

TOWN PLANNING BOARD

Minutes of 521st Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 31.10.2014

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Ms F.C. Chan

Dr Eugene K.K. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Chief Traffic Engineer/New Territories West,
Transport Department
Mr Kelvin K.M. Siu

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

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

Assistant Director/Regional 3,
Lands Department
Mr Edwin W.K. Chan

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

Secretary

Absent with Apologies

Professor K.C. Chau

In Attendance

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

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

Town Planner/Town Planning Board
Ms. Vienna Y.K. Tong

Agenda Item 1

Confirmation of the Draft Minutes of the 520th RNTPC Meeting held on 17.10.2014

[Open Meeting]

1. The draft minutes of the 520th RNTPC meeting held on 17.10.2014 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

[Mr Gary T.S. Lui, Town Planner/Sai Kung and Islands (TP/SKIs), and Mrs Alice K.F. Mak, Senior Town Planner/Sai Kung and Islands (STP/SKIs), were invited to the meeting at this point.]

Agenda Items 3 and 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-MWF/24 Proposed House (New Territories Exempted House - Small House) in
“Recreation” zone, Lot No. 308 R.P. in D.D.4 MW, Luk Tei Tong
Village, Mui Wo, Lantau Island

(RNTPC Paper No. A/I-MWF/24)

A/I-MWF/25 Proposed House (New Territories Exempted House - Small House) in
“Recreation” zone, Lot No. 308 s.B in D.D.4 MW, Luk Tei Tong
Village, Mui Wo, Lantau Island

(RNTPC Paper No. A/I-MWF/25)

Presentation and Question Sessions

3. 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. The Committee agreed that the applications should be considered together.

4. Mr Gary T.S. Lui, TP/SKIs, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;

- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Papers. The Commissioner for Transport (C for T) had reservation on the applications but considered that the applications only involved construction of two Small Houses and could be tolerated unless they were rejected on other grounds;

- (d) during the first three weeks of the statutory public inspection period, two public comments were received on both applications, while one more public comment was received under Application No. A/I-MWF/25. Designing Hong Kong objected to each of the applications on grounds that the proposed development was not in line with the planning intention of the “Recreation” (“REC”) zone; it would have adverse sewerage, drainage, environmental and landscape impacts; and the substandard road was unsafe and inadequate. Living Islands Movement supported the applications provided that matters related to provision of essential public services and facilities viz. emergency access, waste disposal facilities and public toilet had been taken into account. The remaining public comment on Application No. A/I-MWF/25 objected to the application on the ground of insufficient land within village ‘environs’ (‘VE’) of Luk Tei Tong Village for 200 NTEH; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 12 of the Papers. The proposed Small House developments at the sites would not jeopardise the integrity or frustrate the overall planning intention of the “REC” zone for recreational development for the use of the general public. Also, the proposed Small Houses were considered not incompatible with the existing village houses in the immediate surroundings. The applications met the Interim Criteria in that the sites fell entirely within the ‘VE’ of Luk Tei Tong Village and there was a shortage of land in meeting the Small House development within the “Village Type Development” (“V”) zone. The proposed Small Houses had no adverse water supply, drainage and ecological impacts on the surrounding areas. Regarding the public comments, the assessments above were relevant.

5. In response to the Chairman's question, Mr Gary T.S. Lui said that some applications in the vicinity of the sites were rejected mainly on the grounds that they were located outside "V" zone and were not in line with the Interim Criteria at that time while those approved cases were located partly/largely within the "V" zone or 'VE' of the village. In response to the Chairman's further enquiry, Mr Lui said that Applications No. A/I-MWF/7 and 8 were rejected by the Committee in 2003 for the reasons of, inter alia, not in line with the Interim Criteria in that there was sufficient land within the "V" zone for Small House development. For the current applications, as advised by the District Lands Officer/Islands, Lands Department, the 10-year Small House demand forecast of Luk Tei Tong Village and outstanding Small House applications were about 130 and 28 respectively. According to the latest estimate by PlanD, about 51 Small Houses were available within the "V" zone of Luk Tei Tong Village. Therefore, the land available could not fully meet the future Small House demand.

6. Members had no question on the application.

Deliberation Session

7. 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 31.10.2018, 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 :

Application No. A/I-MWF/24

- “(a) the submission and implementation of a Landscape and Tree Preservation Proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) 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.”

Application No. A/I-MWF/25

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

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

Application No. A/I-MWF/24

- “(a) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that tree survey and pruning proposal should be included in the tree preservation proposal;
- (b) to note the comments of the Director of Fire Services that the applicant is reminded to observe the ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:
 - (i) for provision of water supply to the proposed development, the applicant may need to extend his/her inside services to the nearest suitable public water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standard; and

- (ii) water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (d) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department that the applicant should ensure the proposed Small House development would not impose flooding risk to the nearby region; and
- (e) to note the comments of the Commissioner of Transport that the local track leading to the site which is not under the Transport Department's purview. The land status of the access road should be checked with the lands authority. The management and maintenance responsibilities of the access road should be clarified with the relevant lands and maintenance authorities accordingly."

Application No. A/I-MWF/25

- “(a) to note the comments of District Lands Officer/Islands, Lands Department (LandsD) that Small House grant can only be made to an ‘Indigenous Villager’, who is a male person of at least 18 years old and descended through the male line from a resident in 1898 of a recognised village;
- (b) to note the comments of the Director of Fire Services that the applicant is reminded to observe the ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (c) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that:
 - (i) for provision of water supply to the proposed development, the applicant may need to extend his/her inside services to the nearest suitable public water mains for connection. The applicant shall

resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard; and

- (ii) water mains in the vicinity of the application site cannot provide the standard pedestal hydrant;

- (d) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department that the applicant should ensure the proposed Small House development would not impose flooding risk to the nearby region; and

- (e) to note the comments of the Commissioner of Transport that there is a proposed local track leading to the site which is not under Transport Department's purview. The land status of the access road should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly."

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/33 Proposed Comprehensive Development with Residential, Commercial and Residential Institution Uses and Proposed Minor Relaxation of Development Restrictions to permit an additional 310.5 square meters of domestic gross floor area in "Comprehensive Development Area (2)" zone, Lots No. 214 RP, 219, 220 S.A, 220 S.B, 220 RP, 224 and 226 and adjoining Government Land in D.D. 229, Clear Water Bay, Sai Kung

(RNTPC Paper No. A/SK-CWBN/33)

9. The Secretary reported that the application was submitted by Clear Water Bay Land Company Ltd., Double One Ltd. and Coastline International Ltd. with ADI Ltd. (ADI), AECOM Asia Co. Ltd. (AECOM), and MVA Hong Kong Ltd. (MVA) as consultants amongst others. The following Members had declared interest in this item:

- | | |
|---------------------|---|
| Ms Janice W.M. Lai | - having current business dealings with ADI and AECOM |
| Mr Ivan C.S. Fu | - having current business dealings with ADI, AECOM and MVA |
| Professor S.C. Wong | - having current business dealings with AECOM |
| | - being an employee of The University of Hong Kong which had received a donation from AECOM |

10. The Committee noted that Ms Janice W.M. Lai, Mr Ivan C.S. Fu and Professor S.C. Wong had no involvement in the application, and agreed that they should be allowed to stay in the meeting.

Presentation and Question Sessions

11. 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;

[Mr. Lincoln Huang joined the meeting at this point.]

- (b) the proposed comprehensive development with residential, commercial and residential institution uses and proposed minor relaxation of development restrictions;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) observed that the roundabout was operating close to its design capacity during the morning peak hours. In case the application was approved, a condition should be imposed to the effect that the proposed development should not be occupied before completion of the improvement works at the Clear Water Bay Road/Hang Hau Road/Ying Yip Road roundabout (Ying Yip Road Roundabout) or subject to further review to be conducted by the applicants after full completion of Phase 1 development. Moreover, it should not be taken as a commitment of the government to carry out such works, including the timing for their completion. As regards the parking and loading/unloading bays, the locations for the proposed loading/unloading bays were not satisfactory. They should be distributed evenly to more effectively serve all building blocks. The Commissioner for Heritage's Office, Development Bureau (CHO, DEVB) and the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) advised that the existing buildings at the former Shaw Brothers' Studio were currently not graded / proposed graded historic buildings. AMO would follow the normal practice to conduct preliminary assessment regarding the heritage value of the buildings before passing the grading proposal to the Antiquities Advisory Board (AAB) for consideration, to be followed by a one-month public consultation on the proposed grading as agreed by AAB. Subject to the views or information collected during the public consultation period, if any, the grading would be finalised at a subsequent AAB meeting;
- (d) during the first three weeks of the statutory public inspection periods, seven public comments were received. The commenters included the Incorporated Owners of Silver Bay Garden, the Hong Kong University of Science and Technology and five individuals of the public. The Incorporated Owners of Silver Bay Garden commented that the proposed development would affect the existing access for maintenance of drainage channel and fire services vehicle, as well as resulting in adverse air

ventilation impact. Two commenters, including the Hong Kong University of Science and Technology was concerned about the traffic impact of the proposed development. Two commenters raised objection to the application because the buildings at the site had architectural and historical interests, while two commenters were of the views that AMO should conduct grading assessment on the buildings of the site and the Board should defer making a decision on the application until the grading assessment of AMO was completed; 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 proposed comprehensive residential development was in line with the planning intention of the “Comprehensive Development Area (2)” (“CDA(2)”) zone. The proposed development intensity and parameters conformed with the restrictions stipulated in the Notes of the Outline Zoning Plan for “CDA(2)” zone and generally complied with the approved Planning Brief. The proposed building height of 4 to 8 storeys was in line with the planning concept to create a stepped building height profile decreasing towards the Clear Water Bay Road and to avoid adverse visual impact. The proposed “garden” type residential development would also blend in with the rural character of the surrounding land uses and further enhance the low-density residential neighbourhood. Compared with the original 760 existing trees, there would be a net gain of 214 trees at the site. As such, the Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD had no in-principle objection to the application. Appropriate planning approval conditions were proposed to address departmental concerns including C for T and CTP/UD&L, PlanD.

Heritage Assessment

12. A Member asked whether there was any updated information on the progress of AMO's heritage assessment and whether the grading assessment would only cover one or two buildings within the site. In response, Mrs Alice K.F. Mak said that the heritage value of the entire site was being assessed. Upon completion of the grading assessment, AMO

would pass the grading assessment to AAB for consideration, to be followed by a one-month public consultation on the proposed grading as agreed by AAB. It was expected that the grading would be considered by AAB by end 2014/early 2015.

Road Improvement Works

13. The Chairman raised concern on the proposed approval condition (g) as suggested by the Transport Department (TD) to the effect that the proposed development should not be occupied before completion of the improvement works at the Ying Yip Road Roundabout. The Chairman asked whether the improvement works was a public project and what would be its programme. In response, Mr Kelvin K.M. Siu, Chief Traffic Engineer/New Territories West, said that the improvement works were considered necessary by TD but there was currently no programme for its implementation.

14. Noting that TD had no programme for the improvement works, the Chairman asked whether the Committee should impose an approval condition on an application which the applicant might have no control on its implementation.

15. A Member shared the same view and said that the proposed development would provide 1000 car parking spaces, but TD advised that the subject roundabout was already near saturation. It was doubtful whether the improvement works could be implemented. The same Member said it might not be logical if the application was to be approved with no programme for implementation of the improvement work at the roundabout.

16. In response, Mrs Mak said that the approval condition (g) had already been worded to address the above concern by allowing flexibility for the applicant to conduct a further review before completion of Phase 1 development.

Deliberation Section

17. As regards the heritage aspect, Members noted that some buildings with higher heritage value within the site were already proposed by the applicants to be preserved for adaptive reuse, and that the proposed junction improvement works at Clear Water Bay Road and Ngan Ying Road under approval condition (f) would be implemented by the applicants.

As for the improvement works at the roundabout at Ying Yip Road Roundabout, which was at a distance from the site, the Chairman said that the improvement works was to be taken up by the government instead of the applicants.

18. The Chairman said that the proposed development was in line with the planning intention, the number of flats was less than the previous approved application, the buildings with heritage value would be preserved, and road improvement works close to the site would be implemented by the applicants. As for the approval condition (g), similar approval condition had been imposed in the previous approved application.

19. A Member considered that it would be difficult to approve the application based on a proposal of road improvement works by the government without an implementation programme despite there was a previous approval.

20. The Chairman pointed out that if the application was approved, there would still be some time before the lease modification procedures and construction works would be completed. During the interim period, concerned government departments might be able to catch up with the programme of improvement works at Ying Yip Road Roundabout.

21. In response to the Chairman's question, Mr Kelvin K.M. Siu said that as indicated in the application, it was expected that the scale of the proposed roundabout improvement works was not major and it would not take long to complete the improvement works. There would not be any great difficulty in the proposed implementation of the improvement works though TD had no programme for the time being.

22. In response to a Member's query, the Chairman pointed out that the application should not be approved if the proposed improvement works could not be implemented. However, since TD had clarified that the proposed improvement works would unlikely be major, the Committee could consider inviting TD to expedite the proposed road improvement works in order not to cause any delay in flat supply. Members noted that there was no information in hand on whether private land was involved in the proposed improvement works of the Ying Yip Road Roundabout.

23. The Vice-chairman asked how TD would determine whether the proposed road improvement works would be a public or private project and whether TD had any long-term comprehensive road improvement works in the area considering there might be other proposed developments along the Clear Water Bay Road. In response, Mr Siu explained that if the road works were of a major scale and had implications on the whole area, it was unreasonable to request the applicant to implement the project. However, it would be the applicant's responsibility if the proposed improvement works were only to serve the proposed development at the site. For minor road works, it might not be necessary to create a Public Works Programme item, TD might ask the Highways Department to implement such minor works.

24. The Vice-chairman asked whether TD would be able to commit a programme to carry out the proposed improvement works at Ying Yip Road Roundabout. In response, Mr Siu reiterated that the scale of the proposed roundabout improvement works should not be complicated. However, if diversion of footpath causes objections, gazetting under the Roads (Works, Use and Compensation) Ordinance might be required. If a large number of objections were received, it would take a longer time to complete the procedure, which might delay the implementation programme of the improvement works.

25. Members noted that the applicants were aware of the first part of the proposed approval condition (g). The Secretary supplemented that the second part of the approval condition was to provide flexibility to the applicants to make a request to TD for a further review on the approval condition (g) in case there would be difficulty in implementing the proposed roundabout improvement works which was outside the applicants' control. The applicants also had the right to apply for a review on the approval conditions if the application was approved.

[Mr Peter K. T. Yuen and Mr David Y. T. Lui joined the meeting at this point.]

26. A Member said that similar approval condition to be implemented by the government had been adopted in other planning applications for Small House developments. In those cases, as the Drainage Services Department had no programme for implementation of public sewerage system in some areas, an approval condition was imposed stating that 'construction of the Small House should only commence after completion of the public

sewerage system'.

27. As TD had no committed programme for the roundabout improvement works, two Members were concerned about the traffic impact of the proposed development in case there was a mismatch in the population intake of the development and the proposed road improvement works. They suggested that the Committee should defer making a decision on the application pending further information to be obtained on the land status of the area required for the improvement works and clarification from TD on the implementation programme.

28. The Chairman concluded that Members generally agreed to defer making a decision on the application, pending further information to be obtained on the proposed road improvement works at Ying Yip Road Roundabout.

29. After further deliberation, the Committee agreed to defer making a decision on the application in order to seek further information from the concerned government departments on the land status of the area required for and implementation programme of the road improvement works at the Ying Yip Road Roundabout. It was expected that the further information would be presented to the Committee at its next meeting.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBS/16 Proposed Public Utility Installation and associated Excavation of Land in "Conservation Area" and "Village Type Development" Zones, Hillside / Footpath to the south-west of Caribbean Villa in D.D. 230, Sheung Sze Wan, Sai Kung
(RNTPC Paper No. A/SK-CWBS/16)

30. The Secretary reported that the application was submitted by CLP Power Hong Kong Ltd. (CLP). Dr Eugene K.K. Chan and Ms Christina M Lee had declared interests in this item as they were the Convenor and the Director respectively of the Hong Kong

Metropolitan Sports Events Association which had solicited sponsorship from CLP. The Committee noted that Dr Chan had not yet arrived at the meeting and Ms Lee had no involvement in this item, and agreed that she should be allowed to stay in the meeting.

Presentation and Question Sessions

31. 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 public utility installation and associated excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper.

32. Members had no question on the application.

Deliberation Session

33. 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 31.10.2018, 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 :

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

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

- “(a) to note the comments of the District Lands Officer/Sai Kung, Lands Department (LandsD) that the site was located on unleased Government land, and permission from LandsD is required for the proposed works on government land. The applicant is required to take adequate measure to avoid disturbing any graves/urns (if any) in carrying out the works;
- (b) to note the comments of the Commissioner for Transport that the vehicular access leading to Caribbean Villa from Sheung Sze Wan is not under the Transport Department’s purview. Comments should be sought from the management and maintenance authorities of the access road;
- (c) to note the comments of Chief Engineer/Development(2), Water Supplies Department (WSD) that the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection provision of fresh water supply to the development. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards; and
- (d) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the applicant should note that there were existing stormwater drainage facilities maintained by DSD along Sheung Sze Wan Road. The AP/lot owner should verify the actual site conditions by sub-surface explorations where necessary. Extreme care should be taken when working in the vicinity of the existing drainage facilities in order not to disturb, interfere with or cause damage to them. Any blockage of or damage to the said facilities due to the proposed works shall

be made good to the satisfaction of DSD at the resources of the captioned works.”

[The Chairman thanked Mr Gary T.S. Lui, TP/SKIs and Mrs Alice K.F. Mak, STP/SKIs, for their attendance to answer Members’ enquires. Mr Lui and Mrs Mak left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 7

[Open Meeting (Presentation and Question Sessions Only)]

Y/TP/22 Application for Amendment to the Draft Tai Po Outline Zoning Plan No. S/TP/25, To rezone the application site from “Green Belt” to “Residential (Group B)9” and “Residential (Group B)10”, Various lots in D.D. 21 and adjoining Government Land, Shan Tong Road, Tai Po (RNTPC Paper No. Y/TP/22)

35. The Secretary reported that the application was submitted by Million Land Development Limited with LWK & Partners Architects Ltd. (LWK) and AECOM Asia Co. Ltd. (AECOM) as consultants amongst others. The following Members had declared interests in this item:

Ms Janice W.M. Lai - having current business dealings with AECOM

Mr Ivan C.S. Fu - being the director and a shareholder of LWK, and had current business dealings with AECOM

- Professor S.C. Wong
- having current business dealings with AECOM
 - being an employee of the University of Hong Kong which had received a donation from AECOM

36. The Committee considered that the interests of Mr Ivan C.S. Fu were direct. As the applicant had requested for a deferment of the consideration of the application, the Committee agreed that Mr Fu should be allowed to stay in the meeting but refrain from participating in the discussion. The Committee also noted that Professor S.C. Wong and Ms Janice W.M. Lai had no involvement in the application, and agreed that they should be allowed to stay in the meeting.

37. The Committee noted that the applicant requested on 3.10.2014 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 relevant government departments. This was the first time that the applicant requested for deferment of the application.

38. 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 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

39. The Committee noted that the applicant requested on 13.10.2014 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 relevant government departments, including the Transport Department, the Drainage Services Department and the Chief Town Planner/Urban Design and Landscape, Planning Department. This was the applicant’s second request for deferment.

40. 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. This should be the last deferment and no further deferment would be granted.

Agenda Items 9 and 10

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/563 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” zones, Lot 674 S.A in
D.D. 11 and Adjoining Government Land, Fung Yuen, Tai Po

(RNTPC Paper No. A/TP/563 and 564)

A/TP/564 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” zones, Lot 674 S.B in
D.D. 11 and Adjoining Government Land, Fung Yuen, Tai Po

(RNTPC Paper No. A/TP/563 and 564)

41. 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. The Committee agreed that the applications should be considered together.

42. Dr W.K. Yau had declared interests in this item as Dr Yau was responsible for the conservation area that was located close to the site. The Committee agreed that Dr Yau should be invited to leave the meeting temporarily for these two items.

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

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House - Small House) at each of the sites;

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that the sites were overlooked by steep natural hillside and met the alert criteria requiring Natural Terrain Hazard Study (NTHS). He would tender in-principle objection to the applications unless the applicants were prepared to undertake an NTHS and to provide suitable mitigation measures, if found necessary, as part of the development. If the applicants wished to proceed with the proposed developments, they were required to submit Geotechnical Planning Review Reports (GPRR) in support of the applications and to assess the geotechnical feasibility of the proposed development in accordance with the GEO Advice Note;
- (d) during the first three weeks of the statutory public inspection period, each application received from Designing Hong Kong Limited. It objected to the applications mainly on the grounds that the proposed developments would cause adverse environmental impact; there were insufficient parking spaces in the rural area; no impact assessment on environment, landscape, drainage and sewerage were provided; and the cumulative impact on the “Green Belt” (“GB”) zone should be considered; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments made 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. The applications did not meet the Interim Criteria as there was sufficient land available in the “Village Type Development” (“V”) zone to meet the future Small House demand. The applicants did not submit GPRR to support the applications. It was considered the applications were not in line with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ (the TPB PG-No. 10) in that the applicants failed to demonstrate that the proposed developments near hillside would not be

subject to slope stability problems. Regarding the public comments, the assessments above were relevant.

44. In response to the Chairman's enquiry, Mr C.T. Lau said that the footprints of the Small Houses within "V" zone were 87% and 79% under Application No. A/TP/563 and Application No A/TP/564 respectively.

45. The Chairman noted that only minor portion of the sites were outside "V" zone and asked what the existing site conditions was. In response, Mr Lau said that the sites were largely covered with weeds and there were a lot of temporary structures in the vicinity of the sites. The applications did not meet the Interim Criteria in that there was sufficient land available in the "V" zone to meet the future Small House demand.

46. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed Small House developments do not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development in the New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone; and
- (b) the proposed developments do not comply with Town Planning Board PG-No. 10 in that the applicants fail to demonstrate that the proposed developments would not be subject to adverse geotechnical impacts.”

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/484 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 856 S.A in D.D. 9, Yuen Leng Village, Kau
Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/484)

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);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. While the site fell within water gathering ground (WGG), the Chief Engineer/Consultants Management of Drainage Services Department (CE/CM of DSD) advised that public sewerage connection point would be provided in the vicinity of the site. However, since the sewerage scheme was degazetted on 29.10.2010, there was no fixed programme at this juncture for the public sewerage works. As the sewage discharge from the proposed house would have potential to cause water pollution to the WGG, the Director of Environmental Protection (DEP) and the Chief Engineer/ Development (2), Water Supplies Department (CE/Dev(2), WSD) did not support the application in order to protect the potable water. The Commissioner for Transport (C for T) had reservation on the application as NTEH/Small House should be confined within “Village Type Development” (“V”) zone as far as possible;

- (d) during the first three weeks of the statutory public inspection period, one public comment was received. Designing Hong Kong Limited objected to the application mainly on the grounds of being not in line with the planning intention of “Agriculture” zone; no submission of environmental, landscape, drainage and sewage assessments; affecting the traffic and parking provision of the area; and setting of undesirable precedent; 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 site was located within the upper indirect WGG. The latest Application No. A/NE-KLH/455 was rejected by the Committee on 13.12.2013 since the planned sewerage scheme for Yuen Leng Village was degazetted and there was no fixed implementation programme at this juncture for the concerned public sewerage works. Both DEP and CE/Dev(2), WSD did not support the application in order to protect the potable water. Although the site was entirely within the village ‘environs’ of the concerned village and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the concerned village, it did not comply with the Interim Criteria in that the proposed Small House located within the WGG would not be able to be connected to the planned sewerage system in the area. There was also no strong reason to deviate from the Committee’s latest decision on similar application. Regarding the public comment, the assessments above were relevant.

49. Members had no question on the application.

Deliberation Session

50. 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 it was appropriate. The reason was :

- “the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed Small House located within the water gathering ground will not be able to be connected to the planned sewerage system in the area as there is no fixed programme for implementation of such system at this juncture.”

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/517 Proposed Public Utility Installation (Electricity Package Substation) in
“Agriculture” zone, Government Land in D.D. 19, San Uk Tsai , Lam
Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/517)

51. The Secretary reported that the application was submitted by CLP Power Hong Kong Ltd. (CLP). Dr Eugene K.K. Chan and Ms Christina M Lee had declared interests in this item as they were the Convenor and the Director respectively of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from CLP. The Committee noted that Dr Chan had not yet arrived at the meeting and Ms Lee had no involvement in this item, and agreed that she should be allowed to stay in the meeting.

Presentation and Question Sessions

52. 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 public utility installation (electricity package substation) (ESS);

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comments 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 (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper.

53. Members had no question on the application.

Deliberation Session

54. 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 31.10.2018, 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) provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB;
- (b) provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that the applicant should apply to LandsD for the installation of the proposed electricity package substation (ESS) under the mechanism of Block Licence that covers the occupation area of not exceeding 12m²;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:
- (i) the applicant should strictly comply with the “Conditions of Working within Water Gathering Grounds” during the construction of the package transformer;
 - (ii) no discharge of effluent within gathering grounds is allowed without prior approval from WSD. Any effluent discharged from the package transformer compound at any point within water gathering grounds must fully comply with the standards for effluent discharges into Group A Inland Waters as stipulated in Table 3 and paragraph 8.4 of the Technical Memorandum on Effluent Standards;
 - (iii) storage and discharge of toxicant, flammable or toxic solvents, petroleum oil or tar or any other toxic substances are strictly prohibited within gathering grounds; and
 - (iv) leakage of toxicant, petroleum, oil, tar or any other toxic substance from the plant shall be avoided;
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (d) to note the comment of the Chief Town Planner/Urban Design and Landscape, Planning Department that if the land adjacent to the site is available (provided that the applicant has obtained consent from the

LandsD), landscape treatment should be provided to screen the proposed ESS;

- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that public stormwater drain is not available for connection in the vicinity of the site. The proposed drainage works, whether within or outside the site boundary, should be constructed and maintained by the applicant at his own expense; and
- (f) to note the comments of the Director of Electrical and Mechanical Services that for the design and operation of ESS, CLP Power has to comply with the Electricity Ordinance and relevant statutory requirements. As the ESS is to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substations as far as possible. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out any works in the vicinity of the electricity supply lines.”

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/523 Proposed Temporary Eating Place (Restaurant), Shop and Services (Convenient Store) for a Period of 5 Years in “Recreation” zone, Lots 1339, 1340, 1363 RP, 1364 RP and 1365 in D.D. 17, Lo Tsz Tin, Tai Po
(RNTPC Paper No. A/NE-TK/523)

Presentation and Question Sessions

56. 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 temporary eating place (restaurant), shop and services (convenient store);
- (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 some reservations to the application. Existing mature trees with fair to very good condition were found on site. The applicant proposed to remove the trees in the centre of the site and keep the trees along the perimeter of the site. However, with reference to the proposed Layout Plan, some of the trees along the perimeter of the site were in conflict with the structures and parking spaces. It was likely that most of the trees within the site would have to be removed, but no compensatory tree planting was mentioned in the application. Adverse landscape impact due to the proposed development was anticipated;
- (d) the District Officer/Tai Po, Home Affairs Department (DO/TP) advised that there were local objections from Dr. Lau Chee-sing, the District Councillor of the constituency concerned, the Village Representatives and the villagers of Lo Tsz Tin. They were worried that the proposed use, if approved, would deteriorate traffic congestion at Ting Kok Road and cause nuisances to the villagers. They were also worried that the application, if approved, would set an undesirable precedent which would attract more applications of similar nature, resulting in further deterioration of traffic, drainage and environmental situations;
- (e) during the first three weeks of the statutory public inspection period, 59 public comments from District Councillor, Village Representatives, the villagers of Lo Tsz Tin, Mutual Aid Committee of Kong Fu Garden, Lo Tsz Tin Village Environmental Concern Group and individuals were

received (50 of them in standard letters, 17 of which with supplementary comments). All commenters objected to the application mainly for reasons that: (i) the application was not in line with the planning intention of “Recreation” (“REC”) zone; (ii) the site was close to nearby Lo Tsz Tin Village (i.e. about 20m to its north) which would be affected by serious noise, air and waste pollution during the operation of shops and restaurants; (iii) the proposed development would cause adverse ecological impacts on the area when sewage was discharged into the stream; (iv) the existing public transport and parking spaces at the area were insufficient to cater the additional visitors and vehicles; (v) there was no provision of emergency vehicular access (EVA) and fire-fighting facilities in the proposed development posing a threat to the surrounding villages; and (vi) there were many restaurants and barbeque sites situated in the adjacent villages, which caused significant environmental impacts on the area; and

- (f) the PlanD’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The applied uses were not in line with the planning intention of the “REC” zone which was primarily intended for recreational developments for the use of the general public. There was no strong planning justification in the submission to justify a departure from the planning intention of the “REC” zone, even on a temporary basis. CTP/UD&L, PlanD had reservation on the application as most of the existing mature trees would be removed and there was no compensatory tree planting mentioned in the application. As the site was in close proximity to a number of village house, the Director of Environmental Protection advised that noise nuisance from the crowd and the use of machine equipment was anticipated. The applicant had failed to demonstrate that the proposed development would not have adverse environmental and landscape impacts. There were local objections to the application.

Deliberation Session

57. A Member said that the applied uses could be considered as some kinds of

recreational use which might be in line with the planning intention of the "REC" zone, and asked what the permitted uses were under Column 1 of the "REC" zone. Showing the Notes of "REC" zone on the visualize, it was explained that most of the trees within the site would have to be removed and the applicant failed to justify the felling of trees. As such, CTP/UD&L, PlanD had reservation on the application.

58. The Chairman considered that though the proposed development might be in line with the planning intention, the application could not be supported as the applicant had failed to justify the tree felling in the submission. The Chairman suggested and Members agreed that the recommended rejection reason (a) in paragraph 12.1 of the Paper should be refined to reflect Members' views as expressed at the meeting.

59. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the planning intention of the “Recreation” (“REC”) zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. The applicant fails to demonstrate that the proposed development is in compliance with the planning intention of the “REC” zone; and
- (b) the applicant fails to demonstrate that the proposed development would not have adverse environmental and landscape impacts on the surrounding areas.”

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/524 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” zone, Lots 140 S.B ss.1 and 140 RP in D.D. 28, Lung
 Mei Tsuen, Tai Po

 (RNTPC Paper No. A/NE-TK/524)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House - Small House);

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation pointed out that there were some shrubs and a few trees at the site. Development of the proposed Small House and related infrastructures would require felling of trees in “Green Belt” (“GB”) zone. The Director of Environmental Protection (DEP) did not support the application unless the applicant could demonstrate that it was practicable to connect the proposed house to the planned public sewer which was about 60m away from the site at his own cost. The proposed septic tank would not fulfil the minimum requirements as stipulated in the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 5/93 as the site was immediately adjacent to an existing stream. The use of septic tank was not desirable as there was a proposed bathing beach at Lung Mei. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) objected to the application as the construction of the Small House on slope would result in vegetation loss.

Also, the “GB” zone acted as a significant buffer between village developments and undisturbed hillside of Pat Sin Leng. Approval of the application would likely encourage similar developments extending northward in the “GB” and further jeopardize the high landscape quality of the Pat Sin Leng hillside;

- (d) during the first three weeks of the statutory public inspection period, three public comments were received. World Wide Fund Hong Kong, Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited objected to the application mainly for reasons of being not in line with the planning intention of “GB” zone and Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No. 10), bringing about ecological, water pollution and traffic impacts, vegetation clearance, disturbance to nearby natural habitats and no impact assessments on environment, landscape, drainage and sewerage; and

- (e) the PlanD’s views –PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The site fell entirely within “GB” zone. The proposed Small House development was not in line with the planning intention of “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. Although more than 50% of the proposed Small House footprints fell within the village ‘environs’ and there was a general shortage of land in meeting the future Small House demand, the proposed development did not meet the Interim Criteria in that the proposed development would cause adverse landscape and water quality impacts on the surrounding areas. The proposed development also did not comply with the TPB PG-No. 10 in that the proposed developments and the associated site formation works would involve tree felling and clearance of vegetation, and thus resulted in deterioration of landscape quality in the subject “GB” zone. The applicant failed to demonstrate that the proposed development would have no

adverse water quality impacts on the surrounding areas. As such, DEP did not support the application. Although a total of 12 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 were located on vacant land covered by grass and at a distance away from the natural hillsides and the edge of the existing woodland.

61. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone 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;
- (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 involve clearance of existing natural vegetation and affect the existing natural landscape on the surrounding environment; and
- (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 proposed development would cause adverse landscape and water quality impacts on the surrounding areas.”

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/100 Proposed comprehensive residential development in “Comprehensive Development Area (2)” zone, Sha Tin Town Lot No. 581, Yiu Sha Road, Whithead, Ma On Shan
(RNTPC Paper No. A/MOS/100)

63. The Secretary reported that the application was submitted by Good Assets Ltd. with AECOM Asia Co. Ltd. (AECOM), Environ Hong Kong Ltd. (Environ) and Ove Arup & Partners Hong Kong Ltd. (Ove Arup) as consultants amongst others. The following Members had declared interests in this item:

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|---------------------|---|
| Ms Janice W.M. Lai | - having current business dealings with AECOM |
| Mr Ivan C.S. Fu | - having current business dealings with AECOM, Environ and Ove Arup |
| Professor S.C. Wong | - having current business dealings with AECOM |
| | - being an employee of The University of Hong Kong which had received a donation from AECOM |

64. The Committee noted that the applicant had requested for a deferment of consideration of the application. The Committee also noted that Ms Janice W.M. Lai, Mr Ivan C.S. Fu and Professor S.C. Wong had no involvement in the application, and agreed that they should be allowed to stay in the meeting.

65. The Committee noted that the applicant requested on 16.10.2014 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 relevant government departments. This was the first time that the applicant requested for deferment of the application.

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

[The meeting took a break of 5 minutes at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/857 Proposed Minor Relaxation of maximum building height (from 150mPD to 170mPD) and maximum gross floor area (from 43,600sq.m. to 49,880sq.m.) for permitted Home Ownership Scheme Development in "Residential (Group A) 3" zone, Government Land at Wo Sheung Tun Street, Fo Tan, Sha Tin Area 16
(RNTPC Paper No. A/ST/857)

67. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA) with Ove Arup & Partners Hong Kong Ltd. (Ove Arup) as the consultant. The following Members had declared interests in this item:

Mr K.K. Ling (the Chairman) as the Director of Planning	- being a member of the Strategic Planning Committee and the Building Committee of HKHA
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| Mr Edwin W.K. Chan
as the Assistant Director of Lands
Department | - | being an alternate member of 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 KHA |
| Mr H.F. Leung | - | being a member of the Tender
Committee of HKHA |
| Ms Janice W.M. Lai | - | having current business dealings with
HKHA
- |
| Mr Ivan C.S. Fu | - | having current business dealings with
Ove Arup |

68. The Committee considered that the interests of the Chairman, Mr Edwin W.K. Chan, Mr Frankie W.P. Chou, Mr H.F. Leung and Ms Janice W.M. Lai were considered direct and agreed that they should be invited to leave the meeting temporarily for this item. The Committee also noted that Mr Ivan C.S. Fu had no involvement in the application, and agreed that Mr Fu should be allowed to stay in the meeting. As the Chairman had to leave the meeting temporarily, Members agreed that Prof. S.C. Wong, the Vice-chairman, should chair the meeting for this item.

[The Chairman, Mr Edwin W.K. Chan, Mr Frankie W.P. Chou, Mr H.F. Leung and Ms Janice W.M. Lai left the meeting temporarily at this point.]

Presentation and Question Sessions

69. Mr Willy L.F. Pang, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of maximum building height (BH) (from 150mPD to 170mPD) and maximum gross floor area (GFA) (from 43,600m² to 49,880m²);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) advised that with the incorporation of mitigation measures, she had no objection to the application. The overall tree preservation and landscape design were considered acceptable. Various technical assessments including Traffic Impact Assessment, Environmental Assessment Study and Sewerage Impact Assessment had been conducted by the applicant to demonstrate that the proposed minor relaxation of GFA and BH restrictions would not bring about adverse traffic, environmental and sewerage impacts on the surrounding areas. Concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period;
- (e) the District Officer (Sha Tin) had consulted the locals regarding the application. The proposed Home Ownership Scheme development was further discussed at the meeting of the Development and Housing Committee (DHC) of the Sha Tin District Council on 2.5.2014, following the earlier discussions on 5.9.2013 and 30.10.2013. Some DHC members expressed concerns about the potential population pressure on local infrastructure, transport and community services, and raised the need for further improvement works to Fo Tan MTR Station; and

- (f) the PlanD's views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposal was in line with the Government Policy in boosting housing supply by increasing the development intensity by 20% where feasible in New Town. The current application would allow the flat production to increase by about 100 flats to meet acute demand for public housing. The proposed minor relaxation to increase flat supply could help optimize scarce land resources. The proposed minor relaxation was considered acceptable for the subject location and site context without major changes to the character of the locality. The proposed development would have no significant adverse environmental, ecological, visual, landscape and infrastructural impacts.

70. Members had no question on the application.

Deliberation Session

71. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 31.10.2018, 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 submission and implementation of landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the Director of Fire Services' comments that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;

- (b) to note the Chief Architect/Central Management Division 2, Architectural Services Department's comments that the applicant should further minimize the visual impact of the proposed development as far as practical within the site constraints; and
- (c) to note the Director of Environmental Protection's comments that the applicant undertook to revise the Environmental Assessment Study Report to address his previous comments and to implement the recommended mitigation measures."

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/858 Proposed Minor Relaxation of maximum building height (from 160mPD to 165mPD) and maximum gross floor area (from 194,500sq.m. to 237,290 sq.m.) for permitted Public Rental Housing Development in "Residential (Group A) 2" zone, Lot Nos. 953 S.B RP (Portion), 954 S.A, 954 S.B RP, 955 RP, 956 RP, 957 S.B, 958, 959, 960 and 961 in D. D. No. 174 and Adjoining Government Land at Fo Tan, Sha Tin Area 16 and 58D
(RNTPC Paper No. A/ST/858)

73. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA) with Ove Arup & Partners Hong Kong Ltd. (Ove Arup) as the consultant. The following Members had declared interests in this item:

Mr K.K. Ling (the Chairman) as the Director of Planning	- being a member of the Strategic Planning Committee and the Building Committee of HKHA
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| Mr Edwin W.K. Chan
as the Assistant Director of Lands
Department | - | being an alternate member of the
Director of Lands who is 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 is 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 |
| Ms Janice W.M. Lai | - | having current business dealings with
HKHA |
| Mr Ivan C.S. Fu | - | having current business dealings with
Ove Arup |

74. The Committee noted that the Chairman, Mr Edwin W.K. Chan, Mr Frankie W.P. Chou, Mr H.F. Leung and Ms Janice W.M. Lai had already left the meeting temporarily for this item. The Committee also noted that Mr Ivan C.S. Fu had no involvement in the application, and agreed that Mr Fu should be allowed to stay in the meeting. Members agreed that Prof. S.C. Wong, the Vice-chairman, should continue to chair the meeting for this item.

Presentation and Question Sessions

75. Mr Willy L.F. Pang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed minor relaxation of maximum building height (BH) (from 160mPD to 165mPD) and maximum gross floor area (GFA) (from 194,500m² to 237,290m²);

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The proposed public rental housing (PRH) development would inevitably bring about moderate to significant visual impacts to certain vantage points. With the incorporation of mitigation measures by building design and layout, orientation and placement of buildings, and the overall landscaping, the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) considered that the stepped height profile was generally maintained and the proposed BH of 165mPD was not considered unacceptable from visual perspective. Subject to the adoption and implementation of the proposed mitigation measures in the development and the provision of a minimum 30% green coverage in the site, CTP/UD&L, PlanD had no objection to the application. Various technical assessments including Traffic Impact Assessment, Environmental Assessment Study and Sewerage Impact Assessment had been conducted by the applicant to demonstrate that the proposal would not bring about adverse traffic, environmental and sewerage impacts on the surrounding areas. Concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory public inspection period, two comments were received. A commenter objected to the application as the increase in development intensity would worsen the traffic situation in particular along Shan Mei Street and Wong Chuk Yeung Street. Another comment submitted by a group of 16 villagers/individuals objected to the application mainly on the grounds that: (i) the proposed development would induce adverse impacts on landscape and air ventilation of Kwei Tei New Village; (ii) there was serious traffic congestion at Fo Tan area as the existing road network had been already overloaded. The increase in population together with the additional traffic flow to the area would

worsen the traffic congestion; (iii) the site was remotely situated at the edge of the Fo Tan Industrial Area. There was a lack of community facilities to serve the future population; (iv) the continuous population growth in Sha Tin area would pose pressure to the local traffic and community facilities serving the Sha Tin residents. Hence, the Housing Department should provide sufficient community and supporting facilities to cater for any new housing development in the area; and (v) the proposed development was situated on private land and there was no consultation with and notification to the affected residents;

- (e) the District Officer (Sha Tin) had consulted the locals regarding the application. The subject PRH development was further discussed at the meeting of the Development and Housing Committee (DHC) of the Sha Tin District Council on 2.5.2014, following the earlier discussions on 5.9.2013 and 31.10.2013. Although they were in general supportive of the proposal, some DHC members continued to express concerns about the severe impact on the traffic flow and congestion arising from an increase in population, thus exacerbating further the insufficiency of the current public transport facilities in the locality. In particular, they raised the need for improvement works to expand the capacity of Fo Tan MTR Station. More and appropriate community infrastructure and services for the PRH population would need to be planned. They were also worried about possible further public housing development at the landscape area of the PRH development in future. At earlier meetings of DHC in 2013, members expressed serious concerns on the plot ratio (PR) of the said PRH development, pegging at 5.8 and against the convention of PR at 5 for Sha Tin. The DHC paper and the relevant discussion at DHC in May 2014 were premised at a PR of around 6, with building height not exceeding 170mPD and the highest floor at 38. The revised plan was now at PR of 6.1 with the highest floor at 39, though not exceeding 170mPD; and
- (f) the PlanD's views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposal was in line with the Government Policy in boosting housing supply by increasing the

development intensity by around 20% where feasible in New Town. The current application would allow the flat production to increase by about 650 flats to meet acute demand for public housing and help to shorten the PRH waiting list. The current application proposed a minor relaxation of GFA by 22% was considered acceptable for the subject location and site context without major changes to the character of the locality. The increase in GFA had included non-domestic GFA of 6,000m² (a total of 19,500m²) mainly to provide public vehicle park, public transport lay-by and additional retail floor space to serve the residents and the neighbourhood as requested by the locals. The proposed retail centre was an integral part of the PRH development and the scale was not excessive. The proposed development would have no significant adverse environmental, ecological, visual, landscape and infrastructural impacts.

76. Members had no question on the application.

Deliberation Session

77. 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 31.10.2018, 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 submission and implementation of landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the Director of Fire Services’ comments that detailed fires safety requirements will be formulated upon receipt of formal submission of general building plans;

- (b) to note the Chief Architect/Central Management Division 2, Architectural Services Department’s comments that attempt should be made to reduce the extent of the elevated decks to minimize any adverse impacts to the surroundings, and to avoid wall-like development; and

- (c) to note the comments of the Director of Environmental Protection (EPD) that :
 - (i) revise the Environmental Assessment Study (EAS) Report to address his previous comments and implement the recommended mitigation measures;

 - (ii) implement suitable noise mitigation measures at the proposed social welfare facilities to comply with the noise planning standard;

 - (iii) the provision of central air-conditioning may not be desirable for some of the proposed social welfare facilities like residential care home for the elderly. In case the facilities have any windows or openings facing the noise sources, the applicant should provide suitable noise mitigation measures (acoustic windows, barrier, etc.) to reduce the potential noise impact. The Housing Department should note that the noise planning standards for the proposed welfare facilities may be different from that for the residential units, e.g. the traffic noise criteria is 65dB(A) for child care centres and 55dB(A) for the diagnostic rooms/wards in the residential care homes for the elderly; and

 - (iv) proper ventilation system like central air-conditioning or other form of mechanical ventilation system should be provided to the proposed kindergarten such that it will not rely on opened windows for

ventilation. The retail/commercial centre should be non-noise sensitive according to the EAS report.”

[The Chairman, Mr Edwin W.K. Chan, Mr Frankie W.P. Chou, Mr H.F. Leung, Ms Janice W.M. Lai and Dr C.P. Lau returned to join the meeting at this point.]

[Dr Eugene K.K. Chan and Ms Anita W.T. Ma arrived at the meeting at this point.]

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

79. The Secretary reported that after the issue of the RNTPC paper, the applicant submitted further information (FI) to explain why a drainage impact assessment could not be undertaken and the rationale for clearance of the vegetation on site prior to submitting the planning application. A supplementary sheet summarizing the applicant’s FI and the departmental comments on it were tabled at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of building materials with ancillary warehouse and parking facilities for lorries and private cars 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 domestic structures in the vicinity of the site; the closest one was located less than 10m to the immediate south of the site. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) objected to the application. It was expected that portion of the site would be paved for temporary open storage and such change in catchment characteristic would result in additional runoff from the site, which would greatly increase the risk of flooding in the area. A Drainage Impact Assessment was required to assess the potential drainage impacts resulting from the proposed development. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application. The site was situated in an area of rural landscape character dominated by tree groups and farmland but had been disturbed by some suspected unauthorized open storage use. The proposed use was incompatible with the surrounding rural environment. According to the aerial photo taken on 31.1.2013, the site was covered with tree groups and dense vegetation. However, when comparing the aerial photo and the recent site visit, it was noted that majority of the trees and vegetation within the site had been removed. Significant adverse impacts on the existing landscape character and resources had taken place. Approval of the application would likely encourage the introduction of more open storage use in the area leading to further deterioration of the rural landscape resources. In addition, no tree preservation and landscape proposal was submitted;
- (d) during the first three weeks of the statutory public inspection period, four public comments were received. A North District Council member supported the application as it could provide convenience to the applicant. A public comment with signatures of local villagers objecting to the application was as same as the one received from the District Officer (North), Home Affairs Department (DO(N), HAD) . The other two public comments were from Designing Hong Kong Limited and Kadoorie Farm

and Botanic Garden Corporation raising objection to the application mainly on the grounds that the proposed development was not in line with the planning intention; agricultural land in Hong Kong should not be further reduced in order to safeguard food supply; no traffic impact assessment had been included in the submission; approval of the application would set an undesirable precedent for similar applications; and the proposed development would result in adverse environmental impacts on the surroundings;

- (e) DO(N), HAD advised that the Indigenous Inhabitant Representative and the Resident Representative of San Uk Ling, and New Territories Boundary Central District Sha Ling Villagers Welfare Association together with the local villagers raised objection to the application mainly on the grounds that the proposed development would cause adverse traffic and environmental impacts on the surrounding area; illegal development and land filling within the site had caused serious environmental nuisance and problems to the villagers; and no landscape proposal/mitigation measures was submitted while large area of vegetation was found cleared. The Vice-Chairman of Ta Kwu Ling District Rural Committee supported the application while the incumbent District Council member had no comment on the application. The 沙嶺村盂蘭會 supported the application and advised the applicant to pay attention to the traffic condition of Man Kam To Road; and

- (f) the PlanD's views –PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The application was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. The applicant had not provided any strong planning justifications in the submission for a departure from the planning intention, even on a temporary basis. The current application was a “Destroy First, Build Later” case in comparing the aerial photos taken in January and July 2013. The Planning Authority had issued an Enforcement Notice (EN) to the concerned landowners requiring the

discontinuance of the relevant unauthorized land filling on 22.8.2013. As the EN requirement had not been fulfilled upon the expiry of EN by 29.8.2013, the concerned landowners were subject to prosecution action. The application should be assessed based on the expected state of the site upon reinstatement, whereby the site would be covered by grass. In this regard, as the development would require site formation and paving, the open storage use would not be compatible with the surrounding land uses which were rural in character. The application did not comply with the Town Planning Board Guidelines No. 13E in that there was no previous planning approval granted at the site; the proposed development was not compatible with the surrounding land uses which were predominantly rural in character; there were adverse departmental comments on the application; and the applicant failed to demonstrate that the development would have no adverse drainage, environmental and landscape impacts on the surrounding areas. A similar application (Application No. A/NE-FTA/145) was rejected by the Committee on 22.8.2014. The planning circumstance for the case under application was similar to the recently rejected application. There was no strong reason to deviate from the Committee's latest decision on similar application.

81. Members had no question on the application.

Deliberation Session

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

“(a) the application is not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which is primarily intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such

planning intention, even on a temporary basis;

- (b) the application does not comply with the Town Planning Board Guidelines No. 13E in that there is no previous planning approval granted at the site; the proposed development is not compatible with the surrounding land uses which are predominantly rural in character; there are adverse departmental comments on the application; and the applicant fails to demonstrate that the development would have no adverse drainage, environmental and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/98 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 328 S.I in D.D. 37, Man Uk Pin Village, Sha
Tau Kok
(RNTPC Paper No. A/NE-MUP/98)

Presentation and Question Sessions

83. 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 IV of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application from the agricultural development point of view as agricultural activities in the vicinity of the site were active and agricultural infrastructures, such as access road and water supply were available. As such, the potential for agricultural rehabilitation of the site was high. The Commissioner for Transport had reservation on the application but considered that the application only involved construction of one Small Houses and could be tolerated unless they were rejected on other grounds;
- (d) the District Officer (North), Home Affairs Department advised that the Chairman of Sha Tau Kok District Rural Committee supported the application, while a North District Council (NDC) member and a village representative of Man Uk Pin had no comment. Another village representative of Man Uk Pin raised objection to the application on the ground that the site was close to the Man Uk Pin Stream and worried that the proposed development would cause water pollution to the stream;
- (e) during the first three weeks of the statutory public inspection period, two public comments were received. A public comment from a NDC member supported the application as it would bring convenience to the villagers. The other public comment was received from Designing Hong Kong Limited which objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone; no environmental, traffic, landscape, drainage or sewerage assessments had been submitted; approval of the case would set an undesirable precedent for similar applications; and most villagers built the Small Houses for financial gain but not for domestic purpose; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper.

While the site was located in close proximity to the Man Uk Pin Stream, the Director of Environmental Protection advised that in view of the small scale of the proposed development, it would be unlikely to cause major pollution to the area. The application generally met the Interim Criteria for assessing planning application for NTHE/Small House development in that more than 50% of the footprint of the proposed Small House fell within the village 'environs' ('VE') of Man Uk Pin Village and there was insufficient land within the "Village Type Development" ("V") zone of Man Uk Pin Village to meet the Small House demand. Hence, sympathetic consideration could be given to the application. The proposed Small House was not incompatible with the surrounding rural landscape character and would unlikely cause adverse impacts on the surrounding area. Twenty similar applications within the same "AGR" zone in the vicinity of the site were approved by the Committee or the Board on review between 2001 and 2014. There had not been any material change in planning circumstances for the area since the approval of these similar applications. Other government departments consulted had no comment on or no objection to the application. Regarding the adverse public comment, government departments' comments and planning assessment above were relevant.

84. Members had no question on the application.

Deliberation Session

85. 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 31.10.2018, 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.”

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

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

- (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection 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 lot to WSD’s standards; and

- (ii) the site is located within flood pumping gathering ground;

- (b) 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 and public sewerage connection are not available;

- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that any access road leading from Wo Keng Shan Road to the site is not maintained by HyD;

- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation 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;
- (f) to follow the requirements as set out in the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 5/93 published by the Environmental Protection Department on the design and construction of the septic tank and soakaway pit system for the proposed Small House;
- (g) 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
- (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 TPB where required before carrying out the road works.”

Agenda Items 20 to 22

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/486 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 546 S.A SS.1 in DD77, Ping Che, Ta Kwu
Ling

(RNTPC Paper No. A/NE-TKL/486 to 488)

A/NE-TKL/487 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 546 S.C SS.1 in DD77, Ping Che, Ta Kwu
Ling
(RNTPC Paper No. A/NE-TKL/486 to 488)

A/NE-TKL/488 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 546 S.B SS.1 in DD77, Ping Che, Ta Kwu
Ling
(RNTPC Paper No. A/NE-TKL/486 to 488)

87. The Committee noted that the three applications were similar in nature and the application sites (the sites) were located in close proximity to each other. 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 Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House - 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 did not support the applications from the agricultural development point of view as the sites had potential for agricultural rehabilitation. The Commissioner for Transport had reservation on the applications but considered that the applications only involved construction of three Small Houses and could be tolerated unless they were rejected on other grounds;
- (d) The District Officer (North), Home Affairs Department (DO(N), HAD) advised that the Secretary of Ta Kwu Ling District Rural Committee, the

Incumbent District Council member, the Indigenous Inhabitant Representative and the Resident Representative of Ping Che had no comment on the applications; and

- (e) during the first three weeks of the statutory public inspection period, two public comments on each of the three applications were received. A public comment from a North District Council member supported the applications as they would bring convenience to the villagers. The other public comment was received from Designing Hong Kong Limited which objected to the applications mainly on the grounds that the proposed developments were not in line with the planning intention of “Agriculture” (“AGR”) zone; no environmental, traffic, landscape, drainage or sewerage assessments had been submitted; approval of the cases would set an undesirable precedent for similar applications; and most villagers built the Small Houses for financial gain but not for meeting their housing needs; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessment made in paragraph 11 of the Paper. The applications generally met the Interim Criteria in that more than 50% of the footprint of each of the proposed Small Houses fell within the village ‘environs’ (‘VE’) of Ping Che and there was insufficient land within the “Village Type Development” (“V”) zones of Ping Che Village (including Ping Che, Ping Che Kak Tin and Ping Che Yuen Ha) to meet the Small House demand. Hence, sympathetic consideration could be given to the applications. The proposed Small Houses were not incompatible to the surrounding environment. Eight similar applications within/partly within the same “AGR” zone in close proximity to the sites were approved by the Committee between 2007 and 2014. There had not been any material change in planning circumstances for the area since the approval of these similar applications.

89. Members had no question on the applications.

Deliberation Session

90. After deliberation, the Committee decided to approve the applications, on the terms of each of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 31.10.2018, 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 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.”

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

- “(a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) on the following:
 - (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards; and
 - (ii) the site is located within the flood pumping gathering ground;

- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (c) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal applications referred by LandsD;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Ng Chow South Road to the site is not maintained by her department; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

[The Chairman thanked Mr C.T. Lau, Mr Willy L.F. Pang and Mr Wallace W.K. Tang, STP/STN, for their attendance to answer Members’ enquires. Messrs Lau, Pang and Tang left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

[Mr Kevin C.P. Ng, Mr Otto K.C. Chan, Mr C.K. Tsang and Mr Ernest C.M. Fung, Senior Town Planners/Fanling, Sheung Shui & Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/375 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1235 S.A in D.D. 100, Chan Uk Po Village,
Tsiu Keng, Sheung Shui
(RNTPC Paper No. A/NE-KTS/375)

Presentation and Question Sessions

92. Mr Kevin C.P. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application from an agricultural development point of view as the site was a vegetable field with lemon grass and sweet potatoes and agricultural activities in the vicinity were active. The Commissioner for Transport had reservation on the application but considered that the application only involved construction of one Small House and could be tolerated unless it was rejected on other grounds.
- (d) the District Officer (North), Home Affairs Department advised that the incumbent North District Council member, the Chairman of the Sheung Shui District Rural Committee, the Indigenous Inhabitant Representative of Tsiu Keng and the Resident Representative of Tsiu Keng had no comment on the application;

- (e) during the first three weeks of the statutory public inspection period, two public comments were received. Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited objected to the application mainly on the following grounds: (i) the site was zoned “Agriculture” (“AGR”) and there were active farmland in the vicinity of the site; (ii) supply of farmland should be safeguarded and area of agricultural land in Hong Kong should not be further reduced; (iii) NTHEs generally lacked public sewerage, parking areas and access would lead to problems including water contamination and unsafe provisions to residents; (iv) the Committee should consider the potential cumulative impact of approval of Small House applications within “AGR” zone; and (v) the Committee should urge the Lands Department to complete the review on Small House Policy and for a halt to land grants for Small Houses without ensuring a proper layout of roads, parking and amenities;

- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The application generally met the Interim Criteria in that not less than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Chan Uk Po Village of Tsiu Keng and there might not be sufficient land within the “Village Type Development” zones of Tsiu Keng to meet the Small House demand. Hence, sympathetic consideration could be given to the application. It was not anticipated that the proposed development would have significant adverse drainage, environmental and landscape impacts on the surrounding area. Four similar applications for Small House development within the same “AGR” zone in the vicinity of the site had been approved with conditions by the Committee. Regarding the public comments, planning assessment above were relevant.

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 31.10.2018, 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 proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Fan Kam Road to the site is outside his department’s maintenance jurisdiction;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development and the provision of a septic tank;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable

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

- (ii) the site is located within the flood pumping gathering ground;
- (d) to note the comments of the Director of Fire Services to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FLN/1 Proposed temporary Vehicle Park for Rehabuses for a Period of 3 Years in “Open Space” zone and an area shown as “Road”, Government Land in D.D. 51, Tin Ping Shan, Sheung Shui
(RNTPC Paper No. A/FLN/1A)

96. Mr Kelvin K.M. Siu and Mr Ivan C.S. Fu had declared interests in this item as Mr Siu was living at one of the estates that had raised objection to the application and Mr Ivan C.S. Fu had assisted the fund-raising of the Hong Kong and Society for Rehabilitation.

The Committee considered that the interests of Mr Siu were direct and agreed that he should be invited to leave the meeting temporarily for this item. The Committee also noted that Mr Fu had no involvement in the application, and agreed that Mr Fu should be allowed to stay in the meeting.

[Mr Kelvin K.M. Siu left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary vehicle park for rehabuses for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 8 and Annex I of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site, the closest one was located at about 70m to the south of the site;
- (d) the District Officer (North), Home Affairs Department (DO(N), HAD) advised that the Chairman of the Owners' Committee of Woodland Crest objected to the application on the grounds that the tenant of the site had violated the conditions of the Short Term Tenancy agreement such as the number of vehicle and operating hours, and the current use of rebus park had already caused adverse environmental nuisance to nearby residents. The Chairman of the Residents' Association of Sheung Shui Tin Ping Shan Tsuen supported the application on the grounds that vacant government land should be better utilised, especially for facilitating disadvantaged groups, and the site was not located at busy and major road. He also expressed that as the site was located within the New Development Area (NDA), the government should ensure that the land could be resumed

without any delay of the development programme of NDA; and the Tin Ping Shan Tsuen Kai-fong Group and the incumbent North District Council (NDC) member had no comment on the application. The Chairman of the Owners' Committee of On Kwok Villa had not replied;

- (e) no public comment was received during the first three weeks of the statutory publication period; and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of 3 years based on the assessment made in paragraph 10 of the Paper. The site had been formed and used for the applied use since 2010. According to Civil Engineering and Development Department (CEDD), the development of the Fanling North NDA would be implemented in phases and the site would not be required for development before 2018. In this regard, the approval of the application on a temporary basis for three years would not frustrate the long-term planning intention and implementation programme of the “Open Space” zone and planned road alignment. The applied temporary vehicle park was not incompatible with the surrounding land uses. In view of the small scale of the vehicle park (only for 7 parking spaces) and its operation arrangement, it would unlikely cause significant adverse traffic, drainage and landscape impacts on the surrounding areas. While DEP did not support the application as there were some domestic structures in the vicinity of the site, there was no record of environmental complaint received in the past three years. Appropriate planning approval conditions were proposed to address DEP's concern. Regarding the public comments, the planning assessment and the comments of the government departments above were relevant.

98. Members had no question on the application.

Deliberation Session

99. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 31.10.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicle other than private light buses/private buses are allowed to be parked on the site during the planning approval period;
- (b) no operation between 11:00 pm to 6:00 am, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) ‘No honning’ signs would be provided on the site at all times during the planning approval period;
- (d) no vehicle repairing, car washing, fuelling and dismantling activities should be carried out on the site at any time during planning approval period;
- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.4.2015;
- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of planning application to the satisfaction of the Director of Planning or of the TPB by 31.7.2015;
- (g) 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 cases to have effect and shall be revoked immediately without further notice; and
- (h) if any of the above planning conditions (e) or (f) is not complied with by the specified date, the approval hereby given shall cases to have effect and shall on the same time be revoked without further notice.”

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

“(a) to note the comments of the Chief Engineer/Development(2) of Water Supplies Department (WSD) as follows:

- (i) existing water main(s) is found inside the lot and affected, which may need to be diverted or protected. The applicant shall bear the cost of any necessary diversion/protection works for the water main(s) affected by the proposed use; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before works commence;
- (ii) if diversion is not required, the following conditions shall apply:
 - no structures shall be built or materials stored within 1.5 meters from the centre line(s) of water main(s). Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - no trees or shrubs with penetrating roots may be planted within the Water Reserve or in the vicinity of the water main(s). No change of existing site condition may be undertaken within the aforesaid area within prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5 m or less, and the barrier must extend below the invert level of pipe;
 - no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 m around the cover of any valve or within a distance of 1 m from any hydrant outlet;

- (b) to follow the environmental mitigation measures as set out in the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage sites’ issued by the Environmental Protection Department to minimise any potential environmental nuisance; and

- (c) to note the comment of the Chief Building Surveyor/New Territories West, Buildings Department if the subject land will be a leased land.”

[Mr Kelvin K.M. Siu returned to join the meeting at this point.]

Agenda Item 25

Section 16 Application

[Open Meeting]

A/YL-KTS/651 Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” zone, Lot 1873 RP (Part) in D.D. 106, and Adjoining Government Land, Kam Sheung Road, Yuen Long

(RNTPC Paper No. A/YL-KTS/651)

101. The Committee noted that the applicant requested on 21.10.2014 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. This was the first time that the applicant requested for deferment of the application

102. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the

applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/652 Temporary Open Storage of Vehicles (Pending Repair and Insurance Compensation) and Spare Parts for a Period of 3 Years in “Agriculture” zone, Lot 467 RP in D.D. 106, Kam Sheung Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/652)

Presentation and Question Sessions

103. 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 (pending repair and insurance compensation) and spare parts for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there was sensitive receiver, i.e. residential structures located to the north and in the vicinity of the site (nearest one was 10m to its north), and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by

the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of vehicles (including vehicles pending repair and insurance compensation) and spare parts use could be tolerated for a period of 3 years based on the assessment made in paragraph 12 of the Paper. The granting of temporary permission would not frustrate the planning intention of the “Agriculture” zone. The proposed development was considered not incompatible with the surrounding land uses. The current application generally complied with Town Planning Board Guideline for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site was the subject of previous planning approvals (Applications No. A/YL-KTS/145, 209, 262, 339, 419, 530 and 636) for the same use since 1999 and no adverse comment on the current application from the relevant departments except DEP had been received. 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 were suggested to address DEP's concern. Since the last approved application was revoked, shorter compliance periods for the approval conditions were recommended for the current application to monitor the progress of compliance.

104. Members had no question on the application.

Deliberation Session

105. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 31.10.2017, 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 10:00 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 tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be stored/parked at or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (f) the stacking height of vehicles and vehicle parts should not exceed the height of the peripheral fence of the site at any time during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of the tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 31.1.2015;
- (i) in relation to (h) above, the implementation of the 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 30.4.2015;
- (j) the submission of the record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 31.1.2015;

- (k) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.12.2014;
- (l) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.1.2015;
- (m) in relation to (l) above, the provision of 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 30.4.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods are imposed 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) the site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) 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 DLO/YL. The site is accessible to Kam Sheung Road via Government land (GL). DLO/YL provides no maintenance work for the GL involved and does not guarantee right of way. The lot owner concerned will need to apply to DLO/YL to permit structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(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;
- (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 Environmental Protection Department to minimise any potential environmental nuisances;
- (f) note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to D of FS 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 Good Practice Guidelines for Open Storage sites in Appendix V of the Paper should be adhered to. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a

valid fire certificate (FS251) to D of FS for approval. 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;

- (g) to note the comments of the Commissioner of Transport (C for T) that the site is connected to the public road network via a section of a local access road which is not managed by C for T. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should provide updated photo record on the conditions of existing trees and shrubs;
- (j) to note that the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any use under 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 Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the 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 4.5m 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 comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and/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 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 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 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/702 Proposed Temporary Public Car Park for a Period of 3 Years in
 “Residential (Group D)” zone, Lots 78 S.A (Part) and 93 (Part) in
 D.D.108, Fan Kam Road, Pat Heung, Yuen Long
 (RNTPC Paper No. A/YL-PH/702)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary public car park 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, i.e. residential structures located to north (about 15m away) and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary public car park could be tolerated for a period of 3 years based on the assessment made in paragraph 11 of the Paper. Although the development of public car park was not entirely in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, it could satisfy some of the local parking demand. Since there was no

known permanent development programme at this part of the “R(D)” zone, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone. The proposed development was not incompatible with the surrounding land uses. The site was the subject of five previous approvals (No. A.YL-PH/385, 413, 501, 604 and 661) for the use same as the current application since 2001 and no adverse comment on the current application from the relevant departments, except DEP, has been received. Although DEP did not support the application, there was no environmental complaint for the public car park use at the site in the past three years and appropriate planning approval conditions were suggested to address DEP’s concern. Since the last approved application was revoked, shorter compliance periods for the approval conditions were recommended for the current application to monitor the progress of compliance.

108. Members had no question on the application.

Deliberation Session

109. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 31.10.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time 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) a notice should be posted at a prominent location of the site at all time to indicate that 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 during the planning approval period;

- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the site at any time during the planning approval period;
- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of the record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 31.1.2015;
- (g) the implementation of the accepted landscaping and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 31.1.2015;
- (h) the submission of fire service installation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.1.2015;
- (i) in relation to (h) above, the provision of 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 30.4.2015;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have

effect and shall on the same date be revoked without further notice; and

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

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

- “(a) the permission is given to the use under application. It does not condone any other use including the storage of construction machinery use which currently exists on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such use not covered by the permission;
- (b) to resolve any land issue relating to the proposed development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lots within the site are Old Scheduled Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval of the Government. The site is accessible to Fan Kam Road via Government land (GL). LandsD provides no maintenance work for the GL involved and does not guarantee right-of-way. The lot owners concerned will need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (d) to note the comments of the Commissioner of Transport 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 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 latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant should provide updated photo record on the conditions of existing trees within the site boundary;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation to adopt necessary measures to prevent polluting the watercourse to the east of the site during operation;
- (h) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to D of FS 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;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including 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 Unauthorized

Building Works (UBW). An Authorized 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-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; and

- (j) 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, prior consultation and arrangement with the electricity supplier is necessary for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by PlanD. Prior 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 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 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/703 Temporary Car Park for Villagers (Excluding Container Vehicle) for a Period of 2 Years in “Village Type Development” zone, Lots 83 (Part), 85 RP (Part), 86 (Part), 87 S.B (Part), 87 RP (Part) and 92 RP (Part) in D.D. 111, and Adjoining Government Land, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/703)

111. The Secretary reported that there was a typo in the last line of paragraph 1.2 on the first page of the Paper. The year should be 2015 instead of 2013.

Presentation and Question Sessions

112. 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 car park for villagers (excluding container vehicle) for a period of 2 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 comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary car park for villagers (excluding container vehicles) could be tolerated for a period of 2 years based on the assessment made in paragraph

11 of the Paper. Temporary approval of the application would not jeopardise the long-term planning intention of the “Village Type Development” (“V”) zone. The development was considered not incompatible with the surrounding land uses which were rural in character predominated by residential dwellings/development and agricultural land with a number of open storage yards.

113. Members had no question on the application.

Deliberation Session

114. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 31.10.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (b) the implementation of the car park layout plan for the use of the local villagers only, as proposed by the applicant, at all times during the planning approval period;
- (c) no more than 15 car parking spaces shall be provided, as proposed by the applicant, at any time during the planning approval period;
- (d) 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;
- (e) a notice should be posted at a prominent location of the site at all time to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic

Ordinance, are allowed to be parked/stored on or enter/exit the site during the planning approval period;

- (f) a notice should be posted at a prominent location of the site at all times to indicate that the set of rules for using the development, as proposed by the applicant during the planning approval period;
- (g) a vehicular access of 4.5m in width within the site, as proposed by the applicant, shall be maintained at all times during the planning approval period;
- (h) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (i) the mitigation measures (including the dimming of lights after 11:30 p.m. within the site and posting of notice and rules at prominent location of the site forbidding honking and engine noise when parking at the site) implemented under the previous approval to minimize any possible nuisance of noise and artificial lighting on the site to the residents nearby, as proposed by the applicant, should be maintained at all times during the planning approval period;
- (j) the maintenance of all landscape plantings within the site at all times during the planning approval period;
- (k) the implementation of accepted drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 31.1.2015;
- (l) the implementation of the accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.1.2015;

- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) 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 (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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issue relating to the development with the concerned owners of the site;
- (b) To note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lots within the site are Old Scheduled Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval of the government. No permission has been given for the occupation of Government land (GL) within the site. The applicant’s attention is drawn to the fact that the act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible to Fan Kam Road via GL and other private lots. LandsD provides no maintenance work for the GL involved and does not guarantee right-of-way. The applicant has to either exclude the GL portion from the site or apply for a formal approval prior to 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 the application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (c) to note the comments of the Commissioner of Transport that the site is connected to public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains will be affected. The developer shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5m measuring from the centerline of the affected water mains shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage or car-parking purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize;
- (f) to note the comments of the Director of Fire Services (D of FS) 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 (FS 251) and forward a copy of the certificate to D of FS for consideration;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that all unauthorized structures on the site should be removed. All building works are subject to compliance with the Buildings Ordinance (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action may be taken to effect the removal of all unauthorized works in the future; and

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/704 Proposed Temporary Open Storage of Plastic Barriers and Pipes for Public Utility Purposes for a Period of 2 Years in “Residential (Group D)” zone, Lot 139 RP (Part) in D.D. 108, Ta Shek Wu, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/704)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of plastic barriers and pipes for public utility purposes for a period of 2 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures located to the northeast (about 90m away) in the vicinity of the area, and environmental nuisance was expected. A substantiated complaint on land filling aspect was received for the site in 2013 and concerned government departments would take action as appropriate;
- (d) during the first three weeks of the statutory public inspection period, one public comment was received. Designing Hong Kong Limited objected to the application for reasons that open storage use in areas zoned residential use would set an undesirable precedent for similar applications; there was sufficient supply of open storage space to satisfy current and future demand;

and despite the temporary nature of the proposed use, these uses were normally renewed once they were approved making it difficult for development of the land for more suitable uses;

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Town Planning Board (the Board). No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The application did not comply with the Town Planning Board Guideline for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that no previous approval had been granted at the site and there was adverse departmental comment on the application. The applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts. The development was also not compatible with the surrounding land uses which were rural and natural in character with dense vegetation/mature trees surrounding the site. Approval of the current application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “R(D)” zone. Previous and similar applications (No. A/YL-PH/240, 491, 515, 623, 662, 681, 684 and 695) for various temporary open storage uses in the area were rejected by the Committee or the Board on review. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

117. Members had no question on the application.

Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board PG-No. 13E in that no previous approval has been granted at the site and there is adverse departmental comment on the application. The development is also not compatible with the surrounding land uses which are rural and natural in character with residential structures/dwellings and agricultural land;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/309 Renewal of Planning Approval for Temporary “Open Storage of Landscaping Materials” for a Period of 3 Years in “Green Belt” zone, Lot 882 (Part) in D.D. 105, Shek Wu Wai San Tsuen, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/309)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of landscaping materials for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from agricultural point of view as the site had a high potential of rehabilitation for agricultural uses;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of landscaping materials could be tolerated for another period of 3 years based on the assessment made in paragraph 12 of the Paper. The Committee or the Board on review had approved six

previous applications No. A/YL-NTM/118, 135, 188, 220, 243 and 267 submitted by the same applicant for the same use since 2001. Under the previous Application No. A/YL-NTM/267, the applicant had complied with all the approval conditions on landscaping, drainage and provision of FSIs in the last approval. Hence, in accordance with Town Planning Board Guideline on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B), renewal of the permission of another 3 years could be given favourable consideration. The development was in line with the TPB PG-No. 13E in that there was generally no adverse comment from most of the concerned government departments. Regarding DAFC's comment that the site had high potential of rehabilitation for agricultural uses, it was noted that temporary use of the site would not preclude rehabilitation for agricultural use in future. Approval of the current application was consistent with the Board/Committee's previous decisions on applications at the site. TPB PG- No.13E stipulated that a maximum period of 2 years might be allowed upon renewal of planning permission for Category 4 areas. However, since the site had been used for the same purpose since 2001 and had maintained a good record with no environmental complaint on the site, the Committee approved the last renewal application (No. A/YL-NTM/267) for a period of 3 years as applied. As there had been no change in planning circumstances since the last approval, it was recommended that permission could be renewed for 3 years as applied.

120. Members had no question on the application.

Deliberation Session

121. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 7.11.2014 to 6.11.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicle exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to enter, park or operate at the site at any time during the planning approval period;
- (b) no operation between 6:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation on Saturdays, Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) the existing trees within the site boundary shall be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of the as-built drainage plan and a condition record of the existing drainage facilities on site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.2.2015;
- (g) the submission of an as-built planting plan on site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 6.2.2015;
- (h) the submission of a fire service installations (FSIs) proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.5.2015;
- (i) in relation to (h) above, the provision of FSIs as proposed within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.8.2015;

- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of the planning approval to the satisfaction of Director of Fire Services or of the TPB by 12.12.2014;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot under application is Old Schedule Agricultural Lot held under the Block Government Lease under which no structures are allowed to be erected without prior approval of the government. The site is accessible through an informal village track on private land and Government land (GL). LandsD does not provide maintenance works on GL nor guaranteed right-of-way. Should planning approval be given, the lot owner(s) concerned will need to apply to LandsD to permit the structure to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in 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 fees, as may be imposed by LandsD.

- (b) to note the comments of the Commissioner for Transport (C for T) that the site is connected to an unnamed local access road which is not managed by C for T, the land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the applicant should provide DSD for reference a set of latest record photographs showing the completed drainage works with the corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs. All the drainage facilities should be maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during the planning approval period. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by DSD is currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection shall be obtained. The applicant is reminded that the drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult LandsD regarding all the drainage works outside the site boundary in order to ensure the unobstructed discharge from the site.

- (d) to note the comments of the Director of Environmental Protection that to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas; and

- (e) to note the comments of the Director of Fire Services (D of FS) 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 D of FS for approval. In addition, the applicant should also be advised on the following points: (i) the layout plans should be drawn to scale and clearly 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; and the good practice guidelines for open storage (Appendix VI of the Paper) should be adhered to. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.”

Agenda Item 31

Section 16 Application

[Open Meeting]

A/YL-ST/451 Temporary Public Vehicle Park (excluding container vehicle) for a Period of 3 Years in “Village Type Development” zone, Lots 3044 RP, 3045 RP, 3048 S.B, 3048 RP, 3049 RP, 3050 RP, 3056 S.A and 3056 RP in D.D. 102 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/451)

123. The Committee noted that the applicant requested on 13.10.2014 for deferment of the consideration of the application for two months in order to allow more time for preparation of responses to address the comments of the Lands Department. This was the first time that the applicant requested for deferment of the application.

124. 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 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/452 Temporary Vehicle Repair Workshop with Office for a Period of 3 Years in "Residential (Group D)" zone, Lots 341 S.B RP (Part), 353 (Part), 354 (Part) and 210 (Part) in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/452)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary vehicle repair workshop with office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory public inspection period, one comment was received. The comment was submitted by Designing Hong Kong Limited objecting to the application on the grounds of no overriding need for converting the land from the current zone, and that once approved,

the applied use would normally be renewed making it more difficult to develop the site for more suitable uses; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary vehicle repair workshop with office could be tolerated for a period of 3 years based on the assessment made in paragraph 12 of the Paper. The approval of the vehicle repair workshop use on a temporary basis would not frustrate the long-term planning intention of the subject “Residential (Group D)” (“R(D)”) zone. The vehicle repair workshop was considered not incompatible with the surrounding land uses. Since 2008, the Committee had approved a total of 4 applications for similar uses within the same “R(D)” zone. Approval of the current application was in line with the previous decisions of the Committee. However, as the last approval (application No. A/YL/ST/426) submitted by the same applicant was revoked due to non-compliance with the approval condition in relation to the submission of FSIs and drainage proposals, shorter compliance periods for the approval conditions were proposed to monitor the progress of compliance. Regarding the public comment, the planning assessment and the comments of government departments above were relevant.

126. Members had no question on the application.

Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 31.10.2017, 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., 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 paving and boundary fencing on the site shall be maintained at all times during the planning approval period;
- (d) the existing trees on the site should be maintained at all times during planning approval period;
- (e) the existing drainage facilities on-site shall be maintained at all times during the planning approval period;
- (f) the submission of condition records 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 31.1.2015;
- (g) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.1.2015;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.4.2015;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) shorter compliance periods are granted in order to monitor the compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (b) prior planning permission should have been obtained before commencing the applied development/use at the site;
- (c) to resolve any land issues relating to the temporary use with the concerned owner(s) of the site;
- (d) the permission is given to the development/uses and structures under application. It does not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land under the site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The site is accessible to Castle Peak Road – San Tin via a short stretch of Government land (GL). LandsD provides no maintenance works for the GL involved and does not guarantees right-of-way. No permission has been given for the proposed use and/or occupation of the GL included into the site. The act of occupation of GL without Government’s prior approval should not be encouraged. Should the application be approved, the lot owner will need to apply to LandsD to permit the structures to be erected or regularize any irregularities on site.

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(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (f) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to D of FS for approval. The applicant should also be advised that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans. 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;

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

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

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that all the drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during the planning approval period. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by DSD is currently available for connection. For sewage disposal and treatment, agreement from Environmental Protection Department (EPD) shall be obtained. The applicant is reminded that the drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult LandsD regarding all the drainage works outside the site boundary in order to ensure the unobstructed discharge from the site in future;

- (i) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage sites” issued by EPD to minimize potential environmental impacts on the surrounding areas.”

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/453 Proposed Temporary Place of Recreation, Sports or Culture (Cable Wakeboarding Training Centre) for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” zone, Lot 768 RP (Part) in D.D. 99, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/453)

Presentation and Question Sessions

129. The Secretary reported that the replacement page (page 14) had been tabled at the meeting.

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

- (a) background to the application;
- (b) the proposed temporary place of recreation, sports or culture (cable wakeboarding training centre) 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 from environmental point of view. The site was within Deep Bay Buffer Zone 2, the proposed project was a designated project under Item P.1 of Part I, Schedule 2 of the Environmental Impact Assessment Ordinance (EIAO) (Cap. 499). The project proponent had to follow the EIAO provisions and an environmental permit was required for the construction and operation of the project. The applicant failed to provide environmental assessment results to demonstrate that the proposed development would not have adverse environmental

impacts on the surrounding areas. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the ecological and fish culture viewpoint as the proposed use was not in line with the planning intention of the wetland conservation area (WCA). The applicant also failed to demonstrate that the proposed development would not have adverse ecological impact on the surrounding areas. According to the Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB PG-No. 12C), new development within the WCA would not be allowed unless it was required to support the conservation of the ecological value of the area or was an essential infrastructural project with overriding public interest. There was also a lack of information on whether the pond would be modified to suit the proposed activities, and assessment of the potential ecological impact to the fishponds in WCA due to the proposed use. The Commissioner for Transport (C for T) noted that 12 private car park spaces would be provided. The submitted parking layout plan was considered not acceptable. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application from landscape planning perspective. According to the site photos of 19.9.2014 and aerial photo taken on 5.7.2013, the site was a pond. Existing trees and vegetation were found at the southern end of the site. According to the submitted layout plan, the proposed facilities and parking area appeared to have conflict with the existing trees and vegetation. As no tree information was included in the application, the landscape impact of the proposed cable wakeboard training centre could not be fully ascertained;

- (d) the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) advised that an objection letter from the San Tin Rural Committee (STRC) was received. The objection letter was also received by the Town Planning Board as a public comment;
- (e) during the first three weeks of the statutory public inspection period, a total of 5 comments were received. They were submitted by the STRC, the World Wild Fund Hong Kong, Hong Kong Bird Watching Society,

Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited, objecting to the application mainly on the grounds of adverse traffic impact on the surrounding areas, not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Enhancement Area” (“OU(CDWEA)”) zone and TPB PG-No. 12C, ecological importance of the site, lack of technical assessments, setting an undesirable precedent, causing human disturbance to the wildlife and ecological impact on the fish ponds in the area; and

- (f) the PlanD’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The applied use for temporary place of recreation sport or culture (cable wakeboarding training centre) was not a passive recreational use in exchange for committed long-term conservation and management of the remaining fish ponds. The applicant did not submit any long term fish pond/wetland conservation and management proposal in support of the application. Hence, the proposed development was not in line with the planning intention of the “OU(CDWEA)” zone. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis. The applied use was considered not compatible with the surrounding land uses and the rural character of the area which were predominantly fish ponds and vegetated land. The applicant did not submit an ecological impact assessment (EcoIA) in support of the application. DAFC did not support the application from the ecological and fish culture viewpoint as the proposed use was not in line with the planning intention of the WCA. In this regard, the proposed development was not in line with the TPB PG-No. 12C. The applicant also failed to demonstrate that the proposed development would not generate adverse environmental, landscape, ecological, traffic and drainage impacts on the surrounding areas. There was no similar application within the same “OU(CDWEA)” zone on the OZP. Approving the application would set an undesirable precedent and the cumulative effect of approving such similar applications would result in a general degradation of the fish ponds or wetlands in the Deep

Bay area. There were also public objections to the application.

131. Members had no question on the application.

Deliberation Session

132. 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 of a temporary place of recreation sport or culture (cable wakeboarding training centre) is not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Enhancement Area” (“OU(CDWEA)”) zone which is intended for conservation and enhancement of ecological value and functions of the existing fish ponds or wetland. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the proposed development is not in line with the Town Planning Board (TPB) Guidelines for “Application for Developments within Deep Bay Area” (TPB PG-No. 12C) in that “no-net-loss in wetland” principle is not complied with. The applicant has not demonstrated the ecological impact of the proposed development and proposed any mitigation measures;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape, drainage and traffic impacts on the surrounding areas; and
- (d) approving the application would set an undesirable precedent for similar applications within the “OU(CDWEA)” zone, and the cumulative effect of which would result in a general degradation of the fish ponds or wetlands in the Deep Bay area.”

[The Chairman thanked Mr Kevin C.P. Ng, Mr Otto K.C. Chan, Mr C.K. Tsang and Mr Ernest C.M. Fung, STPs/FSYLE, for their attendance to answer Members' enquires. Messrs Ng, Chan, Tsang and Fung left the meeting at this point.]

Tuen Mun and Yuen Long West District

[Mr K.C. Kan, Mr Vincent T.K. Lai 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 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/459 Proposed Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years in "Residential (Group B) 1" zone, Lots 42 RP (Part), 123 (Part) and 123 RP (Part) in D.D. 121, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/459)

Presentation and Question Sessions

133. 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 proposed temporary public vehicle park for private car and light goods vehicle 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 comments on the application;

- (d) during the first three weeks of the statutory public inspection period, 1 public comment was received. Winful Far East Limited objected to the application on the ground that the company was the single owner of Lot 42RP in D.D. 121, and had never allowed or permitted any person to occupy or illegally trespassing on its property; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary public vehicle park for private cars and light goods vehicles could be tolerated for a period of 3 years based on the assessment made in paragraph 11 of the Paper. The current application was for proposed temporary vehicle park for private cars and light goods vehicles, which did not involve heavy vehicles or open storage. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “Residential (Group B) 1” (“R(B)1”) zone. The proposed development might also meet some parking demand of the local residents. The proposed development was not incompatible with the surrounding land uses. There were 4 similar applications within the same “R(B)1” zone approved by the Committee from 2012 to 2014. Approving the current application was in line with the previous decisions of the Committee. An advisory clause was suggested to advise the applicant to resolve any land issue relating to the development with the owner of the site.

134. Members had no question on the application.

Deliberation Session

135. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 31.10.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) only private cars and light goods vehicles 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 at all times to indicate that only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/ be parked on the site 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 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 31.1.2015;
- (h) the submission of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.4.2015;
- (i) in relation to (h) above, the implementation of the drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 31.7.2015;
- (j) in relation to (i) above, the maintenance of the implemented drainage

facilities at all times during the planning approval period;

- (k) 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 30.4.2015;
- (l) in relation to (k) 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 31.7.2015;
- (m) the submission of landscape and 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 30.4.2015;
- (n) in relation to (m) above, the implementation of landscape and 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 31.7.2015;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (j) 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;
- (p) if any of the above planning conditions (g), (h), (i), (k), (l), (m) or (n) 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
- (q) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issues relating to the development with the owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lots within the site are Old Scheduled Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from LandsD. No approval is given for the specified structure for site office use. The site is accessible through Government land extended from Ping Kwai Road. LandsD does not provide maintenance works for such track nor guarantees right-of-way. The owners concerned will need to apply to LandsD to permit structures to be erected or regularize 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 LandsD;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and 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 unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the 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 minimize potential environmental impacts on the surrounding area;
- (e) to note the comments of the Commissioner of Transport that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under the Transport Department (TD)’s purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Ping Kwai Road should be commented and approved by TD. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ping Kwai Road;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the ‘public culvert’ at downstream of the proposed drainage facilities, shown on the proposed drainage plan of the supplementary planning statement is not maintained by DSD. The applicant

is required to further elaborate the downstream of this 'public culvert'. All proposed drainage facilities should be constructed and maintained by the applicant at the applicant's own costs. For the drainage works outside the applicant's site, consent of the District Lands Officer/Yuen Long, LandsD or relevant private lot owners on the proposed drainage works shall be obtained prior to the commencement of the drainage works. The applicant is required to properly maintain the drainage facilities and rectify those facilities if they are found to be inadequate or ineffective during operation. The applicant shall be liable for and shall indemnify claims and demands arising out of any damage or nuisance caused by a failure of their drainage facilities;

- (h) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to D of FS for approval. The layout plans should be legible, 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 and covered by fire service notes. The applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (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.”

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/911 Temporary Open Storage of Containers with Ancillary Office for a Period of 3 Years in “Government, Institution or Community” zone, Lots 515RP (Part), 516 (Part), 517 (Part), 518 (Part), 519 (Part), 520 (Part) in D.D.125 and adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/911)

137. Ms Janice W.M. Lai had declared interests in this item as she owned properties in Ha Tsuen. The Committee considered that Ms Lai’s interests were direct and agreed that she should leave the meeting temporarily for this item.

[Ms Janice W.M. Lai and Dr C.P. Lau left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of containers with ancillary office for a period

of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory public inspection periods, one public comment was received. Designing Hong Kong objected to the application for the reasons that the applied use was not compatible with the zoning, there was already sufficient supply of space for storage to satisfy the current and future demand; and once permitted these uses would normally be renewed; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary open storage of containers with ancillary office could be tolerated for a period of 1 year based on the assessment made in paragraph 12 of the Paper. As there was not yet any programme/known intention to implement the zoned use on the site, approval of the application on a temporary basis would not frustrate the planning intention of the “Government, Institution or Community” zone. The applied use for open storage of containers was not incompatible with the existing and planned upgrading of the San Wai Sewerage Treatment Works and the surrounding areas. The development was in line with the Town Planning Board Guideline for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there were previous planning approvals for the site and there was no objection or no adverse comments from concerned government departments. Noting that this site was the subject of two previous consecutive revoked cases, a shorter approval period of 1 year instead of 3 years sought and shorter compliance periods for approval conditions were recommended to monitor the progress of compliance with approval conditions. Regarding the public comment, the planning assessment and the comments of the government departments above were relevant.

139. Members had no question on the application.

Deliberation Session

140. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 31.10.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 pm to 8:30 am, as proposed by the applicant, is allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the stacking height of containers stored within the site shall not exceed 8 units at any times during the planning approval period;
- (d) no handling (including loading, unloading, dismantling and storage) of electrical/electronic appliances/materials/wastes, computers/computer parts, cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no cutting, dismantling, cleansing repairing, compacting, unpacking, vehicle repair and workshop activity is allowed on the site at any time during the planning approval period;
- (f) no vehicle shall make use of Ha Tsuen Road, except the portion connecting to Kong Sham Western Highway from the site as shown on Plan A-3 of the Paper, in accessing/leaving the site, as proposed by the applicant, at any time during the planning approval period;
- (g) no vehicle queuing is allowed back to public road or vehicle revering onto/from the public road is allowed at any time during the planning

approval period;

- (h) the implementation of the accepted 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 30.4.2015;
- (i) the maintenance of the drainage facilities at all time during the planning approval period;
- (j) the submission of a landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 31.1.2015;
- (k) in relation to (j) above, the implementation of the landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.4.2015;
- (l) 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 12.12.2014;
- (m) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.1.2015;
- (n) in relation to (m) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.4.2015;
- (o) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 31.1.2015

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

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

- “(a) prior planning permission should have been obtained before commencing the development on the site;
- (b) shorter compliance periods are granted to monitor the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land within the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the government. No approval has been given for the specified structures as ancillary office and container repair workshops. No permission has been given for the occupation of Government land (GL)

within the site (about 23m² subject to verification). The site is accessible to Ha Tsuen Road via GL. LandsD provides no maintenance works for this track nor guarantees right of way. Should the application be approved, the lot owner(s) would still need to apply to him to permit structures to be erected or regularize any irregularities on-site. The applicant has to either exclude the GL portion from the application site or apply for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application is approved, it would be subject to such terms and conditions, including among others the payment of premium/fees, as may be imposed by LandsD;

- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect any existing stream course, natural streams, village drains, ditches and the adjacent areas, and to consult LandsD and seek consent from the relevant owners for any works to be carried out outside the site before commencement of the drainage works;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage sites' issued by the Environmental Protection Department to safeguard the environment and minimize any potential environmental nuisance;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that that tree planting opportunity is available along the eastern boundary. Moreover, the locations of the existing trees and the proposed trees should be clearly indicated on the future landscape proposal submission
- (h) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site;

- (i) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (j) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to D of FS for approval. In formulating the FSIs proposal for the structure, the applicant is advised to make reference to the requirements in Appendices V and VI of the Paper. Should the proposed structure(s) required to comply with the Buildings Ordinance (BO)(Cap.123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the applied use. If the existing structures are erected on leased land without approval of BD, they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary structures) are to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise, they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-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 planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO. If the site does not abut on a specified street having a width of not less than 4.5m, in such aspect, the development intensity shall be determined under B(P)R 19(3) at the building plan submission stage. The site shall be provided with means of obtaining access from a street under B(P)R 5 and

emergency vehicular access shall be provided under B(P)R 41D.”

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/915 Temporary Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” zone, Lots 1119 (Part), 1120 and 1121 RP (Part) in D.D. 125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/915)

142. Ms Janice W.M. Lai had declared interests in this item as she owned properties in Ha Tsuen. The Committee noted that Ms Lai had already left the meeting temporarily for this item.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary vehicle park (private cars and light goods vehicles) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the site (the nearest dwelling was about 5m away) and along the access road (San Sik Road), and environmental nuisance was expected;
- (d) during the first three weeks of the statutory public inspection period, 5 public comments were received from the residents and private individuals.

They objected to the application mainly on the grounds: (i) the dump trucks and heavy goods vehicles as well as the oil stains would cause adverse environmental, traffic, drainage, noise impacts, and air pollution on the surrounding areas; (ii) the site was close to a resident's dwelling and the proposed development would cause noise pollution and disturbance; and (iii) since the local track was a narrow road with one lane only, the dump trucks and heavy goods vehicles would affect the safety of other road users. Some private lots and government land might be used for an access road to the site should the application be approved; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary vehicle park for private cars and light goods vehicles could be tolerated for a period of 3 years based on the assessment made in paragraph 11 of the Paper. The approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Village Type Development” zone. DEP did not support the application as there were sensitive uses in the vicinity of the site and along San Sik Road. Appropriate approval conditions were suggested to address DEP's concern. Since granting the previous approval (No. A/YL-HT/719), there had been no material change in the planning circumstances. Approval of the subject application was in line with the Committee's previous decision. As the last planning permission (No. A/YL-HT/719) was revoked, shorter compliance periods for the approval conditions were recommended to monitor the fulfilment of approval conditions. Regarding the public comment, the planning assessment and the comments of the government departments above were relevant.

144. Members had no question on the application.

Deliberation Session

145. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 31.10.2017, 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 8:00 a.m., as proposed by the applicant, is allowed on the site during the approval period;
- (b) no repairing, dismantling, cleansing of vehicle, selling of vehicle, or workshop activity is allowed on the site at any time during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance are allowed to be parked/stored on site at any time during the planning approval period;
- (d) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, or coach, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) a notice should be posted at a prominent location of the site at all times to indicate that 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 on the site during the planning approval period;
- (f) no parking of oil tanker trucks or any other dangerous goods vehicles is allowed on the site at any time during the planning approval period;
- (g) no vehicle queuing back to public road and reverse onto/from the public road is allowed at any time during the planning approval period;
- (h) the submission of a drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 31.1.2015;
- (i) in relation to (h) above, the implementation of the accepted 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 30.4.2015;

- (j) the implemented drainage facilities on the site should be maintained at all times during the planning approval period;
- (k) the submission of a tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 31.1.2015;
- (l) in relation to (k) above, the implementation of the tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.4.2015;
- (m) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.1.2015;
- (n) in relation to (m) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.4.2015;
- (o) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 31.1.2015;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (j) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (h), (i), (k), (l), (m), (n) or (o) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further

notice; and

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

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

- “(a) prior planning permission should have been obtained before commencing the development on the site;
- (b) shorter compliance periods are granted to monitor the fulfillment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected prior without the prior approval of the government. The site is accessible to San Sik Road via government land (GL) and other private lots. His office provides no maintenance works to the GL involved and does not guarantee right-of-way. Should the application be approved, the lot owner(s) concerned still need to apply to LandsD to permit any structure to be erected or regularize the irregularities on site. Such application would 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 the application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;

- (e) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage sites” issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the subject site and the local track leading to the subject 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 comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and San Sik Road;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that although the applicant proposed to plant trees along the periphery of the site in 3-4m spacing, the spacing shown on the layout plan is quite sparse, approximately 7-10m, is different to the description on the plan. Besides, there is inadequate information on the size of the proposed trees and proposed tree pits;
- (i) to note the comments of the Director of Fire Services (D of FS) that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to D of FS for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be

formulated upon receipt of formal submission of general building plans;
and

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

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/917 Temporary Open Storage of Containers, Cargo Handling, and Container Repair Workshop for a Period of 3 Years in “Commercial/Residential” and “Comprehensive Development Area” zones, Lots 2187 RP (Part) , 2380 RP (Part) , 2381 RP (Part), 2382 (Part), 2383 RP (Part), 2384 S.B (Part), 2385 RP, 2412 RP, 2415 RP, 2416, 2417, 2418 RP (Part) and 2419 RP (Part) in D.D.129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/917)

147. Ms Janice W.M. Lai had declared interests in this item as she owned properties in Ha Tsuen. The Committee noted that Ms Lai had already left the meeting temporarily for this item.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of containers, cargo handling, and container repair workshop for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the site (the nearest dwelling was about 49m away) and along the access road (Lau Fau Shan Road), and environmental nuisance was expected;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of containers, cargo handling and container repair workshop could be tolerated for a period of 3 year based on the assessment made in paragraph 12 of the Paper. The applied use for open storage of containers, cargo handling and container repair workshop was not incompatible with the surrounding uses. Approval of the application on a temporary basis would not frustrate the planning intention of the “Comprehensive Development Area” (“CDA”) and “Commercial/Residential” (“C/R”) zones since there was not yet any programme/known intention to implement the zoned uses on the Outline Zoning Plan. The proposed development was in line with the Town Planning Board Guideline for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there was no adverse comment from the concerned government departments except DEP. DEP did not support the application as there were sensitive uses in the vicinity of the site and along Lau Fau Shan Road. Appropriate approval conditions were suggested to address DEP's concern. The Committee had approved 12 similar applications for various temporary open storage and port back-up uses within the same “CDA” zone since the promulgation of TPB PG-No. 13E on 17.10.2008. In this regard, the approval of the current application was in line with the Committee's previous decisions.

149. Members had no question on the application.

Deliberation Session

150. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 31.10.2017, 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 8:00 a.m., as proposed by the applicant, is allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the stacking height of containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any times during the planning approval period;
- (d) the stacking height of containers stored at any other location within the site should not exceed 8 units at any times during the planning approval period;
- (e) no material is allowed to be stored/dumped within 1m of any tree on the site at any time during the planning approval period;
- (f) no vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (g) the existing trees within the site shall be maintained in good condition at all times during the planning approval period;
- (h) the existing drainage facilities on site shall be maintained at all times during the planning approval period;
- (i) the submission of a 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 31.1.2015;
- (j) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 30.4.2015;

- (k) in relation to (j) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 31.7.2015;
- (l) 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 12.12.2014;
- (m) 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 30.4.2015;
- (n) in relation to (m) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.7.2015;
- (o) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.4.2015;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (i), (j), (k), (l), (m), (n) or (o) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (r) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land under the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected prior without the prior approval of the Government. No permission has been given for the occupation of the Government land (GL) (about 18.5m² subject to verification) included into the site. Attention is drawn to the fact that the act of occupation of GL without government’s prior approval should not be encouraged. The site is accessible to Lau Fau Shan Road via private lot and GL. LandsD provides no maintenance work for the GL involved and does not guarantee right-of-way. Should the planning approval be given to the subject planning application, the lot owner will need to apply to his office to permit structures to be erected or regularize any irregularities on site. The applicant has to either exclude the GL portion from the site or apply for a formal approval prior to actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as the landlord at its sole discretion and there is no guarantee that such applications will be approved. If the application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;
- (d) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage sites” issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that sufficient

manoeuvring space should be provided within the site;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant should construct a run-in/out at the access point at the road near Lau Fau Shan Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Lau Fau Shan Road;

- (g) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by the Fire Services Department, the applicant is required to provide justifications to D of FS for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO)(Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. The requirements of formulating fire service installations proposal is stated in Appendix V of the Paper; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are

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

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/698 Temporary Open Storage of Construction Machinery and Containers with Ancillary Dismantling, Cleansing, Repairing and Workshop Activities for a Period of 3 Years in “Undetermined” zone, Lots 1935, 1936, 1937 (Part), 1938, 1940 and 1950 in D.D. 117, Kung Um Road, Yuen Long

(RNTPC Paper No. A/YL-TYST/698)

[Dr C.P. Lau and Ms Janice W.M. Lai returned to join the meeting at this point.]

Presentation and Question Sessions

152. 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 machinery and containers with ancillary dismantling, cleansing, repairing and workshop activities 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. residential structures in the vicinity of the site (with the nearest one being about 60m away to its northwest), and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of construction machinery and containers with ancillary dismantling, cleansing, repairing and workshop activities could be tolerated for a period of 3 years 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 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. Approval of the application on a temporary basis would not frustrate the long-term use of the area. The application was generally in line with the Town Planning Board Guideline 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, and the concerns of relevant government departments were technical in nature

which could be addressed through the implementation of approval conditions. Three previous planning approvals for similar temporary open storage use at the site had been granted. The last application (No. A/YL-TYST/551) covering the site had lapsed recently and the current application was submitted in order to obtain planning approval for same open storage use on the same site but with different site layout and parameters. As there was no major change in the planning circumstances since the granting of the last planning approval in 2011 and given all the time-specific approval conditions had been complied with, approval of the current application was in line with the Committee's previous decisions.

153. Members had no question on the application.

Deliberation Session

154. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 31.10.2017, 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) no heavy goods vehicle exceeding 24 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 queuing and reverse movement of vehicle onto public road are allowed at any time during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times

during the planning approval period;

- (f) the submission of a record of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 31.1.2015;
- (g) 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 30.4.2015;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 31.7.2015;
- (i) 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 12.12.2014;
- (j) the implementation of the accepted 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 30.4.2015;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that 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 of the Government. Lot 1938 in D.D. 117 is covered by Short Term Waiver No. 3668 to allow the use of land for the purpose of ancillary use to open storage of construction machinery and containers with ancillary dismantling, cleaning, repairing and workshop activities. Should approval be given to the subject planning application, the lot owners concerned will still need to apply to LandsD to permit structures to be erected or regularize any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible to Kung Um Road through an informal village track on Government Land and other private land. His office does not provide maintenance works for such track nor guarantees right-of-way;
- (e) to note the comments of the Commissioner of Transport that sufficient space should 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 comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that good site practices should be adopted and necessary measures should be implemented to avoid affecting the nearby wooded area in the “Conservation Area” zone to the south;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should inform the relevant department(s) if the drainage arrangement has been changed;
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend his inside services to the nearest suitable government 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. Also, the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;

- (k) to note the comments of the Director of Fire Services (D of FS) that the installation/ maintenance/ modification/ repair work of fire service installations shall be undertaken by an Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after the completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to D of FS. Also, the attached good practices guidelines for open storage (Appendix V of the Paper) should also be adhered to;

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

- (m) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (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 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/699 Temporary Social Welfare Facility (Social Service Centre) for a Period of 3 Years in “Residential (Group B) 1” zone, Lot 1354 RP in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/699)

Presentation and Question Sessions

156. 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 social welfare facility (social service centre) 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 (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary social welfare facility (social service centre) could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. As there was no current programme for residential development at the site, the development on a temporary basis for 3 years would not frustrate the long-term planning intention of the “Residential (Group B)1” zone. The development was considered not excessive in scale and was not incompatible with the surrounding environment which was predominantly rural in character with residential developments and community uses. The site was the subject of a previous application (No. A/YL-TYST/550) submitted by the same applicant for the same use which was approved with conditions for a period of 3 years on 4.11.2011. The application would expire on 4.11.2014 and the current application was submitted in order to obtain planning approval for the same use on the same site but with different site layout and development parameters (i.e. an increase in total floor area by 6.57% owing to the proposed addition of converted containers for storage purpose). As there was no major change in the planning circumstances since the granting of the last planning approval in 2011 and given all the time-specific approval conditions had been complied with, approval of the current application was

in line with the Committee's previous decision.

157. Members had no question on the application.

Deliberation Session

158. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 31.10.2017, 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 vehicle queuing and reverse movement onto/from public road is allowed at any time during the planning approval period;
- (c) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 30.4.2015;
- (d) in relation to (c) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 31.7.2015;
- (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 30.4.2015;
- (f) in relation to (e) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 31.7.2015;
- (g) the submission of revised 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 30.4.2015;

- (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 31.7.2015;
- (i) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.4.2015;
- (j) in relation to (i) above, the implementation of fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.7.2015;
- (k) 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;
- (l) if any of the above planning conditions (c), (d), (e), (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon 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.

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

- “(a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) To note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that preliminary land status check reveals that the

site involves a private lot, namely Lot 1354 RP in D.D. 121 (the Lot) which is an old schedule agricultural lot under Block Government Lease, and adjoining Government land (GL). Portion of the adjoining GL is subject to a GL Licence No. P2941. The GL is subject to a proposed Short Term Tenancy (STT) No. 2353 for the purpose of a community service centre applied for by the registered owner of the Lot. If planning approval is subsequently given to the application, the registered owner of the Lot has to apply to LandsD for a Short Term Waiver for the erection of the proposed structure on the Lot, in addition to the application for a Short Term Tenancy (STT) for the proposed use over the GL of the site. Such applications will be considered by LandsD acting in the capacity as the landlord at its sole discretion. There is, however, no guarantee that approval to such applications will be granted as proposed. In the event any such applications is approved, it would be subject to such terms and conditions including, among others, the payment of rent or fee as may be imposed by LandsD. Besides, the actual site area of the GL involved will be subject to verification in the STT processing stage;

- (c) to note the comments of the Commissioner of Transport that sufficient manoeuvring spaces shall be provided within the site;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that a run-in/out at the access point at Ma Fung Ling Road should be constructed in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ma Fung Ling Road;
- (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 minimize any potential

environmental nuisances;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that there are 8 nos. of *Ficus microcarpa* (T1 to T8) proposed with limited spacing or in small planters (Drawing A-3 of the paper). Since *Ficus microcarpa* has extensive and vigorous root system, the applicant should consider alternative tree species as appropriate. Also, the applicant should ensure that the proposed converted containers for storage and proposed parking spaces and loading/unloading space are not in conflict with the existing trees;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal (Drawing A-4 of the Paper). The gradient of the proposed u-channels and invert levels of the proposed catchpits should be shown on the drainage plan. Cross sections showing the existing and proposed ground levels of the site with respect to the adjacent areas should be given. The existing drainage facilities, to which the stormwater of the development from the site would discharge, should be indicated on plan. The relevant connection details should be provided for comment. In the case that it was a local village drain, LandsD should be consulted. The location and details of the proposed hoarding/peripheral wall, if any, should be shown on the proposed drainage plan and standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit. Sand trap or provision alike should be provided before the collected runoff discharged to the public drainage facilities. In addition, the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult Home Affairs Department and seek consent from relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;

- (h) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to D of FS for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location where the proposed FSIs to be installed should also be clearly marked on the layout plans. However, 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;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the subject planning application. Before any new building works (including open sheds and containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. If the applied use 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 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

- (j) to note the comments of the Director of Electrical and Mechanical Services 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 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, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant/working party 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 40

Section 16 Application

[Open Meeting]

A/YL/205

Proposed Comprehensive Commercial/Residential Development (Hotel and Flats) in “Comprehensive Development Area” Zone and an area shown as “Road”, Lots 419, 422, 454 RP, 455 S.C RP, 455 S.G, 455 S.H RP, 457 S.C, 461 RP, 462 RP (Part), 463 RP (Part), 464 RP, 470 RP and YLTL 504 in D.D. 116 and adjoining Government land, 9 Yuen Lung Street, Yuen Long
(RNTPC Paper No. A/YL/205)

160. The Secretary reported that the application was submitted by City Success Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK) with Masterplan Ltd. (Masterplan), AGC Design Ltd. (AGC), AECOM Asia Co. Ltd. (AECOM) and Environ Hong Kong Ltd. (Environ) as consultants. The following Members had declared interests in this item:

- | | |
|--------------------------|--|
| Mr Ivan C.S. Fu | - having current business dealings with SHK, Masterplan, AGC, AECOM and Environ |
| Ms Janice W.M. Lai | - having current business dealings with SHK and AECOM |
| Professor S.C. Wong | - having current business dealings with AECOM |
| | - being employee of The University of Hong Kong which had received a donation from AECOM |
| Dr Eugene CHAN Kin Keung | - being the Convenor of the Hong Kong Metropolitan Sports Events Association |

which had solicited sponsorship from SHK

Ms Christina M Lee - being the Director of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from SHK

161. The Committee noted that the applicant had requested for a deferment of the consideration of the application. The Committee considered that the interests of Mr Ivan C.S. Fu and Ms Janice W.M. Lai were direct, and agreed that they should be allowed to stay in the meeting but refrain from participating in the discussion. The Committee also noted that Dr Eugene K.K. Chan, Ms Christina M Lee and Professor S.C. Wong had no involvement in the application, and agreed that they should be allowed to stay in the meeting.

162. The Committee noted that the applicant requested on 24.10.2014 for deferment of the consideration of the application for one month in order to allow time to prepare further information to address the comments of relevant Government departments. This was the applicant's second request for deferment.

163. 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. 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.

[The Chairman thanked Mr K.C. Kan, Mr Vincent T.K. Lai and Ms Bonita K.K. Ho, STP/TMYLW, for their attendance to answer Members' enquires. Mr Kan, Mr Lai and Ms Ho left the meeting at this point.]

Agenda Item 41

Any Other Business

164. There being no other business, the meeting closed at 5:30 p.m..