharge of effluent of the local sewage treatment plant commences and the requirements of the effluent discharge, e.g. quantity and quality of effluent, should be agreed by the DEP;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains will be affected. If diversion of the existing water mains is required, the developer shall prior to carrying out the diversion works submit the proposed routing in writing to the Water Authority for approval and the cost of relocating the Government water mains shall be borne by the developer. In case it is not feasible to divert the affected water mains, a Waterworks Reserve within 1.5 m from the centerline of the water mains shall be provided to the WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractor, 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 authorized. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (h) to note the comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department that no construction works

on the site should commence prior to the compliance with the approval conditions. The archaeological impact assessment report should be conducted by a qualified archaeologist, who shall obtain a licence from the Antiquities Authority under the Antiquities and Monuments Ordinance (Cap. 53);

- (i) to note the comments from the Director of Social Welfare that the private developer may take the opportunity to enhance the site environment by providing more community facilities in the area;
- (j) to note the comments of the Director of Electrical and Mechanical Services that there are 400 kV overhead lines running close to the proposed development areas. A 50 m working corridor between the proposed development and the concerned 400 kV overhead lines (25 m on either side from the centre line of the transmission line towers) and relevant safety clearances would be maintained in accordance with the Hong Kong Planning Standards and Guidelines. According to paragraph 2.3.17 of the HKPSG, building development will not be restricted in areas outside the working corridor and working circle subject to the provision of emergency vehicular access, wherever appropriate as required by the Fire Services Department (FSD). However, for development within the working corridor and working circle, agreement from the Electrical and Mechanical Services Department (EMSD), FSD and the power company should be sought in order to ensure compliance with the safety and health considerations as given in the HKPSG. Prior to establishing any structure within the site, the applicant and/or the applicant's contractors shall liaise with CLP Power (i.e. the electricity supplier) and, if necessary, ask CLP Power to divert the underground electricity cable (and/or overhead electricity line) away from the vicinity of the proposed structure, where practicable. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines;
- (k) to note the comments of the Director of Health that there are overhead transmission lines and pylons in the vicinity of the proposed residential development. Future occupants of the residential development may

be exposed to extremely low frequency electromagnetic fields generated by the transmission lines. According to the World Health Organization, with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by transmission lines, would not pose any significant adverse effects to workers and the public. As such, the project proponent must ensure that the magnitudes of the electromagnetic fields on-site complied with the relevant ICNIRP guidelines or other established international standards. He notes that the project proponent will ensure the magnitudes of electromagnetic fields on-site comply with the relevant ICNIRP guidelines or other established international standards; and

- (1) to note the comment of District Officer (Tuen Mun), Home Affairs Department that the applicant should keep the portion of the existing village track falling within the site intact and ensure free and unobstructed access during construction stage and after completion of the proposed development. There is also a proposed District Minor Works project (i.e. proposed improvement to van track and associated facilities) in close proximity to the site which will commence in late 2014. Should there be any interface with the proposed works, the applicant should inform his Office.”

[The Chairman and Mr Tony Moyung returned to join the meeting at this point. Mr David Y.T. Lui left the meeting and Professor S.C. Wong and Mr Peter K.T. Yuen left the meeting temporarily at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 41

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/1B)

150. The Committee noted that the applicant requested on 22.9.2014 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the latest comments of the Electrical and Mechanical Services Department on the Quantitative Risk Assessment Report. This was the third time that the applicant requested for deferment of the application.

151. 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 it was the third deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of six months for preparation of further submission, and no further deferment would be granted unless under very special circumstances.

[Mr C.K. Tsang, Senior Town Planners/Shu Tin, Tai Po and North (STP/FSYLE), was invited to the meeting at this point.]

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/450 Temporary Auto Glass Replacement Services Depot for a Period of 3
Years in “Agriculture” zone, Lot 160RP (Part) in D.D.110, Kam Tin,
Yuen Long
(RNTPC Paper No. A/YL-KTN/450)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary auto glass replacement services depot 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 receivers of residential uses to the south and east (the nearest one about 5m away), and in the vicinity of the site, and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) also did not support the application as the agricultural activities in the vicinity of the site were very active and the site had potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory public inspection period, two public comments were received. They objected to the application as the land in the “Agriculture” (“AGR”) zone in Kam Tin was still suitable for farming and the agricultural area should be conserved to safeguard the food supply for Hong Kong and to protect the livelihoods of the people in the rural community. The development was not in line with the planning

intention of the “AGR” zone. No strong justification had been given for a departure from the planning intention, even on a temporary basis. The applicant also failed to demonstrate that the proposed development would not impose adverse environmental, drainage and landscape impacts on the surrounding area. The ecological and environmental impact would be long-lasting and irreversible. No relevant impact assessment had been conducted. The site was a suspected “Destroy First and Build Later” case. There was sufficient supply of land for storage of containers and tractors to satisfy current and future demand. The temporary use would be renewed in future, leading to cumulative impact, making it more difficult for suitable uses and would set an undesirable precedent for similar applications; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The development for auto glass replacement service depot was not compatible with the surrounding areas which were rural in character predominated by residential dwellings/structures and agricultural land. Although there were open storage / storage yards and parking lots located in the vicinity of the site, most of them were suspected unauthorised development subject to enforcement action by the Planning Authority. The applicant failed to demonstrate that the development would not generate adverse environmental impacts on the surroundings. The development would involve workshop-related activities and use of heavy goods vehicles not exceeding 24 tonnes for transportation of auto glass. It was likely that the development would cause adverse environmental impact on the surroundings predominated by residential dwellings / structures. No previous or similar approval had been granted within the same “AGR” zone. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

153. Members had no question on the application.

Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is intended primarily 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. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development is not compatible with the surroundings which are rural in character predominated by residential dwellings/structures and agricultural land;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in the encroachment of good agricultural land, causing a general degradation of the rural environment of the area.”

[Mr Peter K.T. Yuen returned to join the meeting at this point.]

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/451 Proposed Temporary Shop and Services (Real Estate Agency and Financial Institution) with Ancillary Staff Canteen for a Period of 3 Years in “Other Specified Uses” annotated “Railway Reserve” zone, Lots 4122, 4123, 4124, 4125 in D.D. 104, San Tam Road, Yuen Long (RNTPC Paper No. A/YL-KTN/451)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency and financial institution) with ancillary staff canteen for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as she had concern on encroachment onto the “Conservation Area” (“CA”) zone by the proposed development;
- (d) during the first three weeks of the statutory public inspection period, three public comments from villagers in Mo Fan Heung were received. They objected to the applications on grounds that unauthorised land filling for large-scale parking lot and vehicle repair uses at the site had damaged the conservation value of the site and led to blockage of stream and flooding problem. There would be environmental pollution due to the sewage from the canteen and the transportation in and out of the village would lead to nuisance, noise, traffic congestion and road safety and security problems;

and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary shop and services (real estate agency and financial institution) with ancillary staff canteen could be tolerated for a period of 3 years based on the assessments in paragraph 11 of the Paper. Although the applied use was not in line with the planning intention and the site fell within the administrative route protection boundary of the Express Rail Link and Northern Link (NOL), the exact alignment and development programme of the NOL had yet to be finalised and approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Other Specified Uses” annotated “Railway Reserve” (“OU (Railway Reserve)”) zone. The Chief Engineer/Railway Development 2-3, Railway Development Office, of Highways Department and the Chief Estate Surveyor/Railway Development of Lands Department (LandsD) also had no adverse comment on the application for a period of 3 years from the railway development point of view. To address the concerns of Director of Agriculture, Fisheries and Conservation (DAFC), approval conditions requiring the provision of boundary fencing on the site and the submission and implementation of landscaping proposal had been recommended. Although the previously approved application No. A/YL-KTN/419 for proposed temporary open storage of construction materials was revoked on 24.1.2014 due to non-compliance with approval conditions, the current application was different from the previous application in terms of the applied use, development parameters and site layout. Sympathetic consideration could be given to the application.

156. Members had no question on the application.

Deliberation Session

157. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.10.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the operation hours are restricted from 9:00 a.m. to 7:00 p.m. on Mondays to Saturdays and between 9:00 a.m. to 8:00 p.m. on Sundays, as proposed by the applicant, during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) the provision of boundary fencing on the site within 6 months from the date of the planning approval to the satisfaction to the Director of Planning or the TPB by 17.4.2015;
- (d) the submission of the landscaping proposal within 6 months from the date of the planning approval to the satisfaction to the Director of Planning or the TPB by 17.4.2015
- (e) in relation to (d) above, the implementation of the landscaping proposal within 9 months from the date of the planning approval to the satisfaction to the Director of Planning or the TPB by 17.7.2015;
- (f) the submission of drainage proposal within 6 months from the date of the planning approval to the satisfaction to the Director of Drainage Services or the TPB by 17.4.2015;
- (g) in relation to (f) above, the implementation of drainage proposal within 9 months from the date of the planning approval to the satisfaction to the Director of Drainage Services or the TPB by 17.7.2015;
- (h) 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 17.4.2015;

- (i) in relation to (h) 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 17.7.2015;
- (j) 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;
- (k) if any of the above planning conditions (c), (d), (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon 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.”

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

- “(a) to resolve any land issues relating to the development with the concerned owners of the site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval from his office. The site is accessible from San Tam Road via a local village track on Government land (GL). LandsD does not provide maintenance work on this GL nor guarantee any right of way. The land owner concerned will need to apply to LandsD to permit structures to be erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among

others the payment of premium or fee, as may be imposed by LandsD;

- (c) to note the Commissioner for Transport's comments that the site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the lands authority. The management and maintenance responsibilities 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;
- (d) to note the Chief Engineer/Railway Development 2-3, Railway Development Office, Highways Department's comments that the lot falls within the administrative route protection boundary of the Northern Link (NOL), which is a recommended railway scheme in the recently announced Railway Development Strategy 2014 (RDS-2014). According to RDS-2014, the indicative implementation programme of the NOL is from 2018 to 2023. However, advance works in the administrative route protection boundary such as site investigation may be carried out before implementation. The applicant is advised to vacate the site within a reasonable time frame upon notice, say 3 months, for any works in association with NOL and the requirement be considered at the land grant stage;
- (e) to adopt the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection (DEP) for implementation of mitigation measures to minimise any potential environmental nuisances arising from the development;
- (f) to note DEP's comments that the applicant should obtain a discharge licence under Water Pollution Control Ordinance for effluent arising from the site;

- (g) to note the Director of Agriculture, Fisheries and Conservation's comments that two mature trees as well as a watercourse were found along the northern boundary of the site. The applicant should adopt necessary measures to avoid felling or trimming of the trees and avoid disturbance and encroachment onto the abutting "Conservation Area" zone to the east of the site;
- (h) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that the submitted landscape proposal is generally acceptable as tree planting were added which enhanced the landscape quality of the site. However, the applicant should arrange the proposed tree planting in front of the proposed structure and add more trees along the southern boundary of the site in the submission of landscape proposal;
- (i) to note the Director of Fire Services' comments 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 be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his department, he is required to provide justification to his department for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the Chief Building Surveyor / New Territories West, Buildings Department's (BD) comments that before any new building works (including containers / open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they are Unauthorised Building

Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (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. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the 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;

- (k) to note the Director of Food and Environmental Hygiene's comments that if the said canteen provides food to outsiders with payment, a food business licence is required. The applicant is also reminded that no sanitary nuisance should be generated within / from the establishment; and
- (l) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings) 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, prior consultation and arrangement with the electricity supplier is necessary for sites 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 to establishing any structure within the sites, 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 electricity supply lines. There is a high pressure town gas pipeline running along San Tam Road. The applicant should maintain liaison/coordination with the Hong Kong China Gas Company Limited in respect of the exact location of existing or 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 is required during the design and construction stages of the development. The applicant shall also note the requirements of the Electrical and Mechanical Services Department’s “Code of Practice on Avoiding Danger from Gas Pipes”.”

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/452 Temporary Open Storage of Vehicles and Vehicle Parts for Export for a Period of 3 Years in “Agriculture” zone, Lots 422 S.B s.s.1 (Part), 422 S.B RP (Part), 422 S.C RP (Part) and 422 RP (Part) in D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/452)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of vehicles and vehicle parts for export for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site fell within “Agriculture” (“AGR”) zone and had high potential for agricultural rehabilitation. Besides, Director of Environmental Protection (DEP) did not support the application as sensitive receivers, i.e. residential dwellings / structure were found to the north (about 10m away) and in the vicinity of the site, and environmental nuisance was expected;

- (d) during the first three weeks of the statutory public inspection period, three public comments from two members of the public and Designing Hong Kong Limited were received. They strongly objected to the application as workshop use was involved. Natural ventilation and wind in the area had been severely blocked by the structures at the site. Heavy goods vehicles were used for transporting materials on-site and lead to traffic congestion and noise nuisance. Flooding occurred after the operation of the site. The use was also not in line with the planning intention of the “AGR” zone and no impact assessment on traffic, drainage and environmental aspects had been conducted. The temporary use would be renewed in future leading to cumulative impact, making it more difficult for other suitable uses at the site. Supply of farmland should be safeguarded; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of vehicles and vehicle parts for export could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. The development was considered not incompatible with the surrounding land uses which were mixed with open storage/storage yards, a workshop, warehouses, a parking lot, scattered residential structure/development and a plant nursery. Although DEP did not support the application as residential dwellings/ structure were found to the north (about 10m away) and in the vicinity of the site and environmental nuisance was expected, no environmental complaint had been received by DEP in the past three years. The applicant also indicated that no goods vehicle exceeding 5.5 tonnes and container tractor/trailer

would be parked and there was no workshop within the site. To address the concern of the DEP on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and types of vehicles and prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended. The applicant would also be advised to adopt the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to alleviate any potential impact. The site was the subject of previous applications for the same use approved with conditions by the Committee. There was no major change in planning circumstances that warranted a departure from the Committee's previous decisions.

160. Members had no question on the application.

Deliberation Session

161. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.10.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m. from Mondays to Saturdays, 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 medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activity is allowed on the site at any time during the planning

approval period;

- (e) no vehicular access to the southeast of the site affecting the passing bay at Kam Tai Road is allowed at any time during the planning approval period;
- (f) sufficient manoeuvring spaces and access to the visitor/staff parking spaces within the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (h) the submission of the 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 17.1.2015;
- (i) the implementation of the accepted landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.4.2015;
- (j) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.11.2014;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.4.2015;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2015;
- (m) 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;

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issues relating to the development with the concerned owners of the site;
- (c) the site should be kept in a clean and tidy condition at all time;
- (d) to note the District Lands Officer/Yuen Long’s comments that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval from Lands Department (LandsD). LandsD does not provide maintenance works on this Government land nor guarantee right of way. The lot owners will need to apply to LandsD to permit structure to be erected or regularise any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion. There is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (e) to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) to note the Commissioner for Transport’s comments that the site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the Director of Fire Services’ comments that in consideration of the design/nature of the proposed structures, 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 FSI to be installed should be clearly marked on the layout plans. Besides, the good practice guidelines for open storage sites in Appendix V of this RNTPC paper should be adhered to. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval;
- (h) to note the Chief Building Surveyor / New Territories West, Buildings Department’s comments that all unauthorised structures on the site should be removed. All building works are subject to compliance with the Buildings Ordinance (BO). An Authorised Person must be appointed to coordinate all building works. The granting of planning approval should

not be construed as an acceptance of the unauthorised structures on the site under the BO. Enforcement action may be taken to effect the removal of all unauthorised works in the future; and

- (i) to note the Director of Electrical and Mechanical Services' comments 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. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier is necessary for the 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 to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier, and if necessary, ask the electricity supplier to divert the underground cables (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 electricity supply lines."

Agenda Item 45

Section 16 Application

[Open Meeting]

A/YL-KTS/639

Proposed House with Minor Relaxation of Building Height Restriction and Excavation of Land in "Other Specified Uses" annotated "Rural Use" Zone, Lot 618 RP (Part) in D.D. 106, Kam Sheung Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/639A)

163. The Secretary reported that the application was submitted by Batch Profit Enterprise Ltd., with CKM Asia Ltd. as one of the consultants. Professor S.C. Wong had declared interest in this item for having current business dealings with CKM Asia Ltd. and being the Chair Professor and Head of Department of Civil Engineering of HKU where CKM Asia Ltd. had sponsored some activities of the Department. As the applicant had requested for deferment of consideration of the application and Professor Wong had no involvement in the application, Members agreed that he could stay in the meeting.

164. The Committed noted that the applicant requested on 8.10.2014 for further deferment of the consideration of the application for one month in order to allow time for the applicant to address the latest comments of the Environmental Protection Department and the Urban Design & Landscape Section of Planning Department. This was the applicant's second request for deferment.

165. 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. Since it was the second deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of three months for preparation of further submission, and no further deferment would be granted unless under very special circumstances.

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

YL-KTS/647 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” zone, Lots 1732 S.B and 1732 S.C in D.D. 106, Tung Pin Road, Pat Heung, Yuen Long
(RNTPC Paper No. YL-KTS/647)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary place of recreation, sports or culture (hobby farm) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, two public comments were received from local residents. The commenters objected to the application on the grounds mainly related to road safety, adverse environmental impact, misleading/illiterate information submitted by the applicant, lack of technical assessment to prove there was no adverse impact, lack of justifications to support the proposed development, questionable size of the proposed temporary structures, the public could not be properly informed as the publication notice was removed shortly, and vague applied use; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary place of recreation, sports or culture (hobby farm) could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. The proposed development of hobby farm was considered not incompatible with the surrounding areas which were rural in character predominated by residential structures/dwellings and agricultural land. The proposed development would unlikely cause significant adverse environmental, traffic or drainage impacts and relevant departments consulted had no adverse comment on the application. The technical requirements of the Chief Town Planner / Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD), Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services could be addressed by imposition of appropriate approval conditions.

167. Members had no question on the application.

Deliberation Session

168. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.10.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the operation of the proposed development is restricted from 10:00 a.m. to 5:00 p.m., as proposed by the applicant, on the site during the planning approval period;
- (b) the submission of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.4.2015;
- (c) in relation to (b) above, the implementation of landscaping proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2015;
- (d) the submission of drainage proposal within 6 months from the date of

planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.4.2015;

- (e) in relation to (d) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2015;
- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 17.4.2015;
- (g) in relation to (f) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 17.7.2015;
- (h) if the above planning condition (a) is not complied with during planning approval, 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 (b), (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.”

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

- “(a) resolve any land issues relating to the development with the concerned owners of the application site;
- (b) to note the District Lands Officer/Yuen Long’s comments that the private

lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval from his office. No approval is given for the specified structures used as container converted as office, storeroom, toilet and open shed. The site is accessible through an informal track on Government land extended from Kam Sheung Road. His office does not provide maintenance works on this access nor guarantee any right of way. Should planning approval be given to the subject application, the lot owner concerned will need to apply to his office to permit structures to be erected or regularise any irregularities on site. Such application will be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) 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 Commissioner for Transport's comments that the site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structure, 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 plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where 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 (BO) (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of

general building plans;

- (e) to note the Chief Engineer/Development (2), Water Supplies Department's comments that the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;

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

- (g) to note the Director of Electrical and Mechanical Services' comments that the applicant/working party 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/or overhead line alignment drawings obtained, if there is underground electricity 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 stipulation in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground electricity cable (and/or overhead electricity 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 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/648 Temporary Shop and Services (Real Estate Agency Office) for a Period of 3 Years in “Village Type Development” zone, Lot 367 RP (Part) in D.D. 109, Kam Sheung Road, Kam Tin South, Yuen Long
(RNTPC Paper No. A/YL-KTS/648)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency office) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government 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; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary shop and services (real estate agency office) could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. The development was considered not incompatible with the surrounding land uses which were rural in character predominated by residential dwellings/developments. The site was involved in a previous application submitted by the same applicant for the same applied use approved with conditions by the Committee in 2010. Compared with the previous application, the current application involved a reduction in total floor area from 56m² to 47m² (-9m²/-16.1%). Since there was no major change in planning circumstances since the last approval and the applicant had complied with the approval conditions under the previous application, sympathetic consideration could be given to the current application. The technical requirements of Commissioner for Transport, Chief Town Planner / Urban Design & Landscape of Planning Department, Chief Engineer / Mainland North of Drainage Services Department and Director of Fire Services could be addressed by imposing appropriate approval conditions.

171. Members had no question on the application.

Deliberation Session

172. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.10.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 9:00 a.m. daily, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (d) the existing drainage facilities on the application site shall be maintained at all times during the planning approval period;
- (e) the submission of a record of existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.1.2015;
- (f) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.4.2015;
- (g) in relation to (f) above, the implementation of 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 17.7.2015;
- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services

or of the TPB by 17.4.2015;

- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 17.7.2015;
- (j) if any of the above planning conditions (a), (b), (c) or (d) 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;
- (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 application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the private lot within the site is an Old Schedule Agricultural Lot held under the Block Government Lease and no structure is allowed to be erected without prior approval from his office. The subject lot is covered by Short Term Waiver No. 3684 to allow the use of land for the purpose of shop and services (real estate agency office). The site is accessible to Kam Sheung Road via Government land (GL). His

office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner concerned will need to apply to his office to permit structures to be erected or regularise any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.;

- (d) to note the Commissioner for Transport's comments that the site is connected to the public road network via a section of a local access road which may not be managed by Transport Department. The land status of the local access road should be checked with the Lands Department. Moreover, the management and maintenance responsibilities 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;
- (e) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the applicant should provide photos of the existing trees on-site in the tree preservation proposal;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the applicant should be responsible for the construction for run-in at his own cost to the satisfaction of relevant government departments. The run-in should be constructed across the full width of the footpath of Kam Sheung Road in accordance with HyD Standard Drawings. Excavation Permit should be obtained from his office prior to commencement of excavation works on public road/footpath which

are maintained by HyD;

- (h) to note the Director of Fire Services' comments 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 the relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the Chief Building Surveyor / New Territories West, Buildings Department's (BD) comments that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the BO and should not be designated for any approved use under the application. Before any new building works (including containers/open shed as temporary buildings) are to be carried out on the site, prior approval and consent of the BD should be obtained. Otherwise, they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. 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 Building (Planning) Regulation at the building plan submission stage; and
- (j) to note the Director of Electrical and Mechanical Services' comments 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 electricity cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and/or overhead line alignment drawings obtained, if there is underground electricity 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 stipulation in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground electricity cable (and/or overhead electricity 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 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/649 Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Agriculture” and “Residential (Group C) 1” zones, Lot 1638 RP (Part) in D.D. 106 and Adjoining Government Land, Yuen Kong, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/649)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, one public comment was received from a villager of Yuen Kong Tsuen. The commenter objected to the application on the grounds that the containers at the site would pose danger and bring nuisance to the villagers. Besides, the lack of drainage pipes at the site would cause flooding problem during rainy season; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary shop and services (real estate agency) could be tolerated for a period of 3 years. The subject real estate agency was considered not incompatible with the surrounding land uses which were predominated by residential structures/development, orchards, a restaurant, a plant nursery, a workshop, parking lots and agricultural land. Whilst the Site was the subject of two previous applications submitted by the same applicant for the same use, the last application No. A/YL-KTS/608 was revoked due to non-compliance with approval conditions related to drainage, landscape and fire safety aspects. Nevertheless, the applicant claimed that he had engaged a qualified fire service company to implement the fire service installations. He had also submitted the landscape, drainage and fire service installations (FSIs) proposals under the current application, and the FSIs proposal had been accepted by Director of Fire Services (D of FS). Besides, drainage facilities had been provided on the site, which were accepted by the Drainage Services Department. Since the last approval was revoked, shorter compliance periods were recommended to monitor the fulfilment of approval conditions. The applicant would be advised that

should he fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

175. Members had no question on the application.

Deliberation Session

176. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.10.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 10:00 a.m. daily, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (d) the existing drainage facilities on the application site shall be maintained at all times during the planning approval period;
- (e) the submission of a record of existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.1.2015;
- (f) the submission of landscaping and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.1.2015;

- (g) in relation to (f) above, the implementation of landscaping and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.4.2015;
- (h) the implementation of the accepted fire service installations within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 17.1.2015;
- (i) if any of the above planning conditions (a), (b), (c) or (d) 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;
- (j) if any of the above planning conditions (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 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods are imposed in order to monitor the progress of compliance with approval condition. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further application;
- (c) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the private lot under application is Old Schedule Agricultural Lot held under Block Government Lease under which no

structure is allowed to be erected without prior approval from LandsD. The subject lot is covered by Short Term Waiver No. 3681 to allow the use of land for the purpose of temporary shop and services (real estate agency). No permission has been given for the occupation of the Government land (GL) within the site. The act of occupation of GL without government's approval should not be encouraged. The site is accessible to Kam Sheung Road via GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. Should planning approval be given to the application, the lot owner concerned will need to apply to LandsD to permit structures to be erected or regularise any irregularities on the 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;

- (d) to note the Commissioner for Transport's comments that vehicles are not allowed to reverse into or out of the site. The site is connected to the public road network via a section of a local access road which may not be managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) 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" issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the applicant should provide updated photo

record on the conditions of existing trees and shrubs;

- (g) to note the Director of Fire Services' comments that the installation/maintenance/modification repair work of FSIs shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification repair work issue to the person on whose instruction the work was undertaken a certificate (FS251) and forward a copy of the certificate to him;

- (h) to note the Chief Building Surveyor / New Territories West, Buildings Department's (BD) comments that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, prior approval and consent of the BD should be obtained. Otherwise, they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. In this connection, 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;

- (i) to note the Director of Agriculture, Fisheries and Conservation's comments that the applicant should be reminded to avoid impacts on the existing trees

within and immediately adjacent to the site during operation; and

- (j) to note the Director of Electrical and Mechanical Services' comments 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 electricity cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and/or overhead line alignment drawings obtained, if there is underground electricity 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 stipulation in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground electricity cable (and/or overhead electricity 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 49

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/650 Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in "Village Type Development" zone, Lot 1486 S.C (Part) in D.D 106 and Adjoining Government Land, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/650)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government 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; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary shop and services (real estate agency) could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. The proposed development was considered not incompatible with the surrounding land uses which were rural in character predominated by residential structures/dwellings, open storage/storage yards, a workshop, warehouses, parking lots, a petrol filling station and agricultural land. Relevant departments consulted including Director of Environmental Protection (DEP) had no adverse comment on the application. The site was involved in a previous application submitted by a different applicant for the same applied use approved with conditions by the Committee in 2011. The current application was the same as the last application in terms of site area/boundary, applied use, development parameters and site layout. Since there was no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current application. To minimise the possible nuisance generated by the proposed development, approval conditions restricting the operation hours and types

of vehicles were recommended to be imposed in the planning permission.

179. Members had no question on the application.

Deliberation Session

180. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.10.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 9:00 a.m. daily, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (d) the existing drainage facilities on the application site shall be maintained at all times during the planning approval period;
- (e) the submission of a record of existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.1.2015;
- (f) the implementation of the accepted 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 17.4.2015;
- (g) the implementation of the accepted fire service installations within 6 months from the date of planning approval to the satisfaction of Director

of Fire Services or of the TPB by 17.4.2015;

- (h) if any of the above planning conditions (a), (b), (c) or (d) 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;
- (i) if any of the above planning conditions (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
- (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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (d) resolve any land issues relating to the development with the concerned owners of the site;
- (e) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the private lot within the site is an Old Schedule Agricultural Lot held under the Block Government Lease which no structure is allowed to be erected without prior approval of his office. The subject lot is covered by Short Term Waiver No. 3723 to allow the use of land for the purpose of temporary shop and services (real estate agency). No permission has been given for the occupation of the Government land (GL) within the site. The act of occupation of GL without Government’s prior approval should be not encouraged. The site is accessible to Kam Sheung Road via GL. His office provides no maintenance works for the GL involved and does not guarantee any right-of-way. The lot owner concerned will need to apply to his office to permit structures to be erected

or regularise any irregularities on site. Further, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation for 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(s) 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;

- (f) to note the Commissioner for Transport's comments that the site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (g) 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" issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (h) to note the Director of Fire Services' comments that the installation/maintenance/modification repair work of fire service installations shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification repair work issue to the person on whose instruction the work was undertaken a certificate (FS251) and forward a copy of the certificate to him;
- (i) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the applicant should provide updated photo record on the conditions of existing trees;

- (j) to note the Chief Building Surveyor / New Territories West, Buildings Department's (BD) comments that if the existing structures are erected on leased land without approval of the BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any use under application. Before any new building works (including store rooms, kitchens, offices, toilets and open sheds 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 Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. In this connection, 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. 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 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
- (k) to note the Director of Electrical and Mechanical Services' comments 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/or overhead line alignment drawings obtained, if there is underground electricity 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 stipulation in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground electricity cable (and/or overhead electricity 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 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/202 Temporary Shop and Services (Real Estate Agency) for a Period of 3
Years in “Agriculture” zone, Lot 288 RP (Part) in D.D. 112, Kam
Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-SK/202)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural

activities in the vicinity of the site were very active and the site had high potential for rehabilitation as green house or plant nursery. The Chief Town Planner / Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application as the surrounding area of the site within the same “Agriculture” (“AGR”) zone was predominantly rural in character dominated by agricultural land and scattered woodland. The development, if approved, would set an undesirable precedent attracting similar applications within the “AGR” zone, thus resulting in piecemeal development and destroying the tranquil nature of the rural area;

- (d) during the first three weeks of the statutory public inspection period, two public comments were received. The commenters objected to the application as the proposed development was incompatible with the planning intention and the land in the “AGR” zone was still suitable for farming since there were a few orchards in the vicinity. Agricultural land should be conserved in order to safeguard the food supply for Hong Kong. The approval of the application would set an undesirable precedent and had potential cumulative adverse impact on the environment and agricultural land in the vicinity. No impact assessment on traffic and environment had been completed, and the site might involve “Destroy First, Build Later” activity; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary shop and services (real estate agency) could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. The development was considered not incompatible with the surrounding land uses which were rural in character predominated by residential structures/dwellings, agricultural land, a plant nursery, a few open storage yards and vacant/unused land. Although DAFC did not support the application, the development was located close to the “Village Type Development” and “Residential (Group D)” zones and would provide real estate agency services to serve some of the needs of the villages and neighbouring residential developments. The temporary development

would not frustrate the long-term planning intention of “AGR” zone and was considered not incompatible with the surrounding land uses. To address the concern of CTP/UD&L, the applicant had submitted a landscape proposal indicating that trees would be planted along the site boundary. The landscape proposal had been accepted by CTP/UD&L and an approval condition requiring the applicant to implement the accepted proposal was recommended. Other relevant departments had no adverse comment on the application. Suitable approval conditions were also recommended to minimise the potential impacts.

183. Members had no question on the application.

Deliberation Session

184. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.10.2017, 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. on Mondays to Saturdays, 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 medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (e) the submission of fire service installations proposal within 6 months from

the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 17.4.2015;

- (f) in relation to (e) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 17.7.2015;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.4.2015;
- (h) in relation to (g) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2015;
- (i) the implementation of the accepted landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2015;
- (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 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 application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before continuing the development on the site;
- (b) to resolve any land issue relating to the development with other concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the private lot within the site is an Old Schedule Agricultural Lot held under Block Government Lease under which no structure is allowed to be erected without prior approval from his office. The site is accessible from Kam Sheung Road via Government land. His office does not provide maintenance works on this access nor guarantee any right-of-way. Should planning approval be given to the application, the lot owner concerned will need to apply to LandsD to permit structures to be erected or regularise any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion 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 adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (e) note the Commissioner for Transport’s comments that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the Director of Fire Services’ comments 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 the relevant layout plans incorporating the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The locations 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 FSIs as prescribed by his department, the applicant is required to provide justifications to his department for consideration. If any structure is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;

- (g) to note the Chief Building Surveyor / New Territories West, Buildings Department's (BD) comments that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, prior approval and consent of the BD should be obtained, otherwise, they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. In this connection, 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
- (h) to note the Director of Electrical and Mechanical Services' comments that the applicant/working party 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/or overhead line alignment drawings obtained, if there is underground electricity 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 stipulation in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground electricity cable (and/or overhead electricity 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 Chairman thanked Mr C.K. Tsang, STP/FSYLE, for his attendance to answer Members’ enquires. Mr Tsang left the meeting at this point.]

Agenda Item 51

Section 16 Application

[Open Meeting]

A/YL-MP/239 Proposed Temporary Shop and Services (Florist and Gardening Shop)
for a Period of 3 Years in “Open Space” zone, Lot 2874 (Part) in
D.D.104, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/239)

186. The Committed noted that the applicant’s representative requested on 23.9.2014 for deferment of the consideration of the application for one month in order to allow more

time for the applicant to prepare responses to address the comments of the Transport Department. This was the applicant's first request for deferment.

187. 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.

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

Agenda Item 52

Section 16 Application

[Open Meeting]

A/YL-NTM/303 Proposed Temporary Primary School at Former Yau Tam Mei School
for a Period of 3 Years in "Recreation" Zone, Government Land in
D.D. 104, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/303A)

188. The Committee noted that the applicant's representative requested on 23.9.2014 for further deferment of the consideration of the application for another two months in order to allow time for the applicant to prepare supplementary materials, including the background and operation of the proposed school in response to the comments of relevant government departments. This was the applicant's second request for deferment.

189. 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 it was the second deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of four months for preparation of further submission, and no further deferment would be granted unless under very special circumstances.

Agenda Item 53

Section 16 Application

[Open Meeting]

A/YL-ST/450 Temporary Public Car Park (private vehicles and light goods vans) with Ancillary Facilities (including canteen and site office) for a Period of 3 Years in "Village Type Development" zone, Lots 153 (Part), 154 S.A (Part), 155 (Part), 156, 157 (Part), 194 S.A (Part), 194 S.B (Part), 195 (Part), 196 (Part) and 199 RP (Part) in D.D.102 and Adjoining Government Land, San Tin, Yuen Long

(RNTPC Paper No. A/YL-ST/450)

190. The Committed noted that the applicant's representative requested on 3.10.2014 for deferment of the consideration of the application for two months in order to allow more time for the applicant to prepare responses to address the comments of the Planning Department. This was the applicant's first request for deferment.

191. 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.

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

Tuen Mun and Yuen Long West District

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

Agenda Item 56

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/456 Eating Place (Restaurant) in "Residential (Group B) 2" zone, Shop 3,
G/F, Tak Hing Building, Hung Shui Kiu
(RNTPC Paper No. A/YL-PS/456)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the Eating Place (Restaurant) use;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) 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; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the application. There were two approved planning applications for the same use at the same building (application No. A/YL-PS/391 at Shops No. 4, 5 and 6 and Application No. a/YL-PS/451 at Shop No. 2). The applied use was not incompatible with the uses of the same building. Relevant government departments had no objection to or no adverse comment on the application. The concern/requirements of the Director of Fire Services on fire safety could be addressed through imposing approval condition on fire service installations.

193. Members had no question on the application.

Deliberation Session

194. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

- “the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied uses at the premises;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's comment that the application area is held under New Grant No. 2434.

Pursuant to the lease condition of the application area, Lot 4178 in D.D. 124 or any part thereof or any building or buildings erected or to be erected thereon shall not be used for any purpose other than non-industrial purposes excluding any trade which is now or may hereafter be declared to be an offensive trade under the Public Health and Urban Services Ordinance or any enactment amending the same or substituted thereof;

- (c) to note the Commissioner for Transport's comments that the local track leading to the site is not under his Department'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;
- (d) to note the Director of Food and Environmental Hygiene's (DFEH) comments that any food business carrying on thereat should be granted with a valid licence issued by the DFEH and the operation of the food business should be in compliance with the requirements/conditions stipulated by the relevant departments;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should not make any alteration to the existing stormwater drainage system of Tak Hing Building; and
- (f) to note the Director of Fire Services' comments that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans or referral from the licensing authority."

Agenda Item 57

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/457 Temporary Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years in “Recreation” zone, Lot 206(Part), 207(Part), 214(Part), 217(Part), 218(Part), 219, 220(Part), 221(Part), 224(Part), 226(Part), 227(Part), 228, 229, 230, 231(Part), 236(Part), 237(Part), 238(Part), 239(Part) and 240(Part) in D.D 126 and adjoining Government land, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/457)

Presentation and Question Sessions

196. Mr K.C. Kan, STP/TMYLW, clarified that four instead of five commenters supported or had no objection to the application as stated in paragraph 11.4 on page 11 and paragraph 12.8 on page 13 of the Paper.

197. Mr Kan presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction materials and construction equipment 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 public inspection period, 7 public comments were received. A member of the Yuen Long District Council strongly objected to the application as there were numerous temporary approvals rendering the use not temporary. The storage of new

vehicles would reduce the intention for developing the site for recreation use and not adhere to the stated access route when transporting new vehicles to/from the site. The increased vehicular traffic would casue safety implications on a recyclable collection station at the junction of Tin Wah Road and Wetland Park Road. Designing Hong Kong Limited objected to the application as the development was not in line with planning intention of the “Recreation” (“REC”) zone and there had been sufficient supply of land for open storage use already. The continuous renewal of temporary open storage use would make suitable permanent development difficult. Four individuals supported or had no objection to the application as there was insufficient open storage land for construction materials. The site was an appropriate location and was considered compatible with surrounding open storage sites; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of construction materials and construction equipment could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. The site fell within Category 3 areas under Town Planning Board Guidelines for application for Open Storage and Port Back-up Uses. (TPB PG-No. 13E). The application was generally in line with TPB PG-No. 13E in that there were previous approvals for open storage uses and the same applicant had complied with all the approval conditions of the last application No. A/YL-PS/352. Concerned government departments had no objection to or no adverse comment on the application. The technical concerns / requirements of the government departments could be addressed by imposing suitable approval condition. Besides, the applicant would be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses & Open Storage Sites” issued by the Director of Environmental Protection to minimise the potential environmental impacts on the surrounding area.

198. Members had no question on the application.

Deliberation Session

199. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.10.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:30 p.m. and 9:30 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 and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling or other workshop activity is allowed on the site at any time during the planning approval period;
- (d) only medium goods vehicles not exceeding 24 tonnes as defined under the Road Traffic Ordinance, are allowed to enter/be parked on the site at all times during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the maintenance of existing trees within the site boundary at all times during the planning approval period;
- (g) the maintenance of existing drainage facilities on the site at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.1.2015;
- (i) 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 28.11.2014;

- (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 17.4.2015;
- (k) in relation to (j) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2015;
- (l) the provision of boundary fencing on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.1.2015;
- (m) 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;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

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

- (c) to note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the private land within the site comprises Old Schedule Agricultural Lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. No permission is given for occupation of Government land (GL) (about 218.9 m² subject to verification) 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 a local track on GL and other private lots. His office provides no maintenance works for the GL involved and does not guarantee right-of-way. Should planning approval be given, the lot owners will need to apply to his office to permit the structures to be erected or regularise 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 the LandsD acting in the capacity as the landlord at its sole discretion and there is no guarantee that such application will be approved. If the application is approved, it would be subject to such terms and conditions, including among others, the payment of premium or fees, as may be imposed by the LandsD;

- (d) to note the Chief Building Surveyor / New Territories West, Buildings Department's (BD) comments that there is no record of approval by the Building Authority (BA) for the structures existing at the site and the 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 unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent

of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with 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 the B(P)R the building plan submission stage;

- (e) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise potential environmental impacts on the surrounding area;
- (f) to note the Commissioner for Transport's comments that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under the Transport Department'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;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The HyD shall not be responsible for the maintenance of any access connecting the site and Tin Wah Road;
- (h) to note the Director of Fire Services' comments 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 are to be installed should be clearly marked on the layout plans. The good practice guidelines for open storage at Appendix V should be adhered to. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

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

Agenda Item 58

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/458 Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles and Light Buses for a Period of 3 Years in “Comprehensive Development Area” and “Residential (Group B) 1” and “Residential (Group E)2” and “Village Type Development” zones, Lots 568, 569RP, 585(Part), 586, 590(Part) and 591(Part) in D.D. 122, Ping Hing Lane, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/458)

Presentation and Question Sessions

201. Mr K.C. Kan, STP/TMYLW, clarified that there were 23 instead of 27 similar applications as stated in paragraph 11.5 on page 13 of the Paper.

202. Mr Kan presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park for private cars, light goods vehicles and light buses for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) 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; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary public vehicle park for private cars, light goods vehicles and light buses could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. The “Village Type Development”, “Residential (Group E) 2”, “Residential (Group B) 1” and “Comprehensive Development Area” zones were generally intended for residential developments. The development was not entirely in line with the planning intention of these zones. However, there was currently no permanent development proposal for the site. Approval of the application on a temporary basis would not jeopardise the long-term planning intentions of these zones. Other government departments concerned had no objection to or no adverse comment on the application. The site was the subject of 6 previous applications for similar use and were all approved by the Committee since 2002. Approval of the subject application was in line with the Committee’s previous decisions.

203. Members had no question on the application.

Deliberation Session

204. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.10.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:30 p.m. and 8:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only private cars, light goods vehicles and light buses as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;

- (d) a notice should be posted at a prominent location of the site to indicate that only private car, light goods vehicles and light buses as defined in the Road Traffic Ordinance are allowed to enter or be parked on the site at all times during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the maintenance of existing drainage facilities on the site at all times during the planning approval period;
- (h) the maintenance of peripheral fencing on the site at all times during the planning approval period;
- (i) the submission of condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.1.2015;
- (j) the submission of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.4.2015;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2015;
- (l) the submission of tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 17.4.2015;

- (m) in relation to (l) above, the implementation of tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (i), (j), (k), (l), or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issues relating to the development with the owner(s) of the site;
- (b) to note the District Lands Officer/Tuen Mun, Lands Department’s (LandsD) comments 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. According to his records, a Short Term Waiver No. 3540 has been issued for Lot No. 586 in D.D 122 to allow the use of the lot for the purpose of ancillary use to public vehicle park for private cars, light goods vehicles and light buses. The site is accessible from Ping Hing Lane through an informal village track on Government land. His Office does not provide maintenance works on this track nor guarantee right-of-way. The lot owners concerned will need to apply to his Office to permit additional structures to be erected

or regularise any irregularities on site. Such application will be considered by the 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 the LandsD;

- (c) to note the Chief Building Surveyor / New Territories West, Buildings Department's (BD) comments that there is no record of approval by the Building Authority (BA) for the structures existing at the site and the 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 unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with the 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 the B(P)R at the building plan submission stage;
- (d) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the

Environmental Protection Department to minimise potential environmental impacts on the surrounding area;

- (e) to note the Commissioner for Transport's comments that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under Transport Department's (TD) 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 Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the proposed access arrangement of the site from Ping Hing Lane should be commented and approved by the TD. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The HyD shall not be responsible for the maintenance of any access connecting the site and Ping Hing Lane;
- (g) to note the Director of Fire Services' comments 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 FSI 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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (h) to note the Director of Electrical and Mechanical Services' comments 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. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132 kV 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 the applicant's contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines."

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

Agenda Item 59

Section 16 Application

[Open Meeting]

A/TM/451 Columbarium in "Government, Institution or Community" Zone, Lots No. 501 and 533 in D.D. 131 and Adjoining Government Land, Tsing Shan Tsuen, Yeung Tsing Road, Tuen Mun
(RNTPC Paper No. A/TM/451B)

206. The Committed noted that the applicant's representative requested on 7.10.2014 for further deferment of the consideration of the application for another two months in order to allow time for the applicant to resolve the Transport Department's further comments. This was the applicant's third request for deferment.

207. 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 it was the third deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of six months for preparation of further submission, and this was the last deferment and no further deferment would be granted unless under very special circumstances.

Agenda Items 60 to 63

Section 16 Applications

[Open Meeting]

A/TM/458 Proposed House (New Territories Exempted House - Small House) in "Village Type Development" and "Road" Zones, Lots 538 S.E. ss.1 & 538 S.E. RP in D.D.130, To Yuen Wai, Tuen Mun
(RNTPC Paper No. A/TM/458A to 461A)

A/TM/459 Proposed House (New Territories Exempted House - Small House) in "Village Type Development" and "Road" Zones, Lots 538 S.H ss.1 & 538 S.H RP in D.D. 130, To Yuen Wai, Tuen Mun
(RNTPC Paper No. A/TM/458A to 461A)

A/TM/460 Proposed House (New Territories Exempted House - Small House) in "Village Type Development" and "Road" Zones, Lots 538 S.I ss.1 & 538 S.I RP in D.D. 130, To Yuen Wai, Tuen Mun
(RNTPC Paper No. A/TM/458A to 461A)

A/TM/461 Proposed House (New Territories Exempted House - Small House) in "Village Type Development" and "Road" Zones, Lots 538 S.J ss.1 & 538 S.J RP in D.D. 130, To Yuen Wai, Tuen Mun
(RNTPC Paper No. A/TM/458A to 461A)

208. The Committee noted that the four applications were similar in nature and the application sites (the sites) were located in close proximity to one another and within the same zone. The Committee agreed that the applications should be considered together.

209. The Committed noted that the applicants' representative requested on 23.9.2014 for further deferment of the consideration of the application for another two months in order to allow sufficient time for the applicant to prepare an Environmental Assessment to address the concerns raised by the Environmental Protection Department. This was the applicants' second request for deferment.

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

Agenda Item 64

Section 16 Application

[Open Meeting]

A/YL-HT/899 Proposed Temporary Open Storage of Construction Materials and Miscellaneous Goods for a Period of 3 Years in "Recreation" and "Village Type Development" zones, Lot 632 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/899A)

211. The Committed noted that the applicant's representative requested on 6.10.2014 and 10.10.2014 for further deferment of the consideration of the application for another two months in order to allow time for the applicant to prepare further information to address the departmental comments. This was the applicant's second request for deferment.

212. 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 it was the second deferment of the application, the Committee agreed to advise the applicant that the Committed had allowed a total of four months for preparation of further submission, and no further deferment would be granted unless under very special circumstances.

Agenda Item 65

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/685 Proposed Minor Relaxation of Plot Ratio (from 1 to 1.998) and Site Coverage (from 40% to 96.38%) for permitted House Use in "Residential (Group B) 1" zone, Lot 1827 in D.D. 121, Sha Tseng Tsuen, Ping Shan Heung, Yuen Long
(RNTPC Paper No. A/YL-TYST/685A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed minor relaxation of plot ratio (PR) (from 1 to 1.998) and site coverage (SC) (from 40% to 96.38%) for permitted house use. The proposed development would have a staggered building form which was achieved by setting back the first and second floors of the proposed house;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner / Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application and considered that the proposal had no landscape merit as all the existing greenery on site would have to be removed and the proposed house would nearly occupy the entire site leaving no room for any landscape planting;
- (d) during the two statutory publication periods, there were a total of six public comments were received, all raising objection to the application for reasons that the proposed development would set an undesirable precedent; generate environmental, visual and drainage/sewerage impacts on the surrounding areas; and illegal occupation of government land; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The scale of the proposed 3-storey house was considered not excessive as it was slightly smaller than a typical NTEH development and the proposed stepped-height design of the development contributed to reducing the building bulk and would allow greater visual permeability. The proposed scale and intensity of development were mainly to reflect the maximum Gross Floor Area (GFA) permitted under the lease and the development would be built and confined within the applicant's lot. The resultant PR and SC of the development were also due to the constraints of the small site area. It had been an established practice of the Committee to take into account building entitlement under the lease in considering the subject

application.

214. The Chairman drew Members' attention that despite the fact that the percentages of minor relaxation of PR and SC were high, the resultant impact was minor. He also asked Mr Tony Moyung, the Assistant Director/Regional 3 of Lands Department to provide more information regarding the applicant's entitlement under the lease. In response, Mr Moyung said that the applicant was entitled to erect a 2-storey building at the subject site and there was no restriction on the GFA under the lease.

Deliberation Session

215. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 17.10.2018, 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.

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

- “(a) the location of the septic tank should be confined within the site;

- (b) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) comments that no site formation works shall be conducted on Government land without the prior approval from DLO/YL. Should planning approval be given to the subject planning application, the lot owner is required to apply for approval from his office for erection of any structure on the lot. Such application will be considered by LandsD acting in the capacity of 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 and fee, as may be imposed by LandsD;

- (c) to note the Chief Building Surveyor / New Territories West, Buildings Department's comments that if the building to be erected on the site is not

to be a New Territories Exempted House under the Buildings Ordinance (BO) (Application to the New Territories) Ordinance (Cap. 121), before any new building works are to be carried out on the site, the prior approval and consent of the Building Authority should be obtained, otherwise they are Unauthorised Building Works. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. As the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity (including plot ratio and site coverage) shall be determined by the Building Committee under Regulation 19(3) of the Building (Planning) Regulations (B(P)R) at the building plan submission stage. For reference, according to the First Schedule of B(P)R, the site coverage of 96.38% shall substantially exceed the permitted site coverage of 66.6% under the First Schedule of B(P)R (assuming the site is a Class A site for reference). He hereby reserves his position under B(P)R 19(3), 20 and 21 in building plan stage. The proposed site coverage of 96.38% may also give rise to non-compliance of open space provision, natural lighting and ventilation and fire separation between buildings, etc. under the BO. He hereby reserves his comment under B(P)R 25, 31 and Building (Construction) Regulation 90 in building plan submission stage. 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 B(P)R respectively;

- (d) to note the Chief Engineer/Development (2), Water Supplies Department's comments that there are existing Government water mains located within the private lot. That section of water mains which is located within the concerned area can be abandoned; and
- (e) to note the Director of Electrical and Mechanical Services' comments 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 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 66

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/697 Temporary Open Storage of Construction Material with Ancillary Site Office for a Period of 3 Years in “Undetermined” zone, Lots 1064 (Part), 1069 (Part) and 1070 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/697)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary open storage of construction material with ancillary site

office for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity of the site (with the nearest one located less than 5m to the immediate east of the site);
- (d) during the first three weeks of the statutory public inspection period, one public comment was received objecting to the application on land use planning, environmental and traffic grounds. The commenter raised concerns on the traffic impact on the nearby road network and that neither environmental nor traffic assessments had been provided to support the application. There was already sufficient supply of land for open storage purposes and approval of the application would set an undesirable precedent and make it difficult to develop the site for other more suitable uses; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone on the OZP which was generally intended for open storage use but was designated with this zoning mainly due to concerns of the capacity of Kung Um Road. The application was generally in line with the Town Planning Board Guidelines for application for Open Storage and Port Back-up Uses. (TPB PG-No. 13E) in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses. Although the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity of the site, there had been no environmental complaint concerning the site in the past 3 years. The concerns of DEP and other relevant government departments were technical in nature which could be addressed through the implementation of approval conditions. Approval of the application on a temporary basis

would not frustrate the long-term use of the area.

218. Members had no question on the application.

Deliberation Session

219. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.10.2017, 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 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, 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, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (d) no dismantling, cleansing, repairing or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (e) no storage or handling of electrical/electronic appliances/components, computer/electronic parts (including cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipments), as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no queuing and reverse movement of vehicle onto public road are allowed at any time during the planning approval period;

- (g) the implementation of the accepted 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 17.4.2015;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.4.2015;
- (i) in relation to (h) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2015;
- (j) 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 28.11.2014;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.4.2015;
- (l) in relation to (k) 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 17.7.2015;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and

- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

220. 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 District Lands Officer/Yuen Long, Lands Department’s (DLO/YL, LandsD) comments that the private lots within the site are Old Schedule Agriculture Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. No approval is given for the specified structures for toilet, meter room, ancillary site office and storage of construction material uses. Should approval be given to the subject planning application, the lot owners concerned will need to apply to his office to permit structures to be erected or regularise any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion 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 track on Government Land and other private land extended from Kung Um Road. His office does not provide maintenance works for such track nor guarantee right-of-way;
- (e) to note the Commissioner for Transport’s comments 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 access road/path/track should be clarified with the relevant management and maintenance authorities accordingly;

- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures should be provided to prevent surface water flowing from the site to the nearby public road/drains. His office 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 minimise any potential environmental nuisances;
- (h) to note the Chief Engineer/Mainland North, Drainage Services Department's comments on the submitted drainage plan (Drawing A-4 of this RNTPC Paper) that the size of the proposed catchpits and the details of the connection between the proposed 300mm surface u-channels and the proposed iron grating should be shown on the drainage plan. Also, DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside the site boundary or outside the applicant's jurisdiction;
- (i) to note the Chief Engineer/Development (2), Water Supplies Department's comments that the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (j) to note the Director of Fire Services' comments that in consideration of the design/nature of proposed structures, 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 of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The attached good practices guidelines for open storage (Appendix IV of the Paper) should also be adhered to. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (k) to note the Chief Building Surveyor / New Territories West, Buildings Department's (BD) comments that if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (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 Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the 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. 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 4.5 m 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 Director of Electrical and Mechanical Services' comments 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 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.”

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

Agenda Item 67

Any Other Business

221. There being no other business, the meeting closed at 8:20 p.m..