

TOWN PLANNING BOARD

Minutes of 525th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 2.1.2015

Present

Director of Planning
Mr Raymond K.W. Lee

Chairperson

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr H.F. Leung

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

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

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr Victor W.T. Yeung

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

Deputy Director of Planning/District
Ms Jacinta K.C. Woo

Secretary

Absent with Apologies

Dr W.K. Yau

Professor K.C. Chau

Ms Christina M. Lee

Dr Eugene K.K. Chan

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
Mr William W.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 524th RNTPC Meeting held on 12.12.2014

[Open Meeting]

1. The draft minutes of the 524th RNTPC meeting held on 12.12.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

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

[Mr H.F. Leung arrived to join the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/214 Proposed House (New Territories Exempted House - Small House) in
“Village Type Development” and “Green Belt” Zones, Lots 480RP and
483RP in D.D.222, Pak Kong Village, Sai Kung
(RNTPC Paper No. A/SK-PK/214)

Presentation and Question Sessions

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

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix V of the Paper. The Commissioner for Transport (C for T) had reservation on the application as such type of development should be confined within the “Village Type Development” zone as far as possible. However, as the application only involved one Small House, he considered the application could be tolerated unless it was rejected on other grounds;
- (d) during the first three weeks of the statutory public inspection period, seven public comments were received. A Sai Kung District Council (SKDC) member was of the view that the village representative should be consulted before the implementation of the proposed development. Another SKDC member, Chairman of Sai Kung Rural Committee, Village Representatives of Pak Kong Village and a group of Pak Kong villagers supported the application. Designing Hong Kong Limited (DHKL) objected to the application on the grounds of the planning intention of the “Green Belt” (“GB”) zone and parking problems. No local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 13 of the Paper. Regarding the objection from DHKL, it should be noted that the application was 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’ and the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories. Concerned departments had no objection to or no adverse comments on the

application.

4. Members had no question on the application.

Deliberation Session

5. 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 2.1.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of 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 the WSD’s standard;
- (b) 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; and

- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage facilities should be provided in connection with the proposed development to deal with the surface runoff of the site without causing any adverse drainage impacts or nuisance to the adjoining areas.”

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

Sha Tin, Tai Po and North District

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/ST/28 Application for Amendment to the Approved Sha Tin Outline Zoning Plan No. S/ST/30, To rezone the application site from “Green Belt” to “Government, Institution or Community (1)”, Lots 374, 375 S.A (part) and 375 S.B in D.D. 186, To Fung Shan, Sha Tin
(RNTPC Paper No. Y/ST/28)

7. The Secretary reported that on 12.12.2014, the applicant requested for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of the Transport Department, the Environmental Protection Department and the Planning Department, and to provide response to the public comments received. This was the applicant’s first request for deferment.

8. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and

could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

[Mr Victor W.T. Yeung and Mr Lincoln L.H. Huang arrived to join the meeting at this point.]

Agenda Item 5

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, Whitehead, Ma On Shan
(RNTPC Paper No. A/MOS/100)

9. The Secretary reported that the application was submitted by Good Assets Ltd. which was the subsidiary of Sun Hung Kai Properties Ltd. (SHK). AECOM Asia Co. Ltd. (AECOM), Environ Hong Kong Ltd. (Environ) and Ove Arup & Partners Hong Kong Limited (Arup) were the consultants of the applicant. The following Members had declared interests in this item:

Mr Ivan C.S. Fu - having current business dealings with SHK, AECOM, Environ and Arup.

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

Dr Eugene K. K. Chan - being the Convenor of the Hong Kong

Metropolitan Sports Event Association that had obtained sponsorship from SHK.

Ms Christina M. Lee - being a Director of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from SHK.

Professor S.C. Wong - having current business dealings with AECOM; and being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where AECOM had sponsored some activities of the Department.

10. The Committee agreed that the interest of Mr Fu was direct and he should leave the meeting temporarily for this item. As Professor Wong had no involvement in this application, the Committee agreed that he could stay in the meeting. The Committee noted that Ms Lai had not arrived to join the meeting yet and Dr Chan and Ms Lee had tendered apologies for being unable to attend the meeting.

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

Presentation and Question Sessions

11. With the aid of a Powerpoint presentation, Mr C.K. Tsang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) the applicant sought planning permission for a proposed comprehensive residential development at a site with an area of 37,700m² at Whitehead, Ma On Shan. The site fell within an area zoned “Comprehensive Development Area(2)” (“CDA(2)”) on the Ma On Shan Outline Zoning Plan (OZP) subject to a maximum gross floor area (GFA) of 40,000 m² and a maximum building height (BH) of 50 mPD. A Master Layout Plan (MLP) and relevant technical assessments were required for the developments at the “CDA(2)” site for the approval of the Town Planning

Board (TPB);

- (b) the planning brief (PB) for the “CDA(2)” site was endorsed by the Committee in December 2013 to guide the further development of the site. Major planning and design requirements under the PB included the maintenance of a stepped BH profile from Wu Kai Sha Station to Whitehead (i.e. descending from inland to the waterfront); provision of a 35m-wide visual corridor to improve visual permeability and air ventilation; no podium structures given its waterfront location; and paying attention to the interface with the adjoining developments at “CDA(1)”, “CDA(3)” and “Recreation” (“REC”) zones;
- (c) the proposed development, having a domestic GFA of 40,000m², comprised seven residential towers with BHs of 10 to 12 storeys (44 to 50mPD) and 67 houses with BHs of two to three storeys above one level of basement carpark (26.5 to 30mPD) to provide about 430 units. The residential towers would be situated at the lower platform while the houses would be situated at the higher platform. A visual corridor with a minimum width of 35m running northwest-southeast would be provided. Building gaps of 10m and 5m in width would be provided between the clusters of residential towers and the houses. The general BH profile would descend from 12 storeys to 3 storeys towards the waterfront. The proposed development was scheduled for completion in 2019;
- (d) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (e) during the first three weeks of the statutory publication period, three public comments were received. A member of the public objected to the application on the ground that the site should be for technology development. The other two comments from the village representatives of Wu Kai Sha Village and Cheung Keng Village supported the application mainly on grounds of appropriate development intensity, and no adverse

ecological, environmental and traffic impacts. No local objection/view was received by the District Officer (Sha Tin); and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper, which were summarised as follows:
 - (i) the proposed development was in line with the planning intention and development restriction of the “CDA(2)” zone for low to medium-density residential development in a comprehensive manner. The proposed development was compatible with the medium-density residential character of the neighbourhood and the general degradation in development intensity and BH from Wu Kai Sha Station inland towards the waterfront could be maintained;
 - (ii) the proposed development would not create significant visual impact. The photomontages showed that the proposed development with BHs ranging from 26.5mPD to 50mPD (about 2 to 3 storeys and 10 to 12 storeys) could blend in with the overall stepped BH profile of the area descending from inland to the waterfront. A 35m-wide visual corridor at a maximum BH of 2 storeys (at 26.5mPD) extending from Wu Kai Sha Station and the “CDA(1)” site to the south to the “REC” site to the north was proposed;
 - (iii) the air ventilation assessment submitted showed that with refinement of building disposition and provision of building gaps, no significant air ventilation impact from the proposed development was anticipated;
 - (iv) while all the 529 existing trees at the site would be felled, 990 new trees would be planted as compensation. The proposed Landscape Master Plan showed that the proposed landscape buffer and landscaped areas would help enhance the existing landscape character of the site;

- (v) the proposed MLP had complied with the planning and design requirements under the PB and taken account of site characteristics, site constraints, height profile of the area, local wind environment as well as the infrastructural capacity of the area;
- (vi) concerned departments confirmed that the proposed development would not cause any insurmountable problems on the environmental, ecological, traffic noise, sewerage, drainage, water supply and geotechnical aspects; and
- (vii) regarding the adverse public comment suggesting that the site should be used for technology development, it should be noted that the planning intention of the “CDA(2)” site was for residential development in a comprehensive manner.

12. Members had no question on the application.

Deliberation Session

13. Members noted that the proposed scheme was in compliance with various requirements of the approved PB, as detailed at Appendix III of the Paper.

14. 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 2.1.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a revised Master Layout Plan (MLP) to incorporate the approval conditions as stipulated in conditions (b) to (i) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan, including tree preservation proposals, to the satisfaction of the Director of

Planning or of the TPB;

- (c) the implementation of the traffic noise mitigation measures identified in the revised Traffic Noise Impact Assessment Report to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the implementation of the ecological mitigation measures identified in the revised Ecological Assessment Report to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (e) the implementation of the drainage facilities identified in the revised Drainage Impact Assessment Report to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the implementation of the sewerage facilities identified in the revised Sewerage Impact Assessment Report to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) the design and provision of ingress/egress point, vehicular access, parking spaces, loading/unloading and lay-by facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the provision of emergency vehicular access, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (i) the submission and implementation of a development programme indicating the timing and phasing of the comprehensive development to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the approved MLP, together with the set of approval conditions, will be certified by the Chairman of the TPB and deposited in the Land Registry in

accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;

- (b) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the TPB may be required; and
- (c) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department that in the detailed design stage (i) residential towers/houses should be designed in such a way to avoid west-facing units as far as possible, otherwise sun-shading device may have to be considered; (ii) the location of refuse collection provision should be considered at early stage since a strategic location and associated vehicular access should be designated in advance to cater the logistic arrangement and avoid possible odour problems; (iii) the pedestrian connection through the site is suggested to be enhanced and adequate pavement width should be provided; (iv) adequate barrier free access to the various levels of the site should be considered; (v) the tree planting at the internal road junctions should be reviewed to avoid obstructing the sightline of vehicles; and (vi) the type of tree species should be carefully evaluated to ensure that they are suitable for planting on slopes;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that: (i) details of site formation work shall be submitted to the Director of Water Supplies (DWS) for approval prior to commencement of works; (ii) no structures shall be built or materials stored

within the 1.5m from the centre line of water mains (Waterworks Reserve). Free access shall be made available at all times for staff of DWS or their contractor to carry out construction, inspection, operation, maintenance and repair works; (iii) no trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water mains. No change of existing site condition may be undertaken within the Waterworks Reserve without the prior agreement of DWS. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe; (iv) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; (v) tree planting may be prohibited in the event that DWS considers that there is any likelihood of damage being caused to water mains; (vi) WSD shall have no liability in respect of any loss, damage, nuisance or disturbance whatsoever caused to or suffered by the applicant arising out of or incidental to the exercise by WSD the right of ingress, egress and regress conferred under this condition, and no claim shall be made against WSD by the applicant in respect of any such loss, damage, nuisance or disturbance; and (vii) any damage or obstruction caused by the applicant to any water main or other WSD properties within or adjoining the lot shall be made good by WSD at the cost of the applicant, and the amount due in respect thereof shall be paid on demand to WSD by the applicant;

- (e) to note the comments of the Commissioner of Transport (C for T) that the applicant shall be required to provide sufficient parking and loading/unloading facilities within the site in compliance with the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG);
- (f) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that the applicant is reminded to closely liaise with the Civil Engineering and Development Department (CEDD) for the proposed discharge to the new sewerage system by CEDD; and

- (g) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, BD that (i) Practice Note for Authorised Persons, Registered Structural Engineers, Registered Geotechnical Engineers (PNAP APP-2), HKPSG and the advice of C for T will be referred to when determining exemption of GFA calculation for above-ground and underground car parking spaces; (ii) in accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and greenery coverage) should be included; and (iii) detailed comments will be provided at building plan submission stage.”

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/556 Temporary Public Vehicle Park for Private Cars and Light Goods
Vehicles for a Period of 3 Years in “Agriculture” Zone, Lot 1495 S.B
RP in D.D. 76, Ng Uk Tsuen, Sha Tau Kok Road, Fanling

(RNTPC Paper No. A/NE-LYT/556)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park for private cars and light goods vehicles for a period of three years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received. One was from the Chairman of Fanling District Rural Committee who had no comment on the application, while the other one was from a North District Council member who supported the application. No local objection/view was received by the District Officer (North); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. Since the last approval was revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance. Moreover, the applicant would be advised that should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

17. Members had no question on the application.

Deliberation Session

18. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.1.2018, 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 planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the

planning approval period;

- (c) the maintenance of the drainage facilities on the site at all time during the planning approval period;
- (d) the submission of proposals for water supplies for fire-fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.4.2015;
- (e) in relation to (d) above, the provision of water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.7.2015;
- (f) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.4.2015;
- (g) in relation to (f) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.7.2015;
- (h) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning conditions (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;

- (b) a shorter compliance period is granted in order to closely monitor the compliance of approval conditions. 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 TPB to any further application;
- (c) to note the comments of the District Lands Officer/North, Lands Department that should planning approval be granted, the owner concerned should apply to his office for a Short Term Waiver (STW) and a Short Term Tenancy (STT), which will be considered by the Government in its landlord's capacity. There is no guarantee that the applications for STW and STT will be approved. If STW and STT are approved, they will be subject to such terms and conditions to be imposed including payment of STW fee and STT rental;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the site is located within the flood pumping gathering ground;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the vehicular access road leading from the site to Sha Tau Kok Road – Ma Mei Ha is not maintained by HyD;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
 - (i) if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including containers / open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise they are

Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO;

- (iii) for UBW erected on leased land enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under BO;
 - (iv) if the proposed use under application is subject to the issue of a licence, any existing structures on the application site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - (v) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively; and
 - (vi) if the site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage;
- (g) to note the comments of the Director of Fire Services as follows:
- (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will need to be installed;
 - (ii) in such circumstances, except where building plan is circulated to the Centralised Processing System of BD, the applicant is required

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

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/NE-TKL/497

Proposed Shop and Services and/or Eating Place in “Open Storage” Zone, Lots 817RP(Part), 818 and 819 in D.D. 77 and adjoining Government Land, Junction of Ng Chow Road and Ng Chow South Road, Ping Che, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/497)

20. The Secretary reported that on 4.12.2014, the applicant requested for deferment of the consideration of the application for two months in order to prepare further information

to address the comments of the Director of Environmental Protection and the Commissioner for Transport on the application. This was the applicant's first request for deferment.

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

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

Agenda Items 8 and 9

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/528 Proposed House (New Territories Exempted House - Small House) in "Agriculture" and "Green Belt" Zones, Lot 653 R.P. in D.D. 15, and Adjoining Government Land, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/528 and 529)

A/NE-TK/529 Proposed House (New Territories Exempted House - Small House) in "Agriculture" Zone, Lots 652 S.D ss.1, 652 S.D ss.2 S.A, 652 S.D ss.3, 652 S.F & 653 S.D in D.D. 15, and Adjoining Government Land, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/528 and 529)

22. The Committee agreed that these two applications should be considered together since they were similar in nature and the sites were located in close proximity to each other.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix VI of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from agricultural point of view as the sites had high potential for rehabilitation of agricultural activities. The Commissioner for Transport (C for T) had reservation on the applications as such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Notwithstanding, the subject applications only involved construction of a Small House at each of the sites. He considered that the applications could be tolerated unless they were rejected on other grounds;
- (d) during the first three weeks of the statutory publication period, two public comments for each of the applications were received from Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation objecting to the application mainly for reasons of being not in line with the planning intention of “Agriculture” (“AGR”) and “Green Belt” (“GB”) zones, bringing about sewerage impact, water pollution and parking problem as well as no impact assessments on traffic and environment. 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 applications based on the assessments as detailed in paragraph 13 of the Paper. Regarding DAFC’s objecting comments, the sites were indeed abandoned agricultural land covered with weeds and had no significant

vegetation. There were two public comments against the proposed development mainly for reasons of being not in line with the planning intention of “AGR” and “GB” zones as well as concerns on sewerage, water quality, traffic and environmental aspects. In this regard, the land available in the “V” zone could not fully meet the future Small House demand. Part of the site of application No. A/NE-TK/528 was the subject of three previous planning applications approved in 2010 to 2013 mainly on considerations of compliance with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, general shortage of land in meeting the demand for Small House development and connection of the proposed development to public sewerage system. There were also similar applications approved in the vicinity under similar circumstances. As there was no significant change in planning circumstances since the previous approvals, the current applications could warrant similar considerations. Other concerned departments had no objection to or no adverse comments on the applications;

24. In response to a Member’s question, Mr C.T. Lau explained the boundaries of different previous applications as shown on Plans A-2b and A-2c of the Paper. Noting that some previous application sites were overlapping with one another, the Member asked why this happened and which scheme was to be implemented. In response, the Chairman said that a site could be covered by multiple planning permissions, but only one permission would be taken forward for implementation. Mr Lau said that each application should be assessed on a case-by-case basis.

25. Noting that a number of applications for Small Houses in the vicinity of the site had been approved, a Member asked why no Small Houses had been built in the vicinity as shown on the aerial photo on Plan A-3 of the Paper. Mr Lau explained that those Small House developments should be connected to the public sewers in the area, but the latter had just been completed recently. Applications for Small House grant of these developments had been processed by the Lands Department.

Deliberation Session

26. 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 2.1.2019, 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 submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (c) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) the applicant is required to register, before execution of Small House grant documents, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);
- (b) to note the comments of the Director of Environmental Protection (DEP) that the applicant should connect the house to the public sewer in the area at his own cost and adequate land should be reserved for the future sewerage connection works;
- (c) to note the comments of the Commissioner for Transport that the existing village access near the site is not under the Transport Department’s management. It is suggested that the land status, management and maintenance responsibilities of the village access should be clarified with

the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;

- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that as there is no existing public drain for connection in the area, the applicant/owner is required to maintain the drainage systems properly and rectify the drainage systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. For works to be undertaken outside the lot boundary, prior consent and agreement from the Lands Department (LandsD) and/or relevant private lot owners should be sought. There is existing public sewerage available for connection in the vicinity of the site. DEP should be consulted regarding the sewage treatment/disposal aspects of the proposed development. The applicant should also be reminded to follow the established procedures and requirements for the connecting sewers from the site to the public sewerage system. A connection proposal should be submitted to DSD via LandsD for approval. Moreover, the sewerage connection will be subject to the technical audit, for which an audit fee will be charged. The relevant guidelines can be downloaded from the DSD web site at <http://www.dsd.gov.hk>;
- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (f) to note the comments of the Director of Fire Services that the applicant

should observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by LandsD. Detailed fire safety requirements will be formulated during land grant stage; and

- (g) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

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

Agenda Items 10, 11 and 12

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/570 Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 81 S.G in D.D. 21, San Uk Ka Village, Tai Po (RNTPC Paper No. A/TP/570)

A/TP/571 Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 83 R.P. in D.D. 21, San Uk Ka Village, Tai Po (RNTPC Paper No. A/TP/571 to 572)

A/TP/572 Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 83 S.E in D.D. 21, San Uk Ka Village, Tai Po (RNTPC Paper No. A/TP/571 to 572)

28. The Committee agreed that these three applications should be considered together since they were similar in nature and the sites were located in close proximity to each other.

Presentation and Question Sessions

29. Mr C.T. Lau, STP/STN, 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. Such type of development should be confined within the “Village Type Development” zone as far as possible. Notwithstanding, as the subject applications only involved construction of one Small House at each of the sites, he considered that the applications could be tolerated unless they were rejected on other grounds. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had strong reservation on the applications from the landscape planning perspective. The construction of the proposed Small Houses would result more of the wooded land being disturbed and encroachment of developments onto the “Green Belt” (“GB”) zone which would defeat the purpose of the “GB” zone and adversely impact on the preservation of the existing wooded area;
- (d) during the first three weeks of the statutory publication period, three public comments were received for each of the applications. Designing Hong Kong Limited and the Hong Kong Bird Watching Society objected to all of these three applications mainly on the grounds that the proposed development was not in line with the planning intention of the “GB” zone and there was cumulative loss of the “GB” zones in Tai Po, and there would be issues on parking and access. For application No. A/TP/570, the Village Representative (VR) of San Uk Ka Village expressed no objection to the application provided that arrangements on soil protection, planting

and landscaping, drainage and sewerage, water supply, parking and access were satisfactory. For applications No. A/TP/571 and 572, the VR of San Uk Ka Village expressed concerns on safety of slope to the south of the sites. No local objection/view was received by the District Officer (Tai Po); and

- (e) the PlanD's views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 12 of the Papers, which were summarised as follows:
- (i) the land available in these villages could not fully meet the future Small House demand (about 5.3 ha of land or equivalent to about 212 Small House sites were required);
 - (ii) the proposed Small House developments in general met the Interim Criteria for consideration of application for NTEH/Small House in New Territories (the Interim Criteria) in that more than 50% of the footprint of the proposed Small Houses fell within the village 'environs' ('VE') of San Uk Ka and Cheung Uk Tei Village and there was a general shortage of land in the "V" zone of these villages to meet the demand for Small House development. Hence, sympathetic consideration could be given to the applications;
 - (iii) the sites were in close proximity to the existing Small Houses in San Uk Ka and a cluster of approved Small Houses. Many of these approved Small Houses had been granted Building Licences, and some were completed or under construction. CTP/UD&L had strong reservation on the applications for the construction of the proposed Small House might result in more encroachment of developments onto the "GB" zone. In this regard, the sites were about 7m (for application No. A/TP/570) / 25m (for applications No. A/TP/571 and 572) away to the northeast of a wooded slope which broadly delineated the possible boundary of Small House developments in San Uk Ka along the fringe of the "GB" zone.

Besides, the site was vacant and had no significant vegetation. Thus, adverse impact on landscape resources was not anticipated. To address CTP/UD&L's concern, appropriate approval condition on landscape would be recommended. The proposal was also not expected to have significant adverse environmental, traffic, drainage and sewerage impacts, and concerned departments had no objection to or no adverse comment on the application. It thus met the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance';

- (iv) there were a previous application (for application No. A/TP/570) and similar applications within/partly within the same "GB" zone in the proximity of the sites approved by the Committee between 2000 and 2014 mainly on the grounds that they were generally in compliance with the Interim Criteria in that the entire/majority of the footprints of the proposed Small Houses fell within the 'VE'; there was a general shortage of land within the "Village Type Development" ("V") zone in meeting the Small House demand and the proposed Small House developments were not expected to have significant adverse impacts on the surrounding areas. The sites were adjacent to some approved applications. There had not been any significant/material change in planning circumstances for the area since the previous approval of these applications. For the rejected similar application (No. A/TP/562), the application site fell within unauthorized slope works which involved cutting the toe of an adjoining existing slope and would undermine the stability of the slope, resulting in an adverse impact on the proposed Small House development; and
- (v) there were two public comments objecting to each of the application, mainly on the grounds of being not in line with the planning intention of "GB" and not complying with the TPB PG-No. 10, shortage of land for parking and access, and cumulative adverse

impacts on the “GB” zones. The comments of government departments and assessment made in paragraphs above were relevant.

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

30. In response to a Member’s question, Mr C.T. Lau said that the number of 10-year Small House demand and the number of outstanding Small House applications for Wun Yiu/Cheung Uk Tei/San Uk Ka were 97/24/35 and 25/17/14 respectively. Noting that there was still 2.94 ha of land within the “V” zone available to meet Small House demand (or equivalent to 117 Small House sites), the Member said that the available land was still adequate to meet the outstanding Small House applications for these three villages.

31. Noting from the aerial photo on Plan A-3 of the Papers that the three sites had been formed and there was little vegetation on the sites, the Vice-chairman asked when such site formation works took place at these sites. In response, Mr Lau said that he had no such information in hand and the vegetation within and near the sites might be cleared due to some works undertaken in the nearby area in 2014. In response to the Member’s follow up question on why vegetation within “GB” zone could be cleared for those works, Mr Lau said that vegetation clearance per se did not contradict the planning intention of the “GB” zone.

Deliberation Session

32. A Member said that as land was still available within the subject “V” zone for Small House development (2.94 ha of land), there was no strong justification to approve these applications simply for the reason that the land available in the subject “V” zone could not fully meet the future Small House demand. It would be better to contain Small House developments within the “V” zone for better land utilization. In response, the Chairman said that similar issues had been discussed thoroughly in the past meetings of the Committee. The Committee would not simply base on the figures of outstanding Small House applications and 10-year Small House demand and the land available in the “V” zone to decide on the applications for Small House developments. Other factors would also be taken into account. Besides, the Committee had considered many applications for Small House developments in San Uk Ka and the planning considerations in processing these

applications could provide useful references for the subject applications. The figure of available land in the “V” zone was related to three villages, i.e. Wun Yiu, Cheung Uk Tei and San Uk Ka. Members noted that there was about 0.75 ha of land available within the “V” zone near San Uk Ka.

33. Some Members considered that the subject applications might be considered as “Destroy First, Build Later” cases. The Vice-chairman said that vegetation at the application sites seemed to have been cleared by some parties before the applications. He was concerned that approval of these applications would set undesirable precedents which might lead to further encroachment of developments into the vegetated area to the west. He requested PlanD to keep record of the latest boundary of vegetation cover at this part of “GB” zone for consideration of similar application in the area in future. The Chairman said that as shown on Plan A-2 of the Papers, the Committee had approved a number of applications for Small Houses within this part of “GB” zone near the subject sites. These Small Houses were either completed, with building license granted, under construction or with the Small House grants being processed. Members noted that PlanD had reviewed the conditions of the concerned “GB” zone during the consideration of applications No. 553, 561 and 562 at the meeting held on 17.10.2014. Densely vegetated area within the concerned “GB” zone had been demarcated as area not suitable for Small House development. The area within the “GB” zone but outside the demarcated area, where the subject sites located, was only covered by weeds and not precluded from Small House development. When considering application No. A/TP/561, the Committee had made reference to the aerial photo taken on 3.5.2014 that was also referred to in considering the subject applications.

34. Noting from Plan A-3 of the Paper for application No. A/TP/570 that construction materials had been deposited at the subject site before approval had been granted, a Member said that this might serve a piece of evidence to show that the application was a “Destroy First, Build Later” case. Although the subject “GB” zone might be acceptable for development and there were no valuable trees within and near the subject sites, continued approval of applications for Small Houses in this area would lead to further encroachment of developments to the area which was still vegetated, defeating the planning intention of the “GB” zone. Noting that the aerial photos on Plan A-3 of the Papers were taken on 3.5.2014, the Member requested to view the aerial photos taken before that date for comparison purpose. Members however noted that no such aerial photos were available at the meeting.

35. A Member said that given that the subject applications were suspected to be “Destroy First, Build Later” cases, the Committee might consider adopting a more stringent standard and reject the subject applications even though the Committee had approved some similar applications in the vicinity. Rejection of the subject applications could serve as a deterrent to other similar “Destroy First, Build Later” cases in future.

36. Some Members raised concerns on the guidelines to deal with the “Destroy First, Build Later” cases. In many cases, it was difficult to associate the destruction at the sites with the applicant or other specific parties, and thus it was not clear whether the Committee could reject an application if the party responsible for the destruction could not be identified.

37. The Chairman drew Members’ attention that while applications No. A/TP/553 and 561 were approved on 17.10.2014, application No. A/TP/562 was rejected on 17.10.2014. One of the rejection reasons was that the proposed development would involve clearance of existing natural vegetation affecting the existing natural landscape, and the applicant failed to demonstrate that the proposed development would have no adverse landscape impact on the surrounding areas and that the stability of the adjacent slope would not be adversely affected.

38. In conclusion, the Chairman summarised that Members in general would like to have more information on the past conditions of the subject sites as well as the discussion made by the Committee when considering similar applications in the meeting on 17.10.2014. He invited Members to consider whether to defer the consideration of the applications pending the provision of the aforesaid further information, or to make decisions on the applications at this meeting by following the considerations made on 17.10.2014.

39. A Member preferred to follow the considerations made on 17.10.2014 since the Committee had already thoroughly discussed similar issues in the past few months. Another Member said that each case should be considered on individual merits and had some reservation on approving the subject applications. Some Members said that there was no strong justification to approve applications No. A/TP/571 and 572 since they were adjoining the site of application No. A/TP/562 which was rejected by the Committee on 17.10.2014. For application No. A/TP/570, the site was within the cluster of approved planning applications for Small House developments and there might not be a strong reason to reject the application.

40. The Vice-chairman said that it was better to have more information before making a decision on the applications. Some Members concurred and said that it was better to defer the consideration of the applications pending provision of further information.

41. After further deliberation, the Committee agreed to defer the consideration of applications No. A/TP/570, 571 and 572 pending the information from PlanD on the past aerial photos showing the conditions of the subject sites before May 2014 as well as the planning considerations of the Committee in considering applications No. A/TP/553, 561 and 562 on 17.10.2014. The applications would be submitted to the Committee for consideration once the aforesaid information was ready.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/573 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” Zone, Government land in D.D. 13, Lee Uk Village, Lin
 Au, Tai Po
 (RNTPC Paper No. A/TP/573)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Environmental Protection (DEP) and Chief Engineer/Development(2),

Water Supplies Department (CE/Dev(2), WSD) did not support the application unless construction of the Small House would not be commenced before the completion of the planned sewerage system, which would tentatively be in 2022. DEP also considered that the use of septic tank should be avoided in order to protect the potable water quality in water gathering ground (WGG). The Commissioner for Transport (C for T) had reservation on the application. Such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Notwithstanding, as the subject application only involved construction of one Small House, he considered that the application could be tolerated unless it was rejected on other grounds;

- (d) during the first three weeks of the statutory publication period, one public comment was received. The Hong Kong Bird Watching Society objected to the application on the grounds that the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone and the cumulative loss of “GB” zones to residential developments in Tai Po had not been properly assessed. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows:
 - (i) the proposed development was not in line with the planning intention of “GB” zone. There was a general presumption against development within “GB” zone;
 - (ii) the total number of outstanding Small House applications for Lin Au was 6 while the 10-year Small House demand forecast was 101. About 2.12 ha (or equivalent to about 84 Small House sites) of land were available within the “V” zone of Lin Au. While the land available in the village could not fully meet the future Small House demand of about 2.68 ha of land (or equivalent to about 107 Small

House sites), it was still sufficient to meet the present outstanding Small House applications of the village. In this regard, it was considered more appropriate to concentrate the proposed Small House close to the main village cluster within the “V” zone. The applicant failed to demonstrate why land within the “V” zone could not be made available for the proposed Small House development;

- (iii) the site was located within upper indirect WGG. Although there was planned sewerage system at Lin Au, it was still under planning and the implementation programme was tentatively scheduled for completion in 2022 which was beyond the four-year validity period for a planning permission. DEP and CE/Dev(2), WSD did not support the application unless construction of the Small House was commenced after the completion of the planned sewerage system. The applicant had failed to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality of the area;
- (iv) although the site was entirely within the village ‘environs’ of Lin Au and there was a shortage of land in “V” zone to meet the future Small House demand of the village, the proposed development did not comply with the Interim Criteria for consideration of application for NTEH/Small House in the New Territories (the Interim Criteria) as the proposed development within WGG would not be able to be connected to the public sewerage system in the near future and thus would have adverse water quality impacts on the surrounding areas. The approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in adverse impact on the water quality in the area; and
- (v) although a similar application was approved by the Committee on 5.10.2001, the approval was granted before the incorporation of criterion (i) into the Interim Criteria (i.e. site located within WGG

should be able to be connected to the existing or planned sewerage system in the area). As such, the application did not warrant the same planning considerations as the similar approved application.

43. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which is primarily for defining the limits of urban development areas by natural physical 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 Interim Criteria for Assessing Planning Applications for New Territories Exempted House/Small Houses Development in the New Territories in that the proposed Small House located within the Water Gathering Ground would not be able to be connected to the planned sewerage system in the near future. The applicant fails to demonstrate that the proposed development would not cause adverse impact on the water quality of the area; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in adverse impact on the water quality in the area.”

Agenda Items 14 to 16

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/574 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Lot 963 S.B in D.D. 22, Lai Chi Shan Village, Tai
Po

(RNTPC Paper No. A/TP/574 to 576)

A/TP/576 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Lots 364 S.A ss.1, 364 S.B ss.2 and 963 S.G in
D.D. 22, Lai Chi Shan Village, Tai Po

(RNTPC Paper No. A/TP/574 to 576)

A/TP/575 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Lots 364 S.A ss.2, 364 S.B ss.4 and 963 S.D in
D.D. 22, Lai Chi Shan Village, Tai Po

(RNTPC Paper No. A/TP/574 to 576)

45. The Committee agreed that these three applications should be considered together since they were similar in nature and the sites were located in close proximity to each other.

Presentation and Question Sessions

46. 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 (NTEH) – Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Commissioner for Transport (C for T) had reservation on the applications. Such type of

development should be confined within the “Village Type Development” (“V”) zone as far as possible. Notwithstanding, as the subject applications only involved construction of a Small House on each of the sites, he considered that the applications could be tolerated unless they were rejected on other grounds;

- (d) during the first three weeks of the statutory publication period, 18 public comments, for all three applications, were received. Designing Hong Kong Limited and Hong Kong Bird Watching Society objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone and there was cumulative loss of “GB” zones in Tai Po, and issue on parking and access. Other comments from the representatives of non-indigenous residents of Pun Shan Chau and Lai Chi Shan Villages and individuals objected to the applications on the grounds that the proposed developments would cause adverse traffic, environmental, visual and landscape, ecological, drainage and sewerage, slope safety, air quality and air ventilation impacts. There were also concerns about the road safety and fire safety hazards. 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 applications based on the assessments as detailed in paragraph 12 of the Paper, which were summarised as follows:
 - (i) the land available in the village could not fully meet the future Small House demand (about 1.3 ha of land or equivalent to about 52 Small House sites are required);

 - (ii) the proposed Small House developments met the Interim Criteria for consideration of application for NTEH/Small House in New Territories (the Interim Criteria) in that more than 50% of the footprint of the proposed Small Houses fell within the village ‘environs’ (‘VE’) of Lai Chi Shan Village and there was a general

shortage of land in the “V” zone of the village to meet the demand for Small House development. Hence, sympathetic consideration could be given to the applications;

- (iii) relevant government departments consulted had no adverse comment on or no objection to the applications. The proposed developments generally complied with the Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’;
- (iv) there were a previous application and two similar applications within/partly within the same “GB” zone approved by the Committee between 2002 and 2009 mainly on the grounds that they were generally in compliance with the Interim Criteria in that the entire/majority of the footprints of the proposed Small Houses fell within the ‘VE’; there was a general shortage of land within “V” zone in meeting the Small House demand and the proposed Small House developments would unlikely have significant adverse impacts on the surrounding areas. There had not been any major material change in planning circumstances for the sites since the approval of these applications; and
- (v) there were 18 public comments objecting to the applications, mainly on the grounds of being not in line with the planning intention of “GB”, and causing adverse traffic, environmental, visual, landscape, ecological, drainage, sewerage, slope safety and air quality impacts. The comments of government departments and the assessment made in paragraphs above were relevant.

47. In response to a Member’s question, Mr C.T. Lau said that when comparing the land available within the “V” zone with the Small House demand for the subject applications, reference had been made to the “V” zone and the ‘VE’ at Lai Chi Shan.

Deliberation Session

48. Members noted that those structures annotated “TS” near the application sites as shown on Plan A-2 of the Paper were temporary structures for residential use.

49. In response to a Member’s question, Mr Edwin W.K. Chan, Assistant Director/Regional 3, LandsD, said that it was the decision of each indigenous village on whether to accept cross-village Small House applications.

50. A Member said that within the subject “GB” zone near Lai Chi Shan, there were no applications for Small Houses approved by the Committee apart from the two applications approved in 2002, and one of these two planning permissions had not been taken up for implementation. The subject “GB” zone was surrounded by the “V” zones at Lai Chi Shan, Sheung Wun Yiu, Cheung Uk Tei and San Uk Ka. Approval of the subject applications would set an undesirable precedent to encourage the encroachment of Small House developments into this part of “GB” zone. The Committee should have a longer-term view on how to safeguard this part of “GB” zone instead of simply comparing the land available in the “V” zone at Lai Chi Shan against the Small House demand to decide on the subject applications. Another Member concurred and said that Small House developments should be contained in the “V” zone of Lai Chi Shan since there was still plenty of land available in this “V” zone.

51. Members noted that when considering each planning application, PlanD would take into account different factors including departmental comments and public comments received as well as other planning circumstances.

52. The Chairman summarised that some Members had reservations on the subject applications and invited Members to decide whether to reject the applications or defer the consideration of the applications pending provision of more information on which part the “GB” zone near Lai Chi Shan was suitable and unsuitable for Small House developments, and if rejecting the application, whether there was any need to strengthen the reasons for rejection as suggested in paragraph 13.3 of the Paper.

53. After further deliberation, the TPB decided to reject the applications. Members

then went through the reasons for rejection as stated in paragraph 13.3 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission to justify a departure from this planning intention; and
- (b) the approval of the application would set an undesirable precedent for similar developments within “GB” zone. The cumulative impact of approving such applications would result in a general degradation of the natural environment in the area.”

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 17

Section 12A Application

[Open Meeting]

Y/YL-KTS/2 Application for Amendment to the Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/11, to Amend Remark (c) under the Notes of the “Comprehensive Development Area” Zone to Relax the Development Restrictions for Site 1 by Increasing the Maximum Total Gross Floor Area to 36,960m² and Maximum Building Height to 69mPD Lots 547 RP and 2160 RP in D.D. 106 and Adjoining Government Land, Tung Wui Road, Pat Heung, Yuen Long (RNTPC Paper No. Y/YL-KTS/2B)

54. The Secretary reported that the application was submitted by Super Asset Development Ltd., which was a subsidiary of Henderson Land Development Co. Ltd. (HLD). The following Members had declared interests in this item:

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

Mr Ivan C.S. Fu - having current business dealings with HLD.

Dr W.K. Yau - being the Chief Executive Officer of Tai Po Environmental Association Limited which received a donation from HLD.

Professor K.C. Chau - being an employee of the Chinese University of Hong Kong which received a donation from a family member of the Chairman of HLD.

Mr H.F. Leung - being an employee of the University of Hong Kong (HKU) which received a donation from a family member of the Chairman of HLD.

- Professor S.C. Wong - being an employee of HKU which received a donation from a family member of the Chairman of HLD.
- Dr Eugene K. K. Chan - being the Convenor of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from HLD.
- Ms Christina M. Lee - being a Director of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from HLD.

55. As the applicant had requested for deferment of consideration of the application, the Committee agreed that Ms Lai and Mr Fu could stay in the meeting but should refrain from participating in the discussion. As the interests of Dr Yau, Professor Chau, Mr Leung, Professor Wong were indirect, the Committee agreed that they could stay in the meeting. The Committee noted that Dr Chan and Ms Lee had tendered apologies for being unable to attend the meeting.

56. The Committee noted that the applicant's representative requested on 21.11.2014 for further deferment of the consideration of the application for another two months so as to allow time for addressing comments from the Drainage Services Department on the application. This was the applicant's third request for deferment.

57. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that a further two months were allowed for preparation of the submission of the further information. Since it was the third deferment of the applicant, the Committee agreed to advise the applicant that the Committee had allowed a total of six months for preparation

of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 18

Section 16 Application

[Open Meeting]

A/NE-KTS/364 Proposed Houses in “Comprehensive Development Area” Zone, Lots 1027, 1029, 1030, 1034 S.A, 1034 S.B, 1039 (Part), 1040, 1042 RP, 1043 RP, 1044 RP (Part), 1045, 1047, 2233 (Part), 2251 S.A RP, 2256 RP, 2315 (Part) and 2316 RP (Part) in D.D. 92 and Adjoining Government Land, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/364B)

58. The Secretary reported that on 18.12.2014, the applicant requested for further deferment of the consideration of the application for two months so as to in order to allow two months’ time to review the Master Layout Plan for provision of possible setback along the eastern site boundary in response to comments of the Civil Engineering and Development Department. Besides, additional time was required to address outstanding comments of the Transport Department. This was the applicant’s third request for deferment.

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

[Miss Yvonne Y.T. Leong, Miss Helen H.Y. Chan and Mr Simon C.K. Cheung, Town Planners/Fanling, Sheung Shui and Yuen Long East (TPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/455 Temporary Open Storage of Private Cars for a Period of 3 Years in
“Open Space” and “Residential (Group D)” Zones, Lot 529 S.B (Part)
in D.D.109 and Lot 644 S.A RP (Part) in D.D.110 and Adjoining
Government Land, Kam Tin Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/455)

Presentation and Question Sessions

60. Miss Yvonne Y.T. Leong, TP/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 private cars for a period of three 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 dwellings located to the north and west (less than 10m away), and environmental nuisances were expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Regarding DEP's objection, there was no environmental complaint received by DEP in the past three years. To address DEP's concern on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours, types of vehicles and prohibiting workshop-related activity were recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant would be advised to adopt the environmental mitigation measures as set out in the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" in order to alleviate any potential impact.

61. Members had no question on the application.

Deliberation Session

62. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.1.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 9:00 a.m., 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 dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no 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) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.7.2015;
- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.10.2015;
- (h) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.7.2015;
- (i) in relation to (h) above, the implementation of the tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.10.2015;
- (j) the provision of fire extinguisher(s) with a 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 13.2.2015;
- (k) the submission of fire services 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 2.7.2015;
- (l) in relation to (k) above, the provision of fire services installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.10.2015;

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

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

- “(a) prior planning permission should have been obtained before commencing the storage use at the site;
- (b) the permission is given to the use under application. It does not condone any other use including the vehicle repair workshop 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;
- (c) resolve any land issues relating to the development with the concerned owners of the site;
- (d) the site should be kept in a clean and tidy condition at all time;
- (e) to note the comments of the District Lands Officer/Yuen Long that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval from the Lands Department (LandsD). No permission has been given for the occupation of the 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 Kam Tin Road via GL and other private lots. LandsD provides no maintenance works for the GL involved and does not guarantee right-of-way. The lot owners concerned will need to apply to LandsD 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 the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (f) 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;
- (g) to note the comments of the Commissioner of Transport that complaints had been received that there were vehicles parking outside the lot, blocking the footpath outside and the sightline of motorists at the adjoining T-junction. The applicant should not park or store vehicles outside the site. 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 (TD). The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that if the proposed run-in is agreed by TD, the applicant should construct a run-in/out at the access point at Kam Tin 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;

- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Besides, the good practice guidelines for open storage sites in Appendix V of the RNTPC paper should be adhered to. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant shall provide justifications to his Department for consideration. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval;

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under BO and should not be designated for any use under the subject 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 coordinator for the proposed building works in accordance with BO. The site shall be provided with

means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under BO. If the 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 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:
 - (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure;
 - (iii) the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection)

Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

There are two LPG filling stations opposite to the site, namely Petrol China petrol-cum-LPG filling station and Sinopec petrol-cum-LPG filling station. As there is a risk of gas leakage from the two filling stations, the applicant should establish procedures to avoid any hot work and contingency plan for evacuation of workers and visitors in case there is gas leakage to the site.”

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/645 Temporary Site Office, Car Park and Open Storage of Precast Units Related to the Central-Wan Chai Bypass - Tunnel (Slip Road 8 Section) Construction for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” Zone, Lots 509 (Part), 510, 514 (Part) and 515 RP (Part) in D.D. 106, Kam Po Road, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-KTS/645A)

Presentation and Question Sessions

64. Miss Yvonne Y.T. Leong, TP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary site office, car park and open storage of precast units related to the Central-Wan Chai Bypass - Tunnel (Slip Road 8 Section) construction for a period of three 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 since in accordance with the latest “Code of Practice on the Handling Environmental Aspects of Temporary Uses and Open Storage Sites”, there were sensitive receivers i.e. residential dwellings/structures located to the east (the nearest one about 20m away) and in the vicinity of the site, and environmental nuisance was expected;

- (d) during the first three weeks of the statutory publication period, two public comments from a member of public and Designing Hong Kong Limited (DHKL) were received. The member of public raised objection to the application mainly on the grounds that the applied use being operated without valid planning permission, would impose noise nuisance and endanger the safety of the local villagers and cyclists. DHKL objected to the application on the grounds that the proposed development was incompatible with the planning intention of “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone; no impact assessment had been conducted in terms of environmental, drainage and sewerage impacts; there was already sufficient land supply for car park and open storage uses in the vicinity; and the approval of the application might be subject to renewal which rendered the site difficult to be reinstated for more suitable land uses. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows:
 - (i) the proposed temporary development was not in line with the planning intention of “OU(RU)” zone which was intended for the preservation of the character of the rural area. The proposed development, which would involve open storage and car parking uses, was considered not compatible with the surrounding land uses which were mixed with residential dwellings/structures, agricultural land/activities, vacant/unused land and warehouse. While there

was a warehouse located to the immediate north of the site, it was an “existing use” which was tolerated under the Town Planning Ordinance. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (ii) the current application did not comply with TPB Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) in that there was no previous approval for open storage use granted at the site and that existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable. Moreover, DEP did not support the application as there were sensitive receivers, i.e. residential structures located to the east (about 20m away) and in the vicinity of the site, and environmental nuisance was expected. The Chief Town Planner/Urban Design & Landscape, PlanD considered that the landscape proposal submitted by the applicant was not sufficient and more details on the preservation of existing trees were required;
- (iii) the site was subject to five previous applications. Applications No. 391 and 581 for temporary open storage use and temporary public car park and open storage use respectively were rejected by the Committee whilst applications No. 465, 540 and 591 for temporary public vehicle park uses were approved with conditions by the Committee. The last two Applications No. A/YL-KTS/540 and 591 were subsequently revoked due to non-compliance with approval conditions related to restrictions of parking/storage of vehicles. Hence, the current application for temporary site office, car park and open storage use did not warrant sympathetic consideration;
- (iv) although similar applications for open storage uses within the “OU(RU)” zone were approved, they were located along the eastern

boundary of the “OU(RU)” zone or along Kam Sheung Road and mainly based on the considerations that the developments were not incompatible with the surrounding areas predominated by open storage/workshop-related uses and they were all subject to previous approvals. The subject site, which fronted onto Kam Po Road and was located in the western part of the “OU(RU)” zone close to Kam Tin River, was generally of rural character, and hence did not warrant the same considerations. Approval of the application would set an undesirable precedent for similar uses to proliferate in this part of the “OU(RU)” zone. The cumulative effect of approving such application would result in a general degradation of the rural character of the area; and

- (v) two public comments raising objection to the application were received.

65. In response to a Member’s comments on the wording about the time limit of complying with the approval conditions stated in paragraph 13.2 of the Paper, the Chairman said that the comments were noted and could be further studied.

Deliberation Session

66. Noting there were previous applications at the site, a member asked whether the wordings of rejection reason (b) in paragraph 13.1 of the Paper was correct. In response, the Secretary said that the wording was appropriate, as the rejection reason was about the non-compliance with the Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” in that there was no previous planning approval for open storage use granted at the site.

67. 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 “Other

Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which is for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities. 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 Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” in that the development is not compatible with the rural character of the site and its surrounding areas with agricultural activities and residential dwellings, there is no previous planning approval for open storage use granted at the site and there is adverse comment from the relevant department; and
- (c) the approval of the application would set an undesirable precedent for similar applications within this part of the “OU(RU)” zone. The cumulative effect of approving such application would result in a general degradation of the rural character of the area.”

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/655 Temporary Open Storage of Metal and Construction Materials with Ancillary Office for a Period of 3 Years in “Residential (Group D)” Zone, Lot 702 S.C. in D.D. 106, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/655)

Presentation and Question Sessions

68. Miss Yvonne Y.T. Leong, TP/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 metal and construction materials with ancillary office for a period of three 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 dwellings, located to the immediate south and west (the nearest one about 5m away) and in the vicinity of the site, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited. As the comment was related to another planning application, it was considered irrelevant to the subject application. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Regarding DEP's comments, there was no environmental complaint received by DEP in the past 3 years. To address the environmental concern of DEP, approval conditions restricting operation hours and types of vehicles, and prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities and maintenance of existing boundary fence were recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority. Besides, the applicant would be advised to undertake environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage

Sites” in order to alleviate any potential impact and to keep the site conditions clean and tidy at all times.

69. Members had no question on the application.

Deliberation Session

70. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.1.2018, 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 8:00 a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (e) the existing boundary fence on the site shall be maintained at all times during the planning approval period;
- (f) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (g) the existing landscape plantings within the site shall be maintained at all

times during the planning approval period;

- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.7.2015;
- (i) in relation to (h) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.10.2015;
- (j) the provision of fire extinguisher(s) together with 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 13.2.2015;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.7.2015;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.10.2015;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied uses at the site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from the Lands Department (LandsD). The site is accessible to Shek Kong Airfield Road via Government land (GL). LandsD does not provide maintenance works for this access nor guarantees right-of-way. The site falls within Shek Kong Airfield Height Restriction Area. The lot owner concerned will still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Moreover, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (d) to 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 Commissioner for 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;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the application site and Shek Kong Airfield Road; the applicant should construct a run in/out at the access point at Shek Kong Airfield 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;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that 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 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 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 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 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 Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The applicant should observe the “Good Practice Guidelines for Open Storage Sites” in Appendix V of the RNTPC paper. To address the condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to his department for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with BO, detailed fire safety requirements will be formulated upon receipt of formal submission of the 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 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 or 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 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 Items 22 and 23

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/654 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1572 S.F in D.D.106, Yuen Kong, Pat Heung,
Yuen Long
(RNTPC Paper No. A/YL-KTS/654)

A/YL-KTS/656 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1572 S.E in D.D.106, Yuen Kong, Pat Heung,
Yuen Long
(RNTPC Paper No. A/YL-KTS/656)

72. The Committee agreed that these two applications would be considered together since they were similar in nature (i.e. proposed house (New Territories Exempted House – Small House)) and the sites were located in close proximity to each other.

Presentation and Question Sessions

73. Miss Yvonne Y.T. Leong, TP/FSYLE, 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 Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from

agricultural development point of view as the subject site was a piece of vacant land with grasses where water supply and road access were available. It had potential for agricultural rehabilitation for greenhouse or plant nursery;

- (d) during the first three weeks of the statutory publication period, one public comment was received for each of the applications. The comment of application No. A/YL-KTS/654 was submitted by two villagers of Yuen Kong Tsuen who raised objection to the proposed development mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; agricultural land should be preserved for land rehabilitation; approval of the application would set an undesirable precedent for similar applications; the application was not in line with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria); and there was sufficient land in Yuen Kong Tsuen for Small House development. The comment of application No. A/YL-KTS/656 was submitted by Designing Hong Kong Limited which raised objection to the application mainly on the grounds that proposed development was not in line with the intention of the “AGR” zone; cumulative impact of Small House development; failure to provide impact assessment; the potential agricultural activities would be diminished and urban development should be avoided; substandard road, access and parking arrangements might result in unsafe and inadequate provisions; and the shortage of land of parking and access might lead to disharmony among residents and give rise to illegal behaviours. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows:
 - (i) the proposed developments were not in line with the planning intention of the “AGR” zone which was primarily to retain and

safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention. In this regard, DAFC did not support the applications from the agricultural point of view as the subject sites were a piece of vacant land with grasses where water supply and road access were available and the sites possessed potential for agricultural rehabilitation for green house or plant nursery;

- (ii) the applications did not comply with the Interim Criteria in that the sites and the proposed Small Houses fell entirely outside the “Village Type Development” (“V”) zone. Moreover, the sites fell entirely outside the draft Village Environs Boundary of Yuen Kong. According to the Interim Criteria, development of NTEH – Small House with more than 50% of the footprint outside both the village ‘environs’ (‘VE’) and the “V” zone would normally not be approved except under very exceptional circumstances. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. There was no exceptional circumstance to justify approval of the application;
- (iii) the outstanding Small House applications and the estimated Small House demand in the next 10 years for Yuen Kong were 67 and 160 respectively (i.e. 227 Small Houses or about 5.675 ha). According to PlanD’s latest assessment, there were about 2.9 ha of land within the “V” zone in Yuen Kong (i.e. equivalent to about 116 Small Houses). Although there was insufficient land for meeting the long-term demand for Small House in Yuen Kong, there was still land available to meet the current outstanding applications;
- (iv) the approved applications mentioned by the applicant (i.e.

applications No. A/YL-KTS/476 and 477) were located to the further southwest of the sites (about 280m away) and they fell within the 'VE' of the concerned villages and with not less than 50% of the proposed NTEH footprint falling within the "V" zone. The current applications were different from the two mentioned approved applications in terms of planning circumstances and site surroundings; and

- (v) there was one public comment for each of the applications, both raised objection to the proposed developments.

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

74. A Member asked why there were a number of existing residential developments near the sites. In response, Miss Yvonne Y.T. Leong said that these existing residential developments were either 'existing uses' being in existence before the first publication in the Gazette of the notice of the Kam Tin South Interim Development Permission Area Plan No. IDPA/YL-KTS/1 in October 1990, or approved within the period from 1994 to 1999 before the promulgation of the Interim Criteria in 2000.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone on the Outline Zoning Plan, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification given in the submission for a departure from the planning intention; and

- (b) the application does not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House (NTEH) – Small House development in that the site and the proposed NTEH – Small House footprint falls entirely outside the village ‘environs’ for Yuen Kong Tsuen and the “Village Type Development” zone. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. There is no exceptional circumstance to justify approval of the application.”

Agenda Item 24

Section 16 Application

[Open Meeting]

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

76. The Secretary reported that on 19.12.2014, the applicant requested for deferment of the consideration of the application for one month so as to allow more time for preparation of responses to address the comments of the Agriculture, Fisheries and Conservation Department. This was the applicant’s second request for deferment.

77. 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 a further one month was allowed for preparation of the submission of the further information. Since it was the second deferment of the applicant, the Committee

agreed to advise the applicant that the Committee had allowed a total of two months for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/313 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” Zones, Lot 1899 S.B in
D.D. 105, Shek Wu Wai, Yuen Long
(RNTPC Paper No. A/YL-NTM/313)

Presentation and Question Sessions

78. The Committee noted that further information received on 24.12.2014 about applicant’s responses to public comments as well as five replacement pages for Appendix IV of the Paper about the District Officer’s comments on the application were tabled at the meeting.

79. Miss Helen H.Y. Chan, TP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site had high potential for agricultural rehabilitation with water supply and road access;

- (d) during the first three weeks of the statutory publication period, four public comments were received from a private individual, Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and Designing Hong Kong Limited. Their main grounds of objections were as follows:
- (i) the site fell within the “Green Belt” (“GB”) zone and the zoning intention was incompatible with the sprawl of Small Houses. Approval of the application would set an undesirable precedent for similar applications. Cumulative impact of approval of Small House applications should be considered;
 - (ii) the proposed construction and operation of the proposed Small House might cause ecological impact on the locality and also further degrade the environment;
 - (iii) substandard engineering of road and parking areas might result in unsafe and inadequate provisions; and
 - (iv) there was no shortage of land within the “Village Type Development” (“V”) zone of Shek Wu Wai to meet Small House demand. Small Houses should be constructed within the “V” zone;
- (e) the District Officer (Yuen Long) advised that local views from an indigenous village representative and a representative of the residents of Shek Wu Wai were received. They supported the development of Small House within the village by indigenous villagers. They considered that the subject application fulfilled the needs of these villagers and would not infringe their interest;
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows:

- (i) the proposed development was not in line with the planning intention of the “GB” zone. According to the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10), there was a presumption against development within “GB” zone and new development would only be considered in exceptional circumstances and must be justified with very strong planning grounds. No strong planning justifications had been given in the submission for Small House development in the “GB” zone and there were no exceptional circumstances to justify approval of the application;
- (ii) the total number of outstanding Small House applications for Shek Wu Wai was 11 (i.e. about 0.275 ha) while the 10-year Small House demand forecast for the same village was 60 (i.e. 71 (about 1.78 ha) in total). A total of about 2.84 ha (equivalent to about 113 Small House sites) of land were available within the “V” zone in Shek Wu Wai. There was no shortage of land in the “V” zone in Shek Wu Wai to meet the demand of Small Houses;
- (iii) despite more than 50% of the proposed Small House fell within the village ‘environs’ (‘VE’), the application was not in line with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New Territories in that there was no general shortage of land within the “V” zone to meet the demand for Small House development. About 74.5% of the footprint of the proposed Small House fell outside the “V” zone. As land was still available within the “V” zone of Shek Wu Wai for Small House development, it was considered more appropriate to concentrate the proposed Small House within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. The applicant had not provided any justifications in this regard. DAFC did not support the application from agricultural point of view as the site had high potential for

agricultural rehabilitation with water supply and road access; and

- (iv) there were public comments against the application.

80. Members had no question on the application.

Deliberation Session

81. 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) a portion of the site falls within the “Green Belt” (“GB”) zone. The proposed development is not in line with the planning intention of the “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 and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone;
- (c) land is still available within the “V” zone of Shek Wu Wai for Small House development. It is considered more appropriate to concentrate the proposed Small House within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in adverse traffic impact on the

surrounding area and encroachment onto the “GB” zone by Small House developments, leading to a general degradation of the natural environment.”

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/456 Renewal of Planning Approval for Temporary “Public Vehicle Park (excluding container vehicle)” for a Period of 3 Years in “Undetermined” Zone, Lot No. 244 S.B RP (Part) In D.D.99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/456)

Presentation and Question Sessions

82. Mr Simon C.K. Cheung, TP/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 public vehicle park (excluding container vehicle) under previous application No. A/YL-ST/407 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 12 of the Paper.

83. Members had no question on the application.

Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 24.1.2015 to 23.1.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) 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;
- (b) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance is allowed to be parked/stored on 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 (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance is allowed to be parked/stored on the site during the planning approval period;
- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (e) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;

- (f) the existing run-in connecting Lok Ma Chau Road on the site shall be maintained at all times during the planning approval period to the satisfaction of the Commissioner for Transport;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of an as-built drainage plans and sections and photographic records of the existing drainage facilities 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 24.4.2015;
- (i) the submission of tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 24.7.2015;
- (j) in relation to (i) above, the implementation of tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 24.10.2015;
- (k) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.7.2015;
- (l) in relation to (k) above, the provision of fire service installations proposed within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.10.2015;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

- “(a) to resolve any land issues relating to the temporary development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the land under the site comprises Old Schedule Agricultural Lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The site is accessible directly to Lok Ma Chau Road. The private land of Lot No. 244 s.B RP in D.D. 99 is covered by Short Term Waiver No. 3781 for the purpose of “ancillary office to public vehicle park (excluding container vehicle). No permission has been given for occupation of the Government land (GL) (about 133.61m² subject to verification) at the western portion of the site. The act of occupation of GL without Government’s prior approval should not be encouraged. Should the application be approved, the applicant has to either exclude the GL at the western portion of the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (c) to 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 areas;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should continue maintaining the existing fencing and landscape planting along the site boundary and ensure that the development would not encroach on the nearby well wooded area at the northwest and affect any trees thereon;
- (e) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised: (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans;
- (f) 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 site. 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 approved use under the application. Before any new building works (including site office and shroff as temporary buildings) are to be carried out on the site, 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 BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in

accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under BO;

- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should maintain the run-in/out at the access point at Lok Ma Chau Road in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is applicable to match 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; and
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that 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 DLO/YL, LandsD regarding all the drainage works outside the site boundary in order to ensure the unobstructed discharge from the site in future.”

[The Chairman thanked Miss Yvonne L.T. Leong, Miss Helen H.Y. Chan and Mr Simon C.K. Cheung, TPs/FSYLE, for their attendance to answer Members' enquires. Miss Leong, Miss Chan and Mr Cheung left the meeting at this point.]

Tuen Mun and Yuen Long West District

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/40 Renewal of Planning Approval for Temporary Recreation Use (Fishing Ground) For a Period of 3 Years in “Coastal Protection Area” Zone and an area shown as ‘Road’, Lots 73 (Part), 74 (Part), 75, 76, 77(Part) and 78 (Part) in D.D.135 and adjoining Government Land, Pak Nai, Yuen Long

(RNTPC Paper No. A/YL-PN/40)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary recreation use (fishing ground) under previous application No. A/YL-PN/34 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to / no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development.

87. The Committee noted that the dates specified in approval conditions (e), (f) and (g) as stated in paragraph 13.2 of the Paper should be 7.4.2015, 7.7.2015 and 7.10.2015 instead.

Deliberation Session

88. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 7.1.2015 to 6.1.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the maintenance of existing drainage facilities at all times during the planning approval period;
- (d) the maintenance of existing trees on the site at all times during the planning approval period;
- (e) the submission of condition record of the existing drainage facilities 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 7.4.2015;

- (f) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.7.2015;
- (g) in relation to (f) above, the implementation of fire service installations proposal with 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 7.10.2015;
- (h) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning conditions (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for occupation of Government land (GL) (about 394m² subject to verification) included in the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The lot owner(s) will need to apply to his Office to permit the structures to be erected or regularize any irregularities on site. Furthermore, the applicant(s) has to either exclude the GL portion from the site or apply for a formal approval to the actual occupation of the GL portion. Such

application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) 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;

- (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. 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 approved use under the application. For Unauthorized Building Works (UBW) erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under BO. Before any new building works (including containers as temporary buildings) are to be carried out on the site, the prior approval and consent of BA should be obtained. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with BO. If the proposed use is subject to issue of a licence, any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. The temporary shelters, toilets, house, container and switch room are considered as temporary buildings subject to control under Building (Planning) Regulations (B(P)R) Part VII. The site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided under the Regulation 41D of the B(P)R. Should there be any proposed works that have not fulfilled the exemption criteria as set out in Practice Notes for AP and Structural Engineer PNAP APP-56 "Exemption Criteria for Site Formation Works associated with Exempted Building Works in the New Territories", such works should be submitted

through an AP to BD for approval;

- (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 nuisance to the surrounding area;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should be advised to adopt appropriate measures to prevent any disturbance or environmental hygiene problems that may affect the nearby fishponds and fish culture activities as well as the mudflat/mangrove during the operation of the fishing ground;
- (f) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that sufficient manoeuvring spaces shall be provided within the site;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed 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 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 to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or the applicant's contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines."

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/41 Temporary Warehouse for Cleaning Supplies and Fertilizers for a Period of 3 Years in "Agriculture" Zone, Lots 59 RP (Part), 60 S.D (Part) & 60 RP (Part) in D.D. 135, and Adjoining Government Land, Nim Wan Road, Sheung Pak Nai, Yuen Long
(RNTPC Paper No. A/YL-PN/41)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for cleaning supplies and fertilizers for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper which were summarised as follows:
 - (i) the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access road and environmental nuisance was expected;
 - (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view. His site inspection revealed that the site was currently a piece of paved land being used for open storage purpose. Nevertheless, active agricultural activities were found in the vicinity of the site whilst footpath and water sources were also available. The site was considered having potential for rehabilitating to greenhouse or plant nursery. The site was adjacent to a “Coastal Protection Area” (“CPA”) zone and the Pak Nai Site of Special Scientific Interest (SSSI) while some fishponds and watercourses were also found in the close vicinity. There was concern that the development might result in water pollution to the nearby water receivers; and
 - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape perspective. A site visit was conducted on 24.11.2014. The site was hard paved with temporary structures for open storage use and no existing tree was found within the site. With reference to an aerial photo dated 3.5.2014, the site was situated in an area of rural landscape character but disturbed by open storage uses. Although open storage could be found adjacent to the site, the majority were suspected unauthorized developments. The

site was located adjacent to the “CPA” zone which was ranked as “High (Qualified) Terrestrial Landscape Character Area” value in Landscape Value Mapping of Hong Kong (Final Report). The proposed open storage use was considered not compatible with the surrounding rural landscape character. 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;

- (d) during the first three weeks of the statutory publication period, 2 public comments were received. The World Wide Fund for Nature Hong Kong objected to the application mainly on the grounds that the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, arable farmlands were found adjacent to the site, and approval of the application would set an undesirable precedent. The Designing Hong Kong Limited objected to the application mainly on the grounds that the development was not in line with planning intention of the “AGR” zone, there was sufficient supply of storage sites, the development led to degradation of the environment, and similar applications (No. A/YL-PS/30 and 38) were rejected. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the PlanD’s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper, which were summarised as follows:
 - (i) the subject development was not in line with the planning intention of the “AGR” zone. DAFC did not support the application from agricultural point of view as active agricultural activities were found in the vicinity whilst footpath and water sources were also available. The site was considered as having high potential for agricultural rehabilitation to greenhouse or plant nursery. There was no strong planning justification provided in the submission for a departure from the planning intention of “AGR” zone, even on a temporary basis;

- (ii) the surrounding area was predominantly rural in character. Except two open storage yards which were either suspected unauthorized development or “existing uses”, the surrounding area comprised mainly farm land, orchards and ponds intermixed with rural settlements. The development was not compatible with the surrounding rural environment;

- (iii) DEP did not support the application as there were sensitive uses in the vicinity of the site and the access road and environmental nuisance was expected. The nearest residential dwellings to the east and south-east were about 4-5m away. Although no existing tree was found within the site, CTP/UD&L, PlanD considered that the proposed use was incompatible with the rural landscape character of the surrounding area. The “CPA” zone to the northwest of the site across Nim Wan Road was also a “High (Qualified) Terrestrial Landscape Character Area”. Approval of the application would encourage similar uses in the area leading to further deterioration of the rural landscape resources. There was no information in the submission to address the concerns of relevant government departments. Besides, DAFC commented that the site was adjacent to the “CPA” zone and Pak Nai SSSI with fishponds and watercourse in the close vicinity. There was concern on the potential water pollution to the nearby water receivers. The applicant failed to demonstrate that the development would not cause adverse environmental and landscape impacts on the surrounding area;

- (iv) no similar application for temporary warehouse/storage development within the “AGR” zone has been approved. Approval of the application would set an undesirable precedent and encourage other applications for similar development within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area; and

- (v) there were 2 public comments objecting to the application.

91. Members had no question on the application.

Deliberation Session

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

- “(a) the “Agriculture” (“AGR”) zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The development is not in line with the planning intention of the “AGR” zone. There is no strong planning justification for a departure from the planning intention, even on a temporary basis;
- (b) the development is incompatible with the rural environment and landscape character of the surrounding area; and
- (c) approval of the application, even on temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in the encroachment of good agricultural land and a general degradation of the environment of the area.”

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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/205B)

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

- Mr Ivan C.S. Fu - having current business dealings with SHK, Masterplan, AGC, AECOM and Environ.

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

- Dr Eugene K. K. Chan - being the Convenor of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from SHK.

- Ms Christina M. Lee - being a Director of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from SHK.

- Professor S.C. Wong - having current business dealings with AECOM; and being the Chair Professor and Head of

Department of Civil Engineering of the University of Hong Kong where AECOM had sponsored some activities of the Department.

94. The Committee agreed that the interests of Mr Fu and Ms Lai were direct and they should leave the meeting temporarily for this item. As the interests of Dr Chan and Ms Lee were indirect and Professor Wong had no involvement in this application, the Committee agreed that they could stay in the meeting. The Committee noted that Dr Chan and Ms Lee had tendered apologies for being unable to attend the meeting.

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

Presentation and Question Sessions

95. With the aid of a Powerpoint presentation, 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 application was for amendments to the approved Master Layout Plan (MLP) under application No. A/YL/151 for comprehensive commercial/residential development at the application site. The site, with an area of about 3.61ha, fell within an area zoned “Comprehensive Development Area” (“CDA”) on the approved Yuen Long Outline Zoning Plan (OZP). According to the Notes on the OZP, ‘Flat’ and ‘Hotel’ were Column 2 uses under “CDA” zone which required planning permission from the Town Planning Board (TPB) and should be supported by a MLP;
- (c) the site covered Phases I, IIa, IIb and III. Phase I (namely YOHO Midtown) comprising 8 residential blocks with commercial and government, institution or community (G/IC) facilities completed in 2010. Phase IIa was proposed for the development of a hotel tower of 37 storeys (135.7 mPD) while Phase IIb was proposed for the development of a residential tower of 28 storeys over a 2-storey podium (109.85mPD).

Phase III had two residential towers of 28 storeys over 3-storey podium with G/IC facilities (110.30mPD) and a basement carpark. The overall domestic and non-domestic gross floor area (GFA)/PR of the development at this “CDA” site under the current scheme was about 160,792m²/4.46 and 39,416m²/1.09 respectively;

- (d) the current application mainly involved subdivision of Phase II of the proposed development into Phases IIa and IIb for addition of a hotel block at Phase IIa; and conversion of the commercial GFA and part of the domestic GFA at Phase II to hotel use. The total GFA would be increased by 4,236m². No change was made to the completed Phase I. The development parameters of Phase III would largely remain the same. Major changes on the current application were summarised as follows:

Phase II

- (i) conversion of part of the residential GFA (5,649m²) and all commercial GFA (2,322m²) in the previous scheme and to add 4,236m² non-domestic GFA for a proposed hotel tower of 37 storeys with 324 guestrooms in Phase IIa;
- (ii) reduction in the average flat size at Phase IIb with the total number of residential units remained unchanged at 156 units;
- (iii) reduction in building height (BH) from 39 storeys over 5-storey podium (163.85mPD) to 28 storeys over 2-storey podium (109.85mPD);
- (iv) building separation between the proposed hotel tower at Phase IIa and Tower 1 at Phase I was widened from about 27m to 35m as well as building setback from Yau Tin East Road;
- (v) a new vehicular access/EVA/pedestrian crossing across the existing nullah connecting Fung Yau Street East and Yau Tin East Road was proposed;

- (vi) deletion of car parking for residential and commercial developments at Phase II and adjustment of loading/unloading bays and addition of coach/taxi laybys for hotel use at Phase IIa;
- (vii) a temporary footbridge was proposed to link the proposed hotel with the existing footbridge to the west across the adjoining “Government, Institution or Community” site. An elevated pedestrian linkage was proposed to connect the proposed hotel with the existing shopping mall at Phase I;

Phase III

- (viii) adjustment to the design of residential towers;
 - (ix) relocation of car park from podium to basement resulting in a reduction in podium storeys from 4 to 3 and corresponding reduction of the BH from 117.05mPD to 110.30mPD; and
 - (x) a new vehicular access for Phase III was proposed at Yuen Lung Street.
- (e) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (f) during the first three weeks of the statutory publication period, a total of 745 public comments were received, including 372 supporting/in favour of, 369 objecting to/expressing concerns on and 4 having no comment on the application. The supportive comments were from a Yuen Long District Council (YLDC) member, the local residents and the general public. The objecting comments were from the members and vice-chairman of YLDC, Owners’ Committee of Yoho Midtown, nearby residents and the general public. The major grounds of the comments were summarised as follows:
- (i) the supportive comments were on the grounds that the proposed

commercial/hotel development would become a new tourist spot and help alleviate the congestion of popular tourist locations; the proposed development could generate local employment opportunities and benefit the local economy; would put scarce land resources to better use; and was compatible with the surrounding developments and would enhance the overall environment of the area; and

- (ii) the objecting comments were on the grounds that the proposed development would generate wall-effect as well as adverse visual and air ventilation impacts; traffic problem was anticipated as the existing infrastructure in Yuen Long town had already reached its maximum capacity; the proposed development would aggravate the shortage of car parking spaces and G/IC facilities provision in Yuen Long district; and there were concerns on environmental, road and building safety, land administration, 'fung shui', tree felling and landscape aspects. Proposals by some commenters included the decking over the existing nullah so as to turn Yau Tin East Road into a dual carriageway and allow more spaces for parking area and open space; adjusting the current scheme to preserve the two existing old trees and zoning the corresponding area as "Green Belt" ("GB"); and keeping the BH of the proposed development below the YOHO Midtown podium garden;
- (g) the District Officer (Yuen Long) had received a comment from the village representatives of Tai Wai Tsuen raising objection to the application mainly on traffic, noise, local security and 'fung shui' grounds;
- (h) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper, which were summarised as follows:
 - (i) the proposed residential and hotel developments with G/IC facilities were generally in line with the planning intention of "CDA" zone.

The Commissioner for Tourism supported the proposed hotel development;

- (ii) the proposed development was considered not incompatible with the surrounding areas, in particular the adjoining completed Phase 1 development which were high-rise residential and commercial in nature;
- (iii) the overall resultant domestic and non-domestic GFA of the proposed development complied with the development restrictions stipulated on the OZP for the “CDA” zone;
- (iv) concerned departments had no objection to or no adverse comment on the application. Appropriate approval conditions had been recommended to address the technical concerns from the departments;
- (v) the proposed residential and hotel development of 109.85mPD to 135.7mPD were visually compatible with the major residential developments in its vicinity ranging from about 105mPD to 175mPD. There were also wider building separation and reduction of podium bulk. The proposed scheme could make improvements in terms of overall BH profile and permeability. The air ventilation assessment also showed that the overall performances of the approved and proposed schemes were comparable. The Chief Town Planner/Urban Design and Landscape, PlanD had no adverse comment on the application from visual, air ventilation and landscape planning perspectives;
- (vi) while the Commissioner for Transport (C for T), the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) and Chief Engineer/Mainland North of Drainage Services Department had technical concerns on the design of the proposed vehicular access/EVA/pedestrian crossing across the existing nullah,

their concerns could be addressed by imposing approval conditions as recommended in paragraph 13.2 (h) and (m) of the Paper. Both C for T and CHE/NTW of HyD had no objection to the proposed temporary footbridge connecting the proposed hotel with the existing footbridge across to the west and the applicant would be responsible for the design, construction, management and maintenance of the proposed footbridge. To address DEP's concerns on the possible sewerage impact from the proposed hotel, an approval condition was recommended;

- (vii) regarding the public comments objecting to the application on grounds of wall effect, air ventilation, traffic, environmental, fire safety, structural safety, 'fung shui' and the provision of community facilities aspects, the planning considerations and assessments in the above paragraphs were relevant. For the concerns on the exceedance of infrastructure capacity and the lack of car parking supply in Yuen long, C for T had no objection to the application, and considered that there should be no capacity problem with the improvement works for Pok Oi Interchange in progress. Regarding the concerns on the possible impact of the proposed development on structural safety of the nearby developments, the building safety aspect would be governed by the Buildings Ordinance and the developer was required to conduct an extensive geotechnical investigation. For the concerns on the proposed development would have adverse landscape impact and recommendations on revising the scheme and zoning the area with existing old trees as "GB", there was indeed no old and valuable trees within the site. An approval condition on the submission and implementation of Landscape Master Plan including a tree preservation proposal was recommended. For the concerns on the provision and implementation of G/IC facilities, there was sufficient provision of G/IC facilities and open space in the Yuen Long Town to meet the site reservation needs. The programme of operation of the G/IC facilities at Phase I was subject to private initiatives. The adequacy

of G/IC facilities provision would be observed having regard to the latest local circumstances.

96. Noting that a temporary footbridge was proposed to connect the hotel with the existing footbridge to the west across the adjoining “G/IC” site, the Vice-chairman asked when the proposed temporary footbridge would be changed into a permanent one and why its alignment did not follow a direct route. In response, Ms Bonita K.K. Ho, STP/TMYLW, said that the temporary footbridge including its alignment was proposed by the applicant. While the adjoining “G/IC” site was now occupied by temporary site offices, the applicant would develop in future the “G/IC” site which was owned by the applicant. Upon development of the “G/IC” site, a permanent footbridge would be included in the development to replace the currently proposed temporary footbridge.

Deliberation Session

97. Noting that there was no information on whether the proposed temporary footbridge across the adjoining “G/IC” site would be covered or not, the Vice-chairman suggested to advise the applicant in an advisory clause to design the temporary footbridge as a covered walkway so as to provide a better pedestrian environment. Members noted that an approval condition had been recommended requiring the applicant to design, provide, maintain and manage the proposed temporary footbridge to the satisfaction of C for T or the Director of Highways.

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

98. The Committee noted that the size of the proposed hotel room at Phase IIa was larger than the size of the proposed flats in Phase IIb. This issue might be dealt with separately by concerned departments.

99. 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 2.1.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a revised Master Layout Plan (MLP) to take into account conditions (b) to (k), (o) and (p) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of the Landscape Master Plan including a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of an implementation programme with phasing proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) the design and provision of structural openings and supports connecting to adjacent developments in the north, east and south of the site, and those for vehicular bridge connecting to the “Comprehensive Development Area” development to the north, as proposed by the applicant, to the satisfaction of the Director of Highways or of the TPB;
- (e) the provision of emergency vehicular access (EVA), water supplies for fire-fighting and fire services installations to the proposed development to the satisfaction of the Director of Fire Services or of the TPB;
- (f) the design and provision of internal vehicular access and ingress/egress points and car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the design and provision of vehicular access for the proposed development to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB;
- (h) the design and provision of vehicular access/EVA/pedestrian crossing across the nullah connecting Yau Tin East Road, Fung Yau Street East and Fung Yau Street North, as proposed by the applicant, and modifications of the associated junctions to the satisfaction of the Commissioner for

Transport and the Director of Highways or of the TPB;

- (i) the design, provision, maintenance and management of a temporary footbridge connecting to the existing footbridge to the west of the site, as proposed by the applicant, and necessary modifications to the existing footbridge to the satisfaction of the Commissioner for Transport and Director of Highways or of the TPB;
- (j) the design and provision of a nursery/kindergarten, as proposed by the applicant, to the satisfaction of the Secretary for Education or of the TPB;
- (k) the design and provision of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (l) the submission of a sewerage impact assessment and provision of sewerage works and the arrangement of their operation and maintenance, as recommended in the sewerage impact assessment and necessitated by the development, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (m) the submission of a drainage impact assessment (DIA), including flood relief mitigation measures to ascertain the effects of the proposed development and any proposed vehicular access/EVA/pedestrian crossing across the nullah, to the satisfaction of the Director of Drainage Services or of the TPB;
- (n) the implementation of the drainage proposal and other necessary flood relief mitigation measures identified in the DIA to the satisfaction of the Director of Drainage Services or of the TPB;
- (o) the provision of a Drainage Reserve for the operation and maintenance of the nullah along the south-western boundary of the site to the satisfaction of the Director of Drainage Services or of the TPB; and

- (p) the provision of waterworks reserve areas for protection of existing water mains and any diversion required by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) to resolve any land issues relating to the development with the concerned land owners of the site;
- (b) to revise the MLP to take into account the conditions of approval imposed by the TPB. The approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4(A)(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (c) to continue to liaise with relevant government departments on the implementation of vehicular access/EVA/pedestrian crossing across the nullah and footbridges;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that there is no commitment that the said Government land (GL) will be granted in accordance with the proposed development and its boundary may have to be revised to exclude the GL. The areas and boundaries of GL and private lots as indicated in the application form and the Planning Statement (Appendix Ia of the RNTPC Paper) are subject to further clarification by the concerned lot owner(s)/applicant and subsequent verification by the Government. For the proposed vehicular access/EVA/pedestrian crossing over the existing nullah, there is no guarantee such access/crossing would be approved/granted upon application for Phases IIa and IIb. In addition, the proposed crossing is on unleased and unallocated GL and there is no guarantee for approval granted. He would not agree with the applicant’s

assertion that “detailed land administration matter could be considered subsequent to planning approval being granted”. The arrangement for such vehicular access and crossing, including its arrangement, management and maintenance upon completion, should be sort out with relevant departments in planning stage before its implementation. For the proposed temporary footbridge (Drawing A-3 of the RNTPC Paper), the applicant is required to submit an application, with consensus of all concerned owners, to LandsD for consideration. However, there is no guarantee that such application, including the granting of any additional GL, would be approved. Such application will be dealt with and considered under the current policy and current guidelines by LandsD acting in the capacity of the landlord at his discretion, and if it is approved under such discretion, the approval will be subject to such terms and conditions including amongst others, the payment of premium, administrative fee, waiver fee and licence fee etc. as may be imposed by LandsD. The applicant should state clearly to remove the footbridge at his own costs if required by the Government, upon his application. The lease of YLTL 504, now under multiple ownership, has no provision to receive any covered walkway nor any hotel service routing and pedestrian access from other phases. In the circumstances, the proposed covered walkway (Drawing A-4 of the RNTPC Paper) would have lease and premium implications and hence lease modification for YLTL 504 would be required. For such walkway/connection, the applicant is required to submit a valid lease modification application, with consensus of all concerned owners, to LandsD for consideration. However, there is no guarantee that such lease modification would be approved. Such modification will be dealt with and considered under the current policy and current guidelines by LandsD acting in the capacity of the landlord at our discretion, and if it is approved under such discretion, the approval will be subject to such terms and conditions including amongst others, the payment of premium and administrative fee as may be imposed by LandsD. There are 3 taxi bays, 3 coach bays and 3 L/UL bays at Phase IIa for hotel, one for which is close to Phase IIb area to facilitate the residents in Phase IIb for moving in/out activities. Should the application be approved, the owner shall apply to LandsD for the

development. However, there is no guarantee that LandsD will accept any share use between Phases IIa and IIb. The applicant is required to apply to LandsD for the land exchange for Phases IIa, IIb and III respectively. There is no guarantee that such land exchange applications (including the granting of additional GL) will be approved. Such application will be dealt with by LandsD acting in the capacity as the landlord at his discretion, and if it is approved under such discretion, the approval would be subject to terms and conditions including among others, the payment of premium and administrative fee as may be imposed by LandsD;

- (e) to note the comments of the Commissioner of Transport that no queuing/parking of vehicles associated with the operation of the proposed development outside Yau Tin East Road, Fung Yau Street East and Fung Yau Street North. Vehicles are not allowed to reverse into or out of Phases IIa, IIb and III of the proposed development. The applicant may consider further revise/optimize the design of the proposed bridge so as to foster a more spatial environment. It is therefore suggested to extend the area of the proposed decking to allow provision of footpath/planter alongside the carriageway and to provide a better layout to tie in with Fung Yau Street North;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant shall be responsible for subsequent removal of the temporary footbridge;
- (g) to note the comments of the Chief Architect/Central Management Division 2, Architecture Services Department that residential buildings at Phase III should be designed in such a way so as to avoid west/southwest facing units as far as possible, otherwise sun-shading device and other design measures to mitigate solar heat and glare may have to be considered;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the applicant should ensure that the hydraulic performance of the existing channel would not be adversely

affected during and after the construction of the proposed crossing. For future submissions related to drainage impact assessment, one copy of the submission should be forwarded to Land Drainage Division of DSD for comments;

- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the existing 1400-mm diameter water main will be affected. Diversion of this water main will not be accepted. No structure shall be erected over any waterwork reserve, and such area shall not be used for storage purposes or for parking or storage of any vehicles (Plan A-2 of the RNTPC Paper). Free access shall be maintained and provided to the Water Authority and his officers, agents and contractors and his or their workmen with necessary plant and vehicles at all times to the said area for the purpose of laying, repairing and maintaining of water mains and all other installations and services across, through or under the said area. The Government shall not be liable for any damage whatsoever and however caused arising from burst or leakage of the public water mains within and in the vicinity of the site;
- (j) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicant is reminded that the arrangement of EVA shall comply with the Code of Practice for Fire Safety in Building 2011 which is administered by the Buildings Department (BD);
- (k) to note the comments of the Chief Building Surveyor/New Territories West, BD that the proposed development shall be subject to the establishment of land forming the site with proper proof of the ownership or realistic prospect control of that land, by the Authority Person (AP)/developer at building plan submission stage. In this connection, it is noted in the application that the development intensity is demonstrated based on a combined site involving all phases and each phase may not be self-sustainable. The applicant is advised that the sustainable building design requirements and pre-requisites under PNAP APP 151 and 152 for

gross floor area concessions would be applicable to development in the site. The site/proposed buildings shall be provided within means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively. For the hotel development to be treated as non-domestic building for plot ratio and site coverage calculations, the AP/developer should demonstrate and fulfil the criteria stipulated in PNAP APP-40 in the building plans submission stage. In accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and greenery coverage) should be included. Detailed comments on the development in compliance with the Buildings Ordinance will be given upon formal submission of the building plans;

- (l) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the site is located within the Scheduled Area No. 2 and may be underlain by cavernous marble. For any development of the proposed extension area, extensive geotechnical investigation will be required. Such investigation may reveal the need for a high level of involvement of an experienced geotechnical engineer both in design and in the supervision of geotechnical aspects of the works required to be carried out on the site;

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

- (n) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department that the applicant should submit a copy of the occupation permit for the proposed hotel when making an application under the Hotel and Guesthouse Accommodation Ordinance (HGAO). The proposed licensed area should be physically connected. The siting of the proposal is considered acceptable from licensing point of view. The fire service installation provisions should comply with paragraph 4.28 of Codes of Practice for Minimum Fire Services Installations and Equipment. The licensing requirements will be formulated after inspections by his Building Safety Unit and Fire Safety Team upon receipt of an application under HGAO.”

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

[Mr David Y.T. Lui left the meeting at this point.]

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/211 Proposed Utility Installation for Private Project (CLP Package Substation) in “Village Type Development” Zone and an area shown as ‘Road’, Lot 11 S.E ss. 6 in D.D. 115, Shan Pui Road, Yuen Long
(RNTPC Paper No. A/YL/211)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed utility installation for private project (CLP package substation);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper.

102. Members had no question on the application.

Deliberation Session

103. 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 2.1.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;

- (b) the design and provision of emergency vehicular access, water supply for fire fighting and fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The private land of Lot No. 11 S.E. ss.6 in D.D. 115 is covered by Short Term Waiver No. 3381 for the purpose of “Utility Installation for Private Project (CLP Package Substation)”. The site is accessible to Shan Pui Road via Government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner concerned will need to apply to his office to permit additional/excessive structures to be erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant should provide landscape planting to mitigate landscape and visual impact of the package substation;
- (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. The provision of emergency vehicular access

should comply with the Code of Practice for Fire Safety in Buildings 2011 which is administrated by the Buildings Department (BD);

- (d) to note the comments of the Chief Building Surveyor/New Territories West, BD that if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator of the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under BO. The site shall provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 3 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 wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (e) to note the comments of the Director of Health that the project proponent must ensure that the installation complies with the relevant International Commission on Non-Ionising Radiation Protection guidelines or other established international standards. The World Health Organisation also encourages effective and open communication with stakeholders in the planning of new electrical facilities; and
- (f) to note the comments of the Director of Electrical and Mechanical Services that for the design and operation of electricity package substation, CLP Power has to comply with the Electricity Ordinance and relevant statutory

requirements. As the electricity package substation is to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substation as far as possible. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/340 Proposed Temporary Place of Entertainment (Cultural Performance Centre) for a Period of 3 Years in “Recreation” Zone, Lots 1683 (Part), 1684 (Part), Taxlord Lot 1671 (Part), Taxlord Lot 1672 S.A (Part) and Taxlord Lot 1672 S.B (Part) in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/340)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary place of entertainment (cultural performance centre) for a period of three years;
- (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 strong reservation on the application from the landscape planning point of view

given that the site was subject to suspected unauthorized site modification before planning application. The proposed temporary use was not incompatible with the surrounding environment. However, according to the aerial photos taken on 21.1.2014 and 30.6.2013 as well as site inspection, the site and adjacent area had been significantly modified with site formation works involved. The landscape character to the north of the application site had been changed. Significant adverse landscape impact had already occurred. The visitors' carparks would cause additional adverse landscape impact as the entrance route would have direct conflict with the green buffer area to the south of the site. Regarding the landscape proposal, single row of peripheral trees was not sufficient to create a green buffer. The three proposed trees at the entrance were likely to be in conflict with the vehicular circulation route. Given the size of the site, the applicant should explore tree planting or other landscape treatments opportunities within the site. Approval condition requiring the submission and implementation of landscape proposal was recommended;

- (d) during the first three weeks of the statutory publication period, a total of seven public comments were received. Six supporting comments were received from two Yuen Long District Council Members, Chairman of the Shap Pat Heung Rural Committee, Shap Pat Heung District Resident Association, New Territories Warehouse and Logistic Business Association and the Village Representative of Tai Tong Tsuen. They supported the application mainly for reasons that the proposed development would benefit the local community as it could provide an additional venue for holding various cultural performances and festivals, help promote local tourism as well as preserve the rural character of the area; and the site was served by the local road network. The other comment from the Yuen Long Town Hall Management Committee Ltd. did not provide any specific comment relating to the subject application. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the PlanD's views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments made in

paragraph 11 of the Paper. While CTP/UD&L, PlanD had reservation on the application from landscape planning point of view, it should be noted that the “Recreation” zone was intended for recreational developments for the use of the general public. To address the concerns of CTP/UD&L, PlanD, relevant approval conditions requiring the submission and implementation of landscape proposal were recommended. Besides, seven public comments were received with six of them supporting the application and one did not provide any specific comment.

106. Members had no question on the application.

Deliberation Session

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.1.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 10:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, and coach is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (c) no parking, queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (d) 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 2.4.2015;
- (e) the submission of a Geotechnical Planning Review Report (GPRR) within 6 months from the date of planning approval to the satisfaction of the Head

of the Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB by 2.7.2015;

- (f) in relation to (e) above, the implementation of the geotechnical mitigation measures identified in the GPRR within 9 months from the date of planning approval to the satisfaction of the Head of the Geotechnical Engineering Office, Civil Engineering & Development Department or of the TPB by 2.10.2015;
- (g) the submission of the landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.7.2015;
- (h) in relation to (g) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.10.2015;
- (i) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.7.2015;
- (j) in relation to (i) 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 2.10.2015;
- (k) in relation to (j) above, the maintenance of the implemented drainage facilities at all times during the planning approval period;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.7.2015;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 2.10.2015;

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

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

- “(a) resolve any land issue relating to the development with other concerned owner(s) of the site;
- (b) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority’s (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises of Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for the occupation of

Government land (GL) (about 543m² subject to verification) included in 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 lot owners concerned will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) 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(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. Besides, the site is accessible to Tai Tong Shan Road via GL and some private lots. His office provides no maintenance works for the GL involved and does not guarantee any right-of-way;

- (d) to note the comments of the Commissioner of Transport that sufficient space should be provided within the site for manoeuvring of vehicles. The land status of the access road/path/track leading to the site from Tai Tong Shan Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His office shall not be responsible for the maintenance of any access connecting the site and Tai Tong Shan Road;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that no structures, vehicles or activities should be allowed within the boundary of country park without the prior approval of the Country and Marine Parks Authority;

- (g) to follow Environmental Protection Department's (EPD) guideline entitled "Noise Control Guidelines for Music, Singing and Instrument Performing Activities" which is available from the EPD website;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that single row of trees proposed along the periphery is not sufficient to create a green buffer (Drawing A-3 of the RNTPC Paper). Three numbers of trees are proposed at the entrance which are likely to be in conflict with the vehicular circulation route. Planting opportunity along the southern boundary is not fully explored. The applicant should explore tree planting or other landscape treatments opportunities within the site instead of just along the periphery of the site;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant is advised to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of any sub-main within the private lots to WSD's standards. Water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. However, the applicant is reminded that if the proposed structure(s) is required to comply with BO, detailed fire service requirements will be formulated upon receipt of formal submission of

general building plans;

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by BA for the structures existing at the site. If the existing structures are erected on leased land without approval of BD, they are unauthorized under BO and should not be designated for any approved use under the application. Before any new building works (including temporary buildings under Part VII of BO) 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 BO. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under BO. If the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage;
- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead

line) within or in the vicinity of the site, the applicant shall carry out the following measures. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by PlanD, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or lines 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; and

- (m) to note the comments of the Director of Food and Environmental Hygiene that the applicant shall apply for relevant licence from his Department should any public entertainment is to be presented or carried on inside the establishment.”

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/341 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 417 S.A in
D.D. 118, Shui Tsiu San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/341)

Presentation and Question Sessions

109. The Committee noted that a replacement page for page 10 of the Paper, making clarification on the recommended approval condition in paragraph 13.2 of the Paper, had

been tabled at the meeting.

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH)- Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as there were road access and water supply available and the site possessed potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, six public comments were received. Three comments submitted by the Village Representative (VR) and indigenous villagers of Hung Tso Tin Tsuen, Designing Hong Kong Limited and Kadoorie Farm and Botanic Garden Corporation, were against the application mainly on the grounds that the site should be reserved for the construction of Small House by the indigenous villagers of Hung Tso Tin; the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; the applicant failed to demonstrate that the proposed development would not generate adverse traffic, environmental or sewerage impacts; an undesirable precedent for similar applications would be set; and agricultural land should be conserved to safeguard sustainable food supply/production. Other three comments submitted by a Yuen Long District Council Member, VR of Shui Tsiu San Tsuen and a member of the public supported the application mainly for reasons that the applicant was an Indigenous Villager of Shui Tsiu San Tsuen; the proposed development could meet the housing need and was compatible with the surrounding areas and would not

generate adverse traffic, environmental or sewage impacts; and more than 50% of the proposed Small House footprint falls within the “Village Type Development” (“V”) zone. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. DAFC did not support the application from the agricultural development point of view and public comments objecting to the application were received. However, the application generally met the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that more than 50% of the proposed Small House footprint fell within the “V” zone and there was insufficient land within the “V” zones of the concerned villages to meet the Small House demand. Favourable consideration could be given to the application. The proposed Small House was not incompatible with the surrounding environment which was predominantly rural in character comprising village type houses, temporary structures of residential dwelling purposes, agricultural land and unused land. The Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD had no objection to the application as the site was in close proximity to the existing village and fallow agricultural land of typical rural character and no adverse landscape impact was anticipated. Besides, the site had sufficient space for landscaping. Other government departments consulted had no adverse comment on the application. An approval condition requiring the submission and implementation of landscape proposal was recommended to address the technical requirements of CTP/UD&L, PlanD. Regarding the three public comments received which were against the application, the planning considerations and assessments in the above paragraphs were relevant.

111. Members had no question on the application.

Deliberation Session

112. 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 2.1.2019, 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; and
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

113. 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 (DLO/YL, LandsD) that the site is an Old Schedule Agricultural Lot held under the Block Government Lease. The site is under a Small House application. The registered lot owner should inform DLO/YL, LandsD that planning approval has been obtained. The owner’s Small House application would be further processed by DLO/YL, LandsD acting in the capacity as the landlord at its sole discretion. However, there is no guarantee that such application would be approved. Any approval, if given, would be subject to such terms and conditions including, among others, the payment of premium and/or administrative fee as may be imposed by LandsD;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the site has sufficient space for landscaping;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide his own drainage

facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant should consult DLO/YL, LandsD and/or seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;

- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (e) to note the comments of the Director of Fire Services that the applicant should follow “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by LandsD;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that site formation works and drainage works for New Territories Exempted Houses are building works under the control of the Buildings Ordinance (BO). Before any new site formation and/or drainage works are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed site formation and/or drainage works in accordance with BO. Notwithstanding the above, the Director of Lands may issue a certificate of exemption from prior approval and consent of BA in respect of site formation and/or drainage works in the New Territories under BO (Application to the New Territories) Ordinance. The applicant may approach DLO/YL, LandsD or seek AP’s advice for details; and
- (g) 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 application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by PlanD, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the application 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 33

Section 16 Application

[Open Meeting]

A/YL-LFS/268 Proposed Filling of Land (by about 1.5m) for Permitted Agricultural Use in "Village Type Development" Zone, Lots 2816 in D.D. 129, Sha Kong Wai, Yuen Long
(RNTPC Paper No. A/YL-LFS/268)

114. The Secretary reported that on 17.12.2014, the applicant requested for deferment of the consideration of the application for two months to allow time to respond to the comments of relevant Government departments and the general public. This was the applicant's first request for deferment.

115. 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 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/926 Temporary Shop and Services (Convenient Store) for a Period of 3
Years in "Village Type Development" Zone, Lot No. 1046 RP (Part) in
D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/926)

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

Presentation and Question Sessions

117. 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) temporary shop and services (convenient store) for a period of three years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper.

118. Members had no question on the application.

Deliberation Session

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.1.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 10:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the existing trees on the site shall be maintained at all times during the planning approval period;
- (c) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) 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 2.4.2015;
- (e) 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 2.7.2015;

- (f) in relation to (e) 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 2.10.2015;
- (g) if any of the above planning conditions (a), (b), or (c) 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;
- (h) if any of the above planning conditions (d), (e), and (f) 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
- (i) upon expiry of the planning permission, the reinstatement of the site to an amenity area, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) planning permission should have been obtained before continuing the development on site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land under site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from the Government. No permission is given for occupation of Government land (GL) included in the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible to San Sik Road via a local track on GL. 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 would still need to apply to his Office to permit any 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 apply 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 and no guarantee that such application will be approved. 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;

- (d) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with BO. For the UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/929 Temporary Public Vehicle Park for Medium Goods Vehicle, Heavy Goods Vehicle and Container Trailer with Ancillary Site Office for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 93 S.A (Part), 771 S.B RP (Part), 772 (Part), 774 S.B RP (Part), 775 S.A RP (Part), 775 S.B RP (Part) and Adjoining Government Land in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/929)

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

Presentation and Question Sessions

122. 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 public vehicle park for medium goods vehicle, heavy goods vehicle and container trailer with ancillary site office for a period of three 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 (the nearest residential dwellings were about 74m away) and along Ping Ha Road and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. While DEP did not support the application because there were sensitive receivers within the vicinity of the site (nearest residential dwelling was about 74m away) and along Ping Ha Road, there was no substantiated environmental complaint against the site over the past 3 years. To mitigate any potential environmental impacts, approval conditions to restrict the operation hours had been recommended. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorised development on site would be subject to enforcement action by the Planning Authority. Besides, the applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' to minimize the possible environmental impacts on the adjacent areas.

123. Members had no question on the application.

Deliberation Session

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.1.2018, 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. to 7:00 a.m. on Mondays to Saturdays, 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 site during the planning approval period;
- (c) no vehicle without valid licences issue under the Traffic Regulations, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle queuing back to public road and reverse onto/from the public road is allowed at any time during the planning approval period;
- (e) 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 2.7.2015;
- (f) in relation to (e) above, the implemented drainage facilities should be maintained at all times during the planning approval period;
- (g) the submission of a 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 2.7.2015;
- (h) in relation to (g) above, the implementation of the 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 2.10.2015;
- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 2.7.2015;

- (j) in relation to (i), 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 2.10.2015;
- (k) 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 2.7.2015;
- (l) if the above planning conditions (a), (b), (c), (d) or (f) is not complied with at any time during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (g), (h), (i), (j) or (k) 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
- (n) 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.”

125. 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) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site is situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which

no structure is allowed to be erected without his prior approval. No permission has been given to use and/or occupation of Government land (GL) (about 50m²) included in the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Ping Ha Road through another private lot and GL. LandsD does not provide maintenance works to the track or guarantee right-of-way. Should planning approval be given, the lot owner(s) will need to apply to LandsD to permit the structures to be erected or regularize any irregularities on site. The applicant has either to exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as the landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may imposed by LandsD;

- (d) 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 Chief Engineer/Mainland North, Drainage Services Department that that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and adjacent areas. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (f) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site;
- (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 with Ping Ha Road;

- (h) to note the comments of the Chief Town Planning Officer/Urban Design and Landscape, Planning Department that with reference to the landscape proposal submitted, it is noted that the location and quality of the existing trees is different from their visit. An updated tree preservation and landscape proposal should be submitted;
- (i) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Chief Engineer/ Development (2), Water Supplies Department (WSD) that existing water mains will be affected. The applicant shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains, a 3-m wide waterworks reserve within 1.5m from the centreline of the water main shall be provided to WSD. No structure shall be erected over the waterworks reserve and such area shall not be used for storage of car parking purpose. The Water Authority and his officers and contractors, and their workman shall have free access at all times to the area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of public water mains within and in close vicinity of the site;

- (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 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 BO and should not be designated for any approved use under the captioned 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 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 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; and
- (l) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under BO. The applicant should obtain BA's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation."

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

Agenda Item 36

Any Other Business

126. A Member requested the Secretariat to compile the following statistics for Members' reference:

- (a) planning applications for Small House developments involving "Green Belt" ("GB") zone which were approved by the Committee or the Town Planning Board in 2014; and
- (b) zoning amendments involving "GB" zone which were approved by the Committee or the Town Planning Board in 2014.

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