

TOWN PLANNING BOARD

Minutes of 532nd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 8.5.2015

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr H.F. Leung

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

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

Chief Engineer (Works), Home Affairs Department
Mr Martin W.C. Kwan

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

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

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

Secretary

Absent with Apologies

Professor S.C. Wong

Vice-chairman

Dr W.K. Yau

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

In Attendance

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

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

Town Planner/Town Planning Board
Miss Anny P.K. Tang

Agenda Item 1

Confirmation of the Draft Minutes of the 531st RNTPC Meeting held on 17.4.2015

[Open Meeting]

1. The draft minutes of the 531st RNTPC meeting held on 17.4.2015 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

3. Ms Maggie M.Y. Chin, District Planning Officer/Fanling, Sheung Shui & Yuen Long East (DPO/FSYLE), Mr Kevin C.P. Ng, Senior Town Planner/Fanling, Sheung Shui & Yuen Long East (STP/FSYLE), and the following representatives of the applicant were invited to the meeting at this point :

Ms Betty S.F. Ho

Mr Tim T.P. Leung

Mr P.K. Cheng

4. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Mr Kevin C.P. Ng, STP/FSYLE, to brief Members on the background of the application. Mr Ng said that the replacement page (page 10) to the Paper with new Appendices IIIg to IIIj to reflect the public comments received was tabled at the meeting for Members' reference. With the aid of a PowerPoint presentation, Mr Ng presented the application and covered the following aspects as detailed in the Paper :

Background to the Application

(a) on 25.7.2013, the applicant submitted the application to rezone the site from "Open Space" ("O") to "Village Type Development" ("V") on the approved Kwu Tung North (KTN) Outline Zoning Plan (OZP) No. S/NE-KTN/8 gazetted in 1994. The application was deferred once as requested by the applicant. On 20.12.2013, the draft KTN OZP No. S/KTN/1 was exhibited under section 5 of the Town Planning Ordinance, replacing the approved KTN OZP No. S/NE-KTN/8. The site was currently zoned "Other Specified Use" annotated "Nature Park" ("OU(NP)") (96.62%) and "Open Space" ("O") (0.4%) with an area shown as 'Road' (2.98%) on the draft KTN OZP No. S/KTN/1. During the plan publication period of the draft OZP No. S/KTN/1, a total of 20,778 valid representations and 5,596 valid comments on representations were received in respect of the KTN OZP, of which one representation (Representation No. 7) was submitted by the applicant of the subject application against the "OU(NP)" zone of the site and proposed to rezone it from "OU(NP)" to "V" for Small House development. The hearing for consideration of the representations and comments in respect of the draft KTN OZP and draft Fanling North (FLN) OZP was held from October 2014 to March 2015. After the deliberation on 28 and 29.4.2015, the Town Planning Board (the Board) decided not to uphold the representations and agreed that the OZP should not be amended to meet

the representations;

The Proposal

- (b) the proposed rezoning was to facilitate the development of 30 proposed Houses (New Territories Exempted Houses (NTEHs) – Small Houses) with a total floor area of 5,852.7m², site coverage of about 45% and building height of 3 storeys (8.23m). On 23.12.2013, the applicant submitted further information with a revised layout plan involving 23 houses. The justifications put forth by the applicant in support of the application were detailed in paragraph 2 of the Paper;

Departmental Comments

- (c) departmental comments were set out in paragraph 9 of the Paper which were summarised as follows :
 - (i) the Project Manager (New Territories North and West), New Territories North and West Development Office, Civil Engineering and Development Department (PM(NTN&W), CEDD) did not support the application as the site fell within the Long Valley Nature Park (LVNP), which was proposed to be the wetland compensation area under the approved Environmental Impact Assessment (EIA) of the North East New Territories New Development Areas (NDAs). The First Stage Works of the KTN and FLN NDAs was currently at the detailed design stage which was prepared under a very tight schedule. A change in proposal for wetland compensation would cause impact on the tight design programme of KTN and FLN NDAs. Besides, part of the proposed site would encroach onto a proposed local road;
 - (ii) the Director of Environmental Protection (DEP) did not support the application. The approval of the application would reduce the Nature Park area and alternative area might be needed to compensate for such loss. Besides, the proposed 40m total distance between the proposed houses and the industrial uses was

insufficient to mitigate any potential environmental impact;

- (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application. Development of the site might pose an indirect impact on Long Valley in the close vicinity. The site could be used for the development and future management of the LVNP and the incorporation of the site into the LVNP was an integral element in meeting the mitigation requirements for unavoidable impacts on habitats of ecological importance elsewhere in the NDAs. Besides, the eastern portion of the site was vegetated and some mature trees were found within the site. Impacts due to the loss of greenery and amenity arising from the proposed development were anticipated;
- (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no comment from visual point of view but had some reservations from landscape point of view. The proposed tree felling was not supported and the proposed compensatory tree planting was considered unacceptable. Besides, there was no information regarding the landscape treatment for the proposed amenity areas;

Public Comments

- (d) during the first three weeks of the statutory publication period and the publication of the further information, a total of 10 public comments were received. Two North District Council (NDC) Members and an indigenous villager of Yin Kong Village supported the application while the remaining comments submitted by the Vice-chairman of NDC, Conservancy Association, World Wide Fund for Nature Hong Kong, Designing Hong Kong Ltd., Kadoorie Farm and Botanic Garden Corporation and a member of the general public objected to the application mainly on the grounds that the “O” zone should be reserved to serve the local residents and general public; there was adequate vacant land in the Yin Kong Village to accommodate the small house demand from the local

indigenous villagers; no assessment to demonstrate its impact on the environment in the vicinity; insufficient infrastructure for the expansion of village type development; suspected unauthorised development on the proposed site was observed; the rezoning would deviate from the planning intention of the Nature Park and jeopardise nature conservation of the Long Valley area; and the proposed development would impose environmental disturbance and ecological impact on the adjacent farmland and the wetland birds in Long Valley;

- (e) the District Officer/North conveyed that the Chairman of Sheung Shui District Rural Committee had no comment on the application and the residents' representatives of Yin Kong supported the application. However, the incumbent North District Councillor and the Indigenous Inhabitant Representative of Yin Kong objected to the application as objections from the indigenous villagers of Yin Kong Village were received;

PlanD's Views

- (f) PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised as follows :
 - (i) the site was located at the south-western fringe of the Long Valley which was zoned "OU(NP)" for its long-term conservation as part and parcel of the NDAs project, and as on-site ecological mitigation to compensate for the wetland loss due to the NDAs development. Even though part of the site was currently occupied by open storage, it could be used for the development and future management of the LVNP. Approval of the application would reduce the "OU(NP)" zone and likely damage the habitat and quality of the wetland in Long Valley due to its proximity to the wetland. While the original zoning should be taken into consideration, it was important to consider the application in the light of the changed planning circumstance i.e. zoning under the current OZP in force and ensure that the approval of the application

would not adversely affect the implementation of the KTN NDA;

- (ii) the representation in respect of the KTN OZP submitted by the subject applicant for Small Houses development was not upheld by the Board and there had been no material change in circumstances. The approval of the current application would not be in line with the Board's decision in consideration of the representations;
- (iii) there was still land currently available within the "V" zone of Yin Kong Village. The applicant failed to demonstrate the need of village expansion and it was more appropriate to concentrate Small House development close to the existing village cluster within the "V" zone; and
- (iv) the applicant had not submitted technical assessments to demonstrate that the proposed Small Houses development would not create adverse traffic, environmental, drainage and sewerage impacts on the surrounding areas. The approval of the application would set undesirable precedents for similar applications and the cumulative impacts would have adverse impacts on the existing landscape resources and character.

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

5. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Ms Betty S.F. Ho made the following main points :

- (a) a large portion of the site fell within the village 'environs' ('VE') of Yin Kong Village which should be allowed for Small House development by indigenous villagers under the Small House Policy. The 'VE' boundary remained unchanged before and after the KTN OZP No. S/KTN/1 was in force;

- (b) the site (about 67%) was currently occupied by temporary structures used as open storage of construction materials. The open storage was an existing use since 1980s, which was in existence before the publication of the relevant Interim Development Permission Area Plan. The site had already been formed for a long time and it was considered not suitable to be used as a wetland compensation area. In response to the concern of CTP/UD&L, PlanD about the impact of the proposed 30 houses on the mature trees, the number of Small Houses proposed was reduced to 23, with a local open space and an amenity area in the existing green area to serve the local residents in the area;
- (c) the same applicant of the subject application submitted a planning application (No. A/NE-KTN/131) for a proposed comprehensive residential development within a “Comprehensive Development Area” (“CDA”) zone to the south of the site, which was approved by the Committee in 2009. However, the applicant could not implement the approved application as part of the land in the planning approval fell within the ‘VE’ of Yin Kong Village and the Lands Department (LandsD) had reservation on the land exchange application, as non-Small House land exchanges were not normally entertained according to the prevailing land policy. To address the concern of LandsD and facilitate the implementation of the “CDA” zone, it was proposed to rezone the site to “V” so as to compensate the loss of ‘VE’ falling within the “CDA” zone and provide land reserve for natural expansion of Yin Kong Village in future;
- (d) according to the comments of the District Lands Officer/North, LandsD, the total number of outstanding Small House application for Yin Kong Village was 5 while the 10-year Small House demand forecast for the same village was 89. Based on the latest estimate by PlanD, about 1.1ha of land was available within the “V” zone of Yin Kong Village, which was equivalent to about 42 Small House sites. There was insufficient land to meet the Small House demand of the village in the long run. The above demonstrated the inconsistency of planning and land administration in that

if there was land available within the “V” zone for Small House development, LandsD should not refuse the land exchange application; and on the contrary, if there was insufficient land in the “V” zone, the OZP should be amended to allow more land for village type development;

[Professor Eddie C.M. Hui arrived to join the meeting at this point.]

- (e) the site did not form any part of the wetland system but a brownfield site. The proposed rezoning was in line with the planning intention of the “OU(NP)” as the rezoning would provide Small Houses to accommodate local indigenous villagers thus providing local manpower who might practice farming in the LVNP, and to assist the affected farmers to re-establish their farming practices; and
- (f) in response to the departmental comments and concerns, a revised scheme to retain the eastern part and the periphery of the site (about 1,112m²) adjoining the Nature Park as “OU(NP)” for management and ancillary use for LVNP was proposed. It was also proposed to rezone the south-western portion (about 132m²) of the site to an area shown as ‘Road’ to avoid encroaching onto the local access road. The proposed “V” zone would be reduced to about 3,156m².

6. In response to a Member’s request, Ms Maggie M.Y. Chin, DPO/FSYLE, referred to a plan shown in the PowerPoint showing the boundary of the “OU(NP)” zone and the proposed access road leading to the Nature Park. Ms Chin said that although part of the site was formed and paved, and was occupied by an open storage, DAFC considered that the site could be considered for development as the future management centre of the LVNP.

7. In response to the Chairman’s question, Ms Maggie M.Y. Chin said that the detailed design and management plan for LVNP were being formulated by concerned department and the proposed access road leading from Castle Peak Road – Kwu Tung Section falling within the western part of the application site, which would lead to the southern tip of the “OU(NP)” zone, would likely be the future entrance to the LVNP.

8. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed them that the hearing procedure for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicants of the Committee's decision in due course. The Chairman thanked the applicant's representatives and PlanD's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

9. A Member did not support the application on consideration that the site could be the future entrance to the LVNP and was suitable for provide supporting facilities for the LVNP. The site could also serve as a buffer area between the proposed Nature Park and Yin Kong Village.

10. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- “ (a) the site is now zoned “Other Specified Use” annotated “Nature Park” (“OU(Nature Park)”) for its long-term conservation as part and parcel of the New Development Areas (NDAs) project, and as on-site ecological mitigation to compensate for the wetland loss due to the NDAs development. Approval of the application would adversely affect the implementation of the Kwu Tung North NDA;
- (b) the applicant fails to demonstrate that the proposed development would have no adverse impacts on the surrounding areas including the habitat and quality of the wetland in Long Valley;
- (c) there is still land available within the “Village Type Development” zone of Yin Kong Village for Small House development; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “OU(Nature Park)” zone, the cumulative

impacts of which would bring about adverse landscape and ecological impacts.”

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

Sai Kung and Islands District

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/SK-CWBS/4 Application for Amendment to the Approved Clear Water Bay Peninsula South Outline Zoning Plan No. S/SK-CWBS/2, To rezone the application site from “Conservation Area” to “Other Specified Uses” annotated “Sewage Treatment Plant”, Government Land in D.D. 241, Po Toi O, Sai Kung
(RNTPC Paper No. Y/SK-CWBS/4)

11. The Secretary reported that the application was submitted by the Drainage Services Department (DSD). Ms Janice W.M. Lai had declared an interest in the item as she had current business dealings with DSD. Members noted that Ms Lai had tendered apologies for being unable to attend the meeting.

12. The Secretary reported that on 10.4.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment.

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

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

Agenda Item 5

Section 12A Application

[Open Meeting]

Y/SK-PK/4

Application for Amendment to the Approved Pak Kong & Sha Kok Mei Outline Zoning Plan No. S/SK-PK/11, To rezone the application site from "Conservation Area" to "Other Specified Uses" annotated "Columbarium", Lots No. 169 S.A, 169 S.B, 169 S.C, 169 S.D, 169 S.E, 169 S.F, 169 S.G, 169 S.H, 169 S. I, 169 S.J, 169 S.K, 169 S.L, 169 S.M and 169 RP in D.D. 219, Kei Pik Shan, Sai Kung
(RNTPC Paper No. Y/SK-PK/4)

14. The Secretary reported that on 29.4.2015, the applicant had requested for deferment of the consideration of the application for one month in order to allow time to prepare further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment.

15. 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 one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Mr Billy W.K. Fong and Mr Richard Y.L. Siu, Senior Town Planners/Sai Kung and Islands (STPs/SKIs) were invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBS/18 Proposed Public Utility Installation (Earthing Wire) and Excavation of Land in “Conservation Area” Zone, Government Land in Hillside of Lung Ha Wan Road, Sai Kung
(RNTPC Paper No. A/SK-CWBS/18)

16. The Secretary reported that the application was submitted by CLP Power Hong Kong Ltd. (CLP). Dr W.K. Yau and Ms Christina M. Lee had declared interests in the item as Dr Yau was a Member of the Education Committee and the Energy Resources Education Committee of CLP while Ms Lee was the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from CLP. Members noted that Dr Yau and Ms Lee had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

17. With the aid of a PowerPoint presentation, Mr Billy W.K. Fong, TP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (earthing wire) and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period and the publication of the further information, one public comment was received from the WWF-Hong Kong raising concern that a tree and vegetation survey and assessment should be conducted to investigate whether any plant species of conservation interest would be affected by the excavation and installation works. No local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. Although the proposed earthing wire was not fully in line with the planning intention of the “Conservation Area” zone, the utility installation proposal warranted sympathetic consideration in that the proposed earthing wire was an essential installation for lightning protection in the electricity supply system which would increase the stability of the electricity system. Besides, the proposed utility installation and the associated land excavation was small in scale. The trenches would be backfilled and reinstated to the existing conditions upon completion. Regarding the public comment received, it should be noted that the applicant had submitted a Tree Survey Report and relevant government departments had no objection to/adverse comments on the application.

18. In response to the Chairman's question, Mr Billy W.K. Fong, STP/SKIs, said that the proposed earthing wire would be connected with the existing poles of high voltage electricity overhead line.

Deliberation Session

19. A Member had no objection to the application but suggested to stipulate an approval condition requiring the applicant to include the use of native species in the landscape reinstatement proposal. The Chairman said that it would be more appropriate to add an advisory clause to reflect the Member's concern. Members agreed.

20. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 8.5.2019, 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 condition :

“ the submission and implementation of landscape reinstatement proposal to the satisfaction of the Director of Planning or of the TPB.”

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

“ (a) native species of plants and trees should be used in the landscape reinstatement proposal as far as practicable;

(b) to note the comments of the District Lands Officer/Sai Kung, Lands Department that the applicant should obtain the consent from the Licensee of the Government Land License No. S12040 and the holder of right-of-way of SW417. Besides, the applicant should submit an application for Excavation Permit on unleased & unallocated Government land to his office prior to the commencement of the proposed excavation works; and

(c) to note the comments of the Director of Electrical and Mechanical Services that the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.”

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-NEL/6 Proposed Concrete Batching Plant for a Period of 3 Years in
 “Undetermined” zone, Lot No. 30 in D.D. 362 (Part), Tsing Chau Wan,
 Lantau Island
 (RNTPC Paper No. A/I-NEL/6B)

22. The Secretary reported that RHL Surveyors Ltd. (RHL) and Environ Hong Kong (Environ) were two of the consultants of the applicant. Mr H.F. Leung and Mr Ivan C.S. Fu had declared interests in the item as Mr Leung worked in the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong which had received donation from RHL, while Mr Fu had current business dealings with Environ. Members noted that Mr Leung and Mr Fu had no involvement in the application and agreed that they could stay in the meeting.

Presentation and Question Sessions

23. With the aid of a PowerPoint presentation, Mr Richard Y.L. Siu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed concrete batching plant for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) could not lend support to the application at this stage as there were substantial deficiencies in the technical assessments and that the applicant had yet to demonstrate that the proposal would be acceptable from environmental perspective. The applicant had not fully addressed DEP’s comments on the air quality assessment and failed to demonstrate in the environmental assessment that the contribution of NO₂ emission was

insignificant. Furthermore, the applicant had not confirmed that the project would not involve any foundation/excavation works or any reconstruction of concrete paving within the footprint of the Workshop Building;

- (d) during the first three weeks of the statutory publication period and the publication of the further information, a total of 119 public comments were received from green/concern groups including Kadoorie Farm & Botanic Garden, World Wide Fund for Nature Hong Kong (WWF), Green Power, indigenous inhabitants' representative of Tsing Chau Wan, workers of the nearby Hong Kong-Zhuhai-Macao Bridge Works Areas and members of the public. The commenters opposed the application mainly on the grounds that the site was not suitable for the proposed development and the proposed development was incompatible with the surrounding land uses, contravened the planning intention and the Government's recent development proposals at Sunny Bay. The proposed development might generate adverse environmental, ecological, visual and traffic impacts. In addition, the assessments submitted by the applicant were unrealistic. The site was the subject of a previous rejected application (No. A/I-NEL/5) and there was no strong justification to deviate from the previous decision. There was also doubt on the temporary nature of the proposal in view of the scale of investment. No local objection/view was received by the District Officer (Tsuen Wan); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised as follows :
 - (i) the proposed development on a temporary basis for a period of three years would not jeopardise the long-term planning and development of Sunny Bay nor the long-term use of the "Undetermined" ("U") zone, and the proposed development was considered not incompatible with the existing industrial-related uses in the surroundings;

- (ii) notwithstanding the above, the applicant had yet to demonstrate in the submission that the proposed development would be acceptable from environmental planning perspective. DEP was unable to lend support to the application as there were substantial deficiencies in the technical assessments; and
- (iii) as to the public comments opposing the application on grounds of land use compatibility, the site was located at a relatively remote part of the northeastern shore of Lantau Island which was dominated by industrial-related uses. Regarding the other objection grounds on the temporary nature of the proposed development, the planning intention of the “U” zone and the adverse environmental, ecological, visual and traffic impacts of the proposed development, while other concerned government departments had objection to or no adverse comment on the application.

24. In response to the Chairman’s question regarding public concern on the impact on the Chinese white dolphins, Mr Richard Y.L. Siu, STP/SKIs, said that Chinese white dolphins were found in the sea around Lantau Island. However, according to the Director of Agriculture, Fisheries and Conservation, the sea around the site was not an important habitat of Chinese white dolphins and the site was currently a shipyard with busy waterway already.

Deliberation Session

25. The Chairman said that with more developments in the urban area, concrete batching plants would gradually be displaced. However, there was strong demand for concrete for the implementation of major infrastructure projects. He asked whether the site was considered suitable for the purpose from the land use compatibility point of view and whether the technical issues could be addressed by imposing relevant approval conditions. It was explained that the site fell within an area zoned “U” on the OZP and the application for the concrete batching plant on a temporary basis for a period of three years would not jeopardise the long-term planning and development of Sunny Bay. Besides, as temporary works area and open storage of containers were found in the vicinity of the site, the proposed use was considered not incompatible with the existing industrial-related uses in the surroundings.

26. Mr K.F. Tang, Assistant Director (Environmental Assessment), Environmental Protection Department (EPD), supplemented that DEP had no comment on the suitability of the location of the proposed concrete batching plant. However, it was considered that the environmental assessment conducted by the applicant was not comprehensive enough. DEP's comments and concerns had not been fully addressed and the applicant had not yet demonstrated that the proposal would not result in adverse impacts on the surroundings from environmental perspective. Should the application be approved by the Committee, clear approval conditions must be imposed to ensure that all environmental concerns and issues would be properly addressed and resolved before the construction of the concrete batching plant.

27. A Member said that there was no in-principle objection to the location of the proposed concrete batching plant. However, the application could not be supported as the environmental assessment submitted was considered unacceptable. Another Member concurred and said that it was the applicant's responsibility to demonstrate that the proposed development would be acceptable from environmental point of view. The Committee should not assume that the environmental assessment would be acceptable eventually and approve the application with conditions at this stage.

28. In response to the Chairman's question on the licensing requirements under the Air Pollution Control Ordinance, Mr K.F. Tang said that it would depend on the applicant's willingness to meet the requirements, and the applicant could meet the requirements through covering all process units and operations that might have air pollutant emissions. The public was also more concerned about environmental nuisances that would be caused by vehicle movements into and out of the site. Although the site located at Lantau Island dominated by the existing industrial-related uses might receive fewer complaints about vehicle movement, the applicant had not yet demonstrated that the proposed development would not result in environmental nuisances or worsen the poor air quality in the area.

29. A Member said that the granting of a conditional approval was considered inappropriate as there were insufficient technical assessments submitted by the applicant and specific requirements could not be set. The application should either be rejected or deferred pending the submission of further information from the applicant.

30. The Chairman summarised Members' views that while the application could not be approved, the site was in general considered potentially a possible site for the proposed concrete batching plant. Since the environmental assessment was not yet acceptable from the environmental perspective, the applicant should be advised to revise the assessment in consultation with EPD.

31. After further deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 12.1 of the Paper and considered that it was appropriate. The reason was :

“ the applicant fails to demonstrate in the submitted environmental assessment that the proposed development would not result in adverse impact on the air quality of the surroundings and the proposed development would not involve foundation/excavation/reconstruction works within the workshop building.”

[The Chairman thanked Mr Billy W.K. Fong and Mr Richard Y.L. Siu, STPs/SKIs, for their attendance to answer Members' enquiries. They left the meeting at this point.]

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

Sha Tin, Tai Po and North District

[Mr C.K. Soh, District Planning Officer/Shan Tin, Tai Po and North, Planning Department (DPO/STN, PlanD), Mr Wallace W.K. Tang, Ms Channy C. Yang, and Mr C.T. Lau, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), PlanD, were invited to the meeting at this point.]

Agenda Item 8

[Open Meeting]

Proposed Amendments to the Draft Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan
No. S/NE-LYT/15

(RNTPC Paper No. 7/15)

32. The Secretary reported that the item involved proposed amendments to the Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) for a proposed public housing development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). One of the amendment items also involved an existing CLP Power Hong Kong Ltd.'s (CLP) electricity sub-station (ESS). The following Members had declared interests in the item :

- | | | |
|--|---|--|
| Mr K.K. Ling
(the Chairman)
as the Director of Planning | - | being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA |
| Mr Edwin W.K. Chan
as the Assistant
Director/Regional 3, Lands
Department | - | being an alternate member for the Director of Lands who was a member of HKHA |
| Mr Martin W.C. Kwan
as the Chief Engineer (Works),
Home Affairs Department | - | being an alternate member for the Director of Home Affairs who is a member of the SPC and Subsidized Housing Committee of HKHA |
| Dr W.K. Yau | - | being a Member of the Education Committee and the Energy Resources Education Committee of CLP |
| Ms Janice W.M. Lai | - | having current business dealings with HKHA |

- Mr H.F. Leung - being a member of the Tender Committee of HKHA
- Ms Christina M. Lee - being the Secretary General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from CLP

33. Members noted that Dr Yau, Ms Lai and Ms Lee had tendered apologies for being unable to attend the meeting. According to the procedures and practices adopted by the Town Planning Board (the Board), as the proposed public housing development and ESS were only the subject of amendments to the OZP proposed by the Planning Department (PlanD), the interests of the above Members on the item would only need to be recorded and they could stay in the meeting.

Presentation and Question Sessions

34. The Chairman welcomed Ms Sonia T.L. Yung, Chief Architect/Project Sub-division 2, Housing Department (CA/P2, HD), and Mr W.H. Chung, Senior Engineer/Housing Projects Division, Civil Engineering and Development Department (SE/HPD, CEDD), to join the meeting.

35. With the aid of a PowerPoint presentation, Mr C.K. Soh, DPO/STN, presented the proposed amendments as detailed in the Paper and covered the following main points :

- (a) the Queen's Hill site was at present largely zoned "Government, Institution or Community (2)" ("G/IC(2)") on the OZP and was originally intended primarily for the development of self-financing post-secondary educational institutions and/or international school use. Since the site was readily available and mainly government land, it was considered suitable for housing development to meet the acute demand for public housing in the short to medium-term. In July 2013, the Education Bureau (EDB) indicated no objection to the proposed housing development at the site provided that a site could be reserved for the development of a through-train international primary and secondary school. In 2014, the proposal to release the western part of the Queen's Hill site for public

housing development was announced in the Legislative Council Panel on Development and Panel on Housing Joint Meeting. It was also announced that the Government would conduct feasibility studies for the private housing and international school use in the eastern part of the Queen's Hill site;

- (b) broad technical assessments on various aspects, including traffic, environment and infrastructure as well as landscape, visual and air ventilation aspects, had been conducted by the Civil Engineering and Development Department, HD and PlanD to ascertain the technical feasibility of the proposed zoning amendments;

Amendment Items A1 (about 13.56ha), A2 (about 0.17ha) and A3 (about 0.04ha)

- (c) rezoning of a site at the western part of the Queen's Hill site from "G/IC(2)" to "Residential (Group A)" ("R(A)") for high-density public housing development including public rental housing (PRH) and Subsidised Sale Flats (SSF) (Item A1). For better layout and site utilization, two strips of land, zoned "Residential (Group C)" ("R(C)") and "Agriculture", sandwiched between the site intended for public housing development and Lung Ma Road, and to the immediate north of the Queen's Hill site were proposed to be included in the public housing development (Items A2 and A3). A maximum plot ratio (PR) of 6 and a maximum building height (BH) of 145mPD (about 40 storeys) were proposed. It was estimated that the site could provide about 12,000 flats (about 8,840 units for PRH and 3,160 units for SSF);

Amendment Item B (about 3.97ha)

- (d) rezoning of a site at the northeastern part of the Queen's Hill site from "G/IC(2)" to "Residential (Group B)" for medium-density private housing development subject to a maximum PR of 3.6. To respect the ridgeline of Queen's Hill, a maximum BH of 85mPD (about 17 storeys) was proposed. It was estimated that the site could provide about 1,900 flats;

Amendment Item C (about 2.34ha)

- (e) rezoning of a site at the eastern part of the Queen's Hill site from "G/IC(2)" to "G/IC" for international school development as requested by EDB;

Amendment Item D (about 3.68ha)

- (f) rezoning of a site at the southern part of the Queen's Hill site from "G/IC(2)" to "Open Space" for district open space use to meet the needs of the future population increase and the wider district. It was recommended that the design of the open space should pay due regard to preserving the existing woodlands and a Grade 3 historic building (a Hindu Temple), enhancing natural landscape, minimizing tree felling and reducing site formation work;

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

Amendment Item E (about 0.77ha)

- (g) rezoning of a site near Sha Tau Kok Road and Lung Ma Road from "R(C)" to "G/IC" for providing Government, institution or community (GIC) facilities (including a new ESS, a sewage pumping station and a divisional fire station cum ambulance depot as well as the reprovision of the existing public toilet and refuse collection point affected) to facilitate the Queen's Hill development and to meet the needs of the future population in the area; and

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

Public Consultation

- (h) HD consulted the North District Council (NDC) on the proposed public housing development on 12.6.2014. NDC Members, while expressing concerns mainly over the negative traffic impact, requested the relevant departments to conduct a robust technical feasibility study and undertake all necessary infrastructural improvements to mitigate any possible negative impacts. Subsequently, NDC and its housing and town planning

working group were consulted again on 9.10.2014, 2.12.2014 and 30.4.2015. They generally supported the proposed amendments to the OZP. NDC also requested that the proposed public housing development project be monitored by its housing and town planning working group.

36. In response to a Member's enquiry on the relationship between the proposed developments in Queen's Hill site and the Kwu Tung North and Fanling North New Development Areas (NDAs) in terms of traffic impact and job opportunity, Mr C.K. Soh, DPO/STN, said that the preliminary Traffic Impact Assessment (TIA) conducted had already taken into account the traffic generated from the NDAs. The developments in Queen's Hill site were proposed to be implemented in phases so as to tie in with the completion of the Fanling Bypass (Eastern Section). Regarding the provision of job opportunities, Mr Soh said that there would be adequate transport services for future residents to commute to the urban areas for work. In addition, as the area was close to the existing centres such as Sha Tin and the Hong Kong Science Park, which was being expanded, while retail and GIC facilities would also be provided in the area, they would generate job opportunities for future residents of the area.

37. In response to a Member's question on the GIC facilities, Mr C.K. Soh said that the Queen's Hill site would be a major community in the area, and a number of GIC facilities (including primary and secondary schools, kindergarten, market and retail shops) would be provided in the area. Besides, the area was in close proximity to the Fanling/Sheung Shui New Town, where some GIC facilities could also cater for the need of the future residents of Queen's Hill.

38. In response to the Chairman's follow-up question, Ms Sonia T.L. Yung, CA/P2, HD, referred to a PowerPoint slide showing the draft master layout plan of the proposed public housing development and said that a government complex was proposed in the north-western part of the site, which would include a 450-seat community hall with four social welfare facilities. In addition, a day care centre for the elderly would be located on the ground floor of Block 1 in order to facilitate an easy access for the elderly. The market and retail facilities would be located at the core of the public housing developments to provide daily necessities to the future residents.

39. The Chairman said that the Preliminary Feasibility Study on Developing the New Territories North (NTN) would examine the development potential of the NTN, including the Queen's Hill site, the traffic conditions and employment opportunities in the area would also be looked into.

40. In response to a Member's question on the preliminary TIA, Mr W.H. Chung, SE/HPD, CEDD, referred to a plan shown in the PowerPoint and said that CEDD had carried out an engineering feasibility study including technical assessments on traffic impact in 2014. Major junctions and road links including Sha Tau Kok Road, Ma Sik Road and Po Shek Wu Road Interchange had been assessed. The preliminary TIA revealed that all of the junctions under assessment would be operating within acceptable capacity after implementation of the proposed traffic improvement measures in 2020 upon population intake of the Queen's Hill site. CEDD had commenced the detailed design study and the assessments would be updated. Besides, after the completion of the Fanling Bypass in 2023, the traffic burden of the Sha Tau Kok Road would be relieved as part of the traffic using Sha Tau Kok Road would be directed to Fanling Bypass. The Lung Shan Tunnel, which was under construction, would also allow traffic from the North District to bypass Luen Wo Hui. The traffic condition near the town centre of Luen Wo Hui would be improved after the implementation of those two new roads. Mr Chung then displayed a plan on the visualiser showing the alignment of the Lung Shan Tunnel and its connections with Sha Tau Kok Road and Fanling Highway.

[Mr Martin W.C. Kwan left the meeting temporarily at this point.]

41. A Member noted that Lung Shan was a fung shui hill of Lung Yeuk Tau and advised HD to consult relevant parties on the potential impacts on the fung shui hill in the early stage. Given the rural character of the area, this Member also suggested HD to preserve suitable existing trees to create woodland refuge areas serving as small-scale public open space when proceeding with the detailed layout design of the public housing development. In response, Ms Sonia T.L. Yung said that similar comments had been received from NDC requesting integration of the existing rural character and landscape resource with the proposed public housing development. HD would further review the housing block layout and preserve and respect the local character and landscape as far as practicable at the detailed design stage. Ms Yung said that HD had also consulted the

relevant Rural Committees and noted that there was an ancestor's grave of Pang's in the western tip of the site. HD would continue to liaise with the relevant parties. The Chairman supplemented that the Hindu Temple located to the south of the public housing development, which was a Grade 3 historic building, was included in the "O" and would be preserved.

42. Members generally agreed to the proposed amendments to the Lung Yeuk Tau and Kwan Tei South OZP as suitable for exhibition for public inspection.

43. After further deliberation, the Committee decided to :

- (a) agree that the proposed amendments on the draft Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/15B at Annex B of the Paper (to be renumbered to S/NE-LYT/16 upon exhibition) and its Notes at Annex C of the Paper were suitable for exhibition for public inspection under section 7 of the Town Planning Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) for the draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/15B at Annex D of the Paper (to be renumbered to S/NE-LYT/16 upon exhibition) as an expression of the planning intentions and objectives of the Town Planning Board for various land use zonings on the OZP; and
- (c) agree that the revised ES at Annex D of the Paper was suitable for exhibition for public inspection together with the draft OZP.

44. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before its publication under the Ordinance. Any major revision would be submitted for the Board's consideration.

[The Chairman thanked Ms Sonia T.L. Yung, CA/P2, HD, and Mr W.H. Chung, SE/HPD, CEDD, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/560 Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Agriculture” Zone, Lot 1511 RP (Part) in D.D. 83, Wing Ning Wai , Fanling
(RNTPC Paper No. A/NE-LYT/560)

Presentation and Question Sessions

45. 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 renewal of planning approval for temporary public vehicle park for private cars and light goods vehicles under application No. A/NE-LYT/462 for a period of 3 years;

[Mr K.F. Tang left the meeting temporarily at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council Member who supported the application as it would bring convenience to villagers in the area;

- (e) the District Officer (North) conveyed that one of the three Indigenous Inhabitant Representatives (IIRs) of Lung Yeuk Tau supported the application. The Chairman of Fanling District Rural Committee and another IIR of Lung Yeuk Tau had no comment on the application; and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 3 years based on the assessments as detailed in paragraph 12 of the Paper. The proposed renewal application complied with the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B). All concerned departments had no adverse comment on or no objection to the application.

46. Members had no question on the application.

Deliberation Session

47. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 20.6.2015 to 19.6.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no vehicles other than private cars and light goods vehicles not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, are allowed to be parked within the site during the planning approval period;
- (b) a notice should be posted at a prominent location of the site 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 at any time during the planning approval period;
- (c) the existing trees and landscape plantings on-site should be maintained in

good condition at all times during the planning approval period;

- (d) the existing drainage facilities implemented under Application No. A/NE-LYT/462 on the site shall be maintained at all times during the planning approval period and rectified if they are found inadequate/ineffective during operation;
- (e) the submission of a condition record of the existing drainage facilities on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.12.2015;
- (f) the submission of proposals of water supplies for fire-fighting and fire service installations 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 19.12.2015;
- (g) in relation to (f) above, the implementation of the proposals of water supplies for fire-fighting and fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.3.2016;
- (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 on the same date be revoked without further notice.”

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

- “ (a) to note the comments of the District Lands Officer/North, LandsD that the owner concerned should apply to his office for a Short Term Waiver (STW) covering all the non-domestic structures erected or to be erected on the site. There is no guarantee that the application for STW will be approved. If the STW is approved, it will be subject to terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by his office;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Consultants Management Division of his department has carried out sewerage works in the vicinity of the site under Contract No. DC/2006/17 but it does not cover the site;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the site is located within the flood pumping gathering ground;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that : (i) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). No prior approval and consent was received by his department for the development; (ii) 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 the BO; (iii) in connection with (i) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and

(iv) 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)R at the building plan submission stage,

- (e) to note the comments of the Director of Fire Services that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will need to be installed. In such circumstances, except where building plan is circulated to the Centralised Processing System of 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 the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans. 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
- (f) 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.”

[Mr K.F. Tang returned to join the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/561 Proposed 4 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” Zone, Lots 1676 S.D, 1676 S.E, 1676 S.F, 1676 S.G and 1677 S.F in D.D.76, Leng Pei Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/561)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed 4 houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application from an agricultural development standpoint as the site possessed good potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application and advised that such type of Small House developments outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impact would be substantial. Notwithstanding the above, as the application only involved construction of four Small Houses, C for T considered that the application could be tolerated unless it was rejected on other grounds;

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

- (d) during the first three weeks of the statutory publication period, three public comments were received. A North District Council Member indicated no specific comment on the application. The other comments submitted by Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” zone; agricultural land should be retained to safeguard the food supply for Hong Kong; no environmental, traffic, drainage and sewage assessments had been submitted; and setting of undesirable precedent for similar applications;
- (e) the District Officer (North) conveyed that the Indigenous Inhabitant Representative and Resident Representative of Leng Pei Tsuen supported the application while the Chairman of Fanling District Rural Committee had no comment; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application generally met the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories in that there was insufficient land within the “V” zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen to meet the Small House demand. The proposed Small Houses were considered not incompatible with the rural landscape character of the surrounding area dominated by village houses and fallow agricultural land, and the village proper of Leng Pei Tsuen was located to the northeast. Regarding the public comments received, relevant government departments had no objection to or no adverse comment on the application.

50. Members had no question on the application.

Deliberation Session

51. 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 8.5.2019, 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 tanks, as proposed by the applicants, at locations to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “ (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the existing access adjacent to the site is not maintained by HyD;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the site is located within the flood pumping gathering ground;
- (d) to note the comments of the Director of Fire Services that the applicants are reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal applications referred by LandsD; and

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

Agenda Items 11 and 12

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-TT/26 Proposed House (New Territories Exempted House - Small House) in Area Designated as “Unspecified Use”, Government land in D.D. 289, Ko Tong, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/26)

A/DPA/NE-TT/27 Proposed House (New Territories Exempted House - Small House) in Area Designated as “Unspecified Use”, Government land in D.D. 289, Ko Tong, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/27)

53. The Committee noted that the two applications were similar in nature and the sites were located in close proximity to each other and within the same zone. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

54. Ms Channy C. Yang, 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 and advised that such type of Small House developments outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impact would be substantial. Notwithstanding the above, each of the applications only involved construction of one Small House. C for T considered that the applications could be tolerated unless they were rejected on other grounds. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the applications from the nature conservation point of view as the proposed Small Houses might involve considerable tree felling and vegetation clearance. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications as the sites were located on top of a vegetated knoll with significant landscape resource, which should be preserved. No tree assessment and tree preservation proposal of the surrounding vegetation was provided to demonstrate that there would be no adverse landscape impact arising from the proposed Small House developments and the associated construction access. Approval of the applications would attract further Small House development that might cause adverse landscape impact beyond the site and general degradation to the vegetated knoll;
- (d) during the first three weeks of the statutory publication period, four public comments on each of the applications were received from Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited, Ko Tong Village Owners & Tenants Society and Friends of Sai Kung objecting to the applications mainly on the grounds that the applications were not in line with the planning intention of the Development Permission Area (DPA) Plan/the

“Unspecified Use” (“U”) area and no development should be approved prior to the detailed planning of the Outline Zoning Plan (OZP); the proposed development would cause adverse ecological, landscape and environmental impacts and no relevant technical assessment was submitted; approval of the applications would set an undesirable precedent for other similar applications; and there were illegal accesses in Ko Tong. No local objection/view was received by the District Officer (Tai Po); and

(e) PlanD’s views – PlanD did not support the applications based on the assessments set out in paragraph 12 of the Papers which were summarised as follows :

(i) the applications did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that the proposed development would cause adverse landscape impacts on the surrounding area. DAFC and CTP/UD&L, PlanD had reservation on the applications from the nature conservation and landscape planning perspectives respectively;

(ii) other similar applications within the same “U” area approved with conditions by the Committee could generally meet the Interim Criteria and concern on landscape impact could be addressed by approval conditions while concerned government departments had no objection to or no adverse comment on the applications. Those approved cases were either located in the western part of the flat-topped knoll or in close proximity to the existing village cluster near to/at the end of a local access. The current applications differed from the approved cases in terms of the locational context, access, site condition and immediate surroundings. The concern on landscape impact could not be addressed by the imposition of approval condition as the sites would be fully built with no room for landscaping; and

- (iii) regarding the public comment that no development should be approved prior to the detailed planning of the OZP, it should be noted that it was not the intention of the DPA Plan to prohibit development but rather to establish planning control of the area pending the preparation of an OZP. Applications for development in this period could be considered on a case-by-case basis on individual merits, having regard to the relevant guidelines and departmental comments.

[Mr Martin W.C. Kwan and Mr K.C. Siu returned to join the meeting at this point.]

55. In response to a Member's questions on the difference between the previous approved cases and the current applications, as well as the boundary of the fung shui woodland, Mr C.K. Soh, DPO/STN, said that the boundary of "fung shui woodland" was delineated by the Agriculture, Fisheries and Conservation Department (AFCD), which covered a large part of the vegetated knoll including the sites. AFCD was reviewing the boundary and advised that the eastern part of the vegetated knoll was considered as a woodland and the term "fung shui wood" should be replaced by "woodland" in order to avoid any misunderstanding. Regarding the approved applications, Mr Soh said that they were located on land mainly covered with shrubs and were located in close proximity to the existing village cluster near to/at the end of a local access, while the application sites were situated on a flat-topped vegetated knoll, and densely covered with native trees and shrubs. Furthermore, the sites were only accessible via a narrow footpath with a number of mature native trees on both sides, and further tree felling and vegetation clearance might be required to provide a reasonable access to the sites. In view of the above, DAFC and CTP/UD&L, PlanD had reservation on the applications.

Deliberation Session

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

- “ (a) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding area; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area, the cumulative impacts of which would have adverse impacts on the natural environment and landscape character of the area.”

Agenda Item 13

Section 16 Application

[Open Meeting]

A/DPA/NE-TT/28 Proposed House (New Territories Exempted House - Small House) in Area Designated as “Unspecified Use”, Government land in D.D. 292, Ko Tong Ha Yeung, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/28)

57. The Secretary reported that on 15.4.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment.

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/534 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lots 1535 S.A RP (Part) and 1535 S.B (Part) in D.D. 8, San Tong, Lam Tsuen, Tai Po (RNTPC Paper No. A/NE-LT/534)

Presentation and Question Sessions

59. 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);

[Ms Anita W.T. Ma arrived to join the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” zone; the village had no proper provision of parking and access; there was potential cumulative sewerage impact; and no submission of assessment on traffic

and environmental impacts. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The application was considered not in line with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that there was no shortage of land in the “Village Type Development” (“V”) zone of San Tong to meet the demand for Small House development. The applicant failed to demonstrate why suitable site within areas zoned “V” could not be made available for the proposed development.

60. Members had no question on the application.

Deliberation Session

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

- “ (a) the proposed development 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 of San Tong; and
- (b) there is land available within the “V” zone of San Tong for Small House development. The applicant fails to demonstrate in the submission why suitable site within areas zoned “V” could not be made available for the proposed development.”

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/535 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lots 329 S.B ss.1 and 330 RP in D.D. 10, Chai
Kek, Tai Po
(RNTPC Paper No. A/NE-LT/535)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site fell within “Agriculture” (“AGR”) zone and there were active agricultural activities. The Commissioner for Transport (C for T) had reservation on the application and advised that such type of Small House development outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent for similar applications in future and the resulting cumulative adverse traffic impact would be substantial. However, as the application only involved construction of one Small House, C for T considered that the application could be tolerated unless it was rejected on other grounds. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view as tree removal for the construction of the Small House was

very likely despite the applicant had mentioned that no tree felling would be involved in the construction;

- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited objecting to the application mainly on the grounds that the development was not in line with the planning intention of the “AGR” zone; no assessment on environment, landscape, drainage and sewerage impacts was conducted; and the setting of undesirable precedents. No local objection/view was received by the District Officer (Tai Po); and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone. DAFC did not support the application from agricultural development point of view. There was still land available within the “V” zone for Small House development and it was considered more appropriate to concentrate the proposed Small House close to the existing village cluster within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services. CTP/UD&L, PlanD also had reservation on the application as the applicant had failed to demonstrate that the proposed Small House would not cause adverse landscape impact on the surrounding area. Furthermore, there was no strong planning justification in the submission for a departure from the planning intention of the “AGR” zone.

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

63. In response to the Chairman’s question on the availability of sewerage facilities, Mr C.T. Lau, STP/STN, said that public sewers would be provided in locations near the proposed development under the Drainage Services Department’s current project scheme. The applicant might extend the sewer to the nearest connection point of the proposed sewerage system.

Deliberation Session

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

- “ (a) the proposed development is not in line with the planning intention of the “Agriculture” zone for the area 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 provided in the submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” zone of Chai Kek which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/536 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lots 298 S.B ss.1 RP and 298 S.B ss.2 in D.D. 8,
Tai Mong Che Village, Tai Po
(RNTPC Paper No. A/NE-LT/536)

Presentation and Question Sessions

65. Mr C.T. Lau, STP/STN, presented the application and covered the following

aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site fell within the “Agriculture” (“AGR”) zone and there were active agricultural activities at the site and in the vicinity. Both the Director of Environmental Protection (DEP) and the Chief Engineer/ Development (2), Water Supplies Department (CE/Dev(2), WSD) did not support the application as the site was located within the upper indirect Water Gathering Ground (WGG) and the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that there was no information in the submission to indicate that the proposed house could be connected to the planned sewerage system in the area. The wastewater generated from the proposed house would have potential to cause water pollution to the WGG. The Commissioner for Transport (C for T) had reservation on the application and advised that such type of Small House development outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent for similar applications in future and the resulting cumulative adverse traffic impact would be substantial. However, as the application only involved construction of one Small House, C for T considered that the application could be tolerated unless it was rejected on other grounds. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application from the landscape planning point of view as there was a tendency for village house development to spread outside the “V” zone of Tai Mong Che Village and approval of the application might encourage more similar applications

resulting in the change of landscape character in the surrounding area;

- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited objecting to the application mainly on the grounds that the development was not in line with the planning intention of the “AGR” zone; no assessment had been submitted; and there were potential cumulative impacts on traffic, sewerage and water quality. No local objection/view was received by the District Officer (Tai Po); and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of “AGR” zone. DAFC also did not support the application as there were active agricultural activities at the site and in its vicinity. There was still land available within the “V” zone to meet the outstanding Small House application and it was considered more appropriate to concentrate the proposed Small House close to the existing village cluster within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services. Besides, the applicant failed to demonstrate that the proposed development located within the WGG would not cause adverse impacts on the water quality in the area while both CE/Dev(2), WSD and DEP did not support the application. The application did not meet the Interim Criteria in that the proposed development located within WGG would not be able to be connected to the existing or planned sewerage system and would have adverse impact on the water quality in the area. Furthermore, CTP/UD&L, PlanD was concerned about the cumulative effect of approving similar applications which would have adverse landscape impact on the surrounding area.

66. Members had no question on the application.

Deliberation Session

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

- “ (a) the proposed development is not in line with the planning intention of the “Agriculture” zone for the area 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 provided in the submission for a departure from the planning intention; and
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development located within the Water Gathering Ground (WGG) would not be able to be connected to the existing or planned sewerage system in the area. The applicant fails to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area.”

[The Chairman thanked Mr C.K. Soh, DPO/STN, Mr Wallace W.K. Tang, Ms Channy C. Yang and Mr C.T. Lau, STPs/STN, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Agenda Items 17 to 20

Section 16 Applications

[Open Meeting]

A/ST/874 Office (Headquarters or Back-Office Operations) in “Industrial” Zone, Industrial Workshops No. 18 & 19, with Lavatories on 4/F, Block C, Goldfield Industrial Centre, 1 Sui Wo Road, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/874)

A/ST/875 Office (Headquarters or Back-Office Operations) in “Industrial” Zone, Industrial Workshop No. 4A, with Lavatories on 4/F, Block A, Goldfield Industrial Centre, 1 Sui Wo Road, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/875)

A/ST/876 Office (Headquarters or Back-Office Operations) in “Industrial” Zone, Industrial Workshop No. 4B, with Lavatories on 4/F, Block A, Goldfield Industrial Centre, 1 Sui Wo Road, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/876)

A/ST/877 Office (Headquarters or Back-Office Operations) in “Industrial” Zone, Industrial Workshop No. 15, with Lavatories on 4/F, Block B, Goldfield Industrial Centre, 1 Sui Wo Road, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/877)

68. The Committee noted that the four applications were similar in nature and the application premises were located within the same building (Goldfield Industrial Centre). The Committee agreed that the applications should be considered together.

69. The Secretary reported that on 16.4.2015, the applicants had requested for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of the Transport Department. This was the first time that the applicants requested for deferment.

70. After deliberation, the Committee decided to defer a decision on the applications

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

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

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

Fanling, Sheung Shui and Yuen Long East District

[Ms Maggie M.Y. Chin, District Planning Officer, Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE), Mr Kepler S.Y. Yuen, Mr Kevin C.P. Ng and Mr K.T. Ng, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

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

Agenda Item 21

[Open Meeting]

Proposed Amendments to the Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/11

(RNTPC Paper No. 6/15)

71. The Secretary reported that the item involved proposed amendments to the Kam Tin South Outline Zoning Plan (OZP) and three of the proposed amendment items were

related to two West Rail sites managed by the Mass Transit Railway Corporation Limited (MTRCL) and one electricity sub-station site granted to the CLP Power Hong Kong Ltd. (CLP) respectively. The following Members had declared interests in the item :

- Professor S.C. Wong (the Vice-chairman) - being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where MTRCL had sponsored some activities of the Department
- Dr W.K. Yau - being a Member of the Education Committee and the Energy Resources Education Committee of CLP
- Mr Ivan C.S. Fu - having current business dealings with MTRCL
- Ms Janice W.M. Lai - having current business dealings with MTRCL and her family members owned a house at Cheung Po Tsuen, Pat Heung which had a direct view on the site under Amendment Items C1 and C2 (i.e. the petrol filling station at Kam Sheung Road)
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from CLP

72. Members noted that Professor Wong, Dr Yau, Ms Lai and Ms Lee had tendered apologies for being unable to attend the meeting and Mr Fu had left the meeting already.

Presentation and Question Sessions

73. With the aid of a PowerPoint presentation, Mr Kepler S.Y. Yuen, STP/FSYLE, presented the proposed amendments as detailed in the Paper and covered the following main points :

- (a) in March 2014, the Planning Department, assisted by the Mass Transit Railway Corporation Limited (MTRCL), completed the Land Use Review

for Kam Tin South and Pat Heung (the LUR) covering the planning scheme area of the Kam Tin South OZP. A total of 14 potential housing sites had been identified for public and private housing developments under the LUR. Broad technical assessments had also been undertaken confirming that there should be no insurmountable problem for the development proposals of the 14 potential housing sites subject to the provision of adequate infrastructure. In April 2014, the findings and recommendations of the LUR were reported to the Board and extensive public consultations including briefings for the Kam Tin and Pat Heung Rural Committees (RCs), Yuen Long District Council (YLDC), local farmers, villagers, green groups and concerned groups were conducted between April to December 2014. In view of the infrastructural constraints and the comments received during the public consultation, the 14 potential housing sites identified under the LUR would be implemented by phases. To meet the pressing demand for housing supply, the two West Rail sites were proposed for rezoning first as the proposed developments on the sites were technically viable, no major infrastructure improvement works would be required for the proposed development and no land resumption/clearance of private land would be involved;

- (b) the proposed amendments were related to the rezoning of two West Rail sites, i.e. the Kam Sheung Road Station (KSRS) and Pat Heung Maintenance Centre (PHMC) sites for residential development (Items A1 to A6); an existing electricity sub-station (ESS) site to reflect its as-built development (Item B); and a site to take forward an approved section 12A planning application (Items C1 and C2);

Amendment Items A1 (about 10.56ha) and A6 (about 0.07ha)

- (c) the KSRS site was currently occupied by the KSRS with a Public Transport Interchange (PTI), bicycle parking and park-and-ride facilities, and the existing MTR Kam Tin Building. It was proposed to rezone the site from an area shown as 'Railway' to "Other Specified Uses" ("OU") annotated "Railway Station and PTI with Commercial/Residential Development" for residential and commercial uses with supporting

facilities (including Government, institution or community (GIC) and public transport facilities) (Item A1). In addition, it was proposed to include a narrow strip of vacant, hard paved government land to the north of the KSRS site (currently zoned “Agriculture” (“AGR”)) in the “OU” zone to achieve a more cohesive zoning boundary layout (Item A6);

- (d) based on the proposed development scheme under the LUR, a maximum domestic gross floor area (GFA) of 186,234m², a maximum non-domestic GFA of 53,535m², and a maximum building height of 69mPD (including any roof-top structures to avoid contravening the Shek Kong Airfield Height Restriction (SKAHR)) were proposed;

Amendment Items A2 (about 29.98ha) and A3 to A5 (about 2.2ha)

- (e) the PHMC site was currently occupied by the PHMC and railway tracks. It was proposed to rezone the site currently shown as ‘Railway’ to “OU” annotated “Railway Depot with Commercial/Residential Development” for residential and commercial uses with supporting facilities (including a primary school and a secondary school) (Item A2). In addition, it was proposed to include three pieces of land which fell within the existing lot boundary of the PHMC site (currently zoned “AGR”) in the “OU” zone (Items A3 to A5);
- (f) based on the proposed development scheme under the LUR, a maximum domestic GFA of 422,340m², a maximum non-domestic GFA of 3,000m², and a maximum building height of 109mPD (including any roof-top structures for Area (a) to avoid contravening the SKAHR) were proposed;
- (g) the two sites would provide about 8,750 flats with an estimated population of about 21,400 persons. Technical assessments had been conducted under the LUR to confirm the feasibility of the proposed developments from visual and air ventilation considerations, and traffic, environmental and infrastructure aspects with due consideration to the provision of open space and GIC facilities in the area;

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

Amendment Item B (about 0.15ha)

- (h) rezoning of the existing ESS site (Kam Tin Substation) to the south of the KSRS, from “AGR” to “Government, Institution or Community” (“G/IC”) to reflect the as-built development;

Amendment Items C1 (about 0.02ha) and C2 (about 0.15ha)

- (i) rezoning a site next to an existing petrol filling station at Kam Sheung Road from “OU” annotated “Petrol Filling Station” (Item C2) and “Residential (Group C)1” (Item C1) to “Commercial” to take forward an approved section 12A application (No. Y/YL-KTS/1). A maximum non-domestic GFA of 1,280m², a maximum site coverage of 40% and a maximum building height of 2 storeys (including basement) were proposed; and

Public Consultation

- (j) the Kam Tin and Pat Heung RCs and YLDC were consulted on 13.4.2015, 15.4.2015 and 21.4.2015 respectively regarding the proposed amendments to the Kam Tin South OZP. They expressed in-principle support for the proposed housing development but raised concerns on the capacity of local roads. They strongly requested for a definite implementation programme for the widening/upgrading of the whole stretch of Kam Sheung Road and Kam Tin Road before implementation of the housing developments; and the provision of adequate supporting infrastructure and facilities. YLDC and Kam Tin and Pat Heung RCs would be further consulted on the proposed amendments during the statutory exhibition period of the draft OZP.

74. In response to the Chairman’s enquiry on the design concept of the KSRS and PHMC sites, Mr Kepler S.Y. Yuen, STP/FSYLE, referred to the proposed development scheme plan and section plan of the KSRS site shown in the PowerPoint and said that as the centre part of the site was occupied by the existing KSRS and the area reserved for the proposed Northern Link, future development would be situated to the eastern and western

portions. The PTI and park-and-ride facilities were planned in the western part of the site. A district retail centre with a floor space of about 40,000m² would also be provided in the eastern part of the site. The carparking spaces would be provided at basement level. The proposed development had adopted a stepped building height profile with a maximum building height of 69mPD at the south-western portion and stepped down towards the north-eastern portion. Mr Yuen then showed the proposed development scheme and section plan of the PHMC site in the PowerPoint and said that 43 blocks were proposed within the PHMC site and the Pat Heung Road running through the centre of the site would be retained. As the site was currently occupied by the PHMC and railway tracks, the proposed development would be above a podium. A primary school, a secondary school and retail facilities would be provided to serve the future population. A landscape walkway would be designed providing convenient pedestrian access to KSRS. The proposed development had adopted a stepped building height profile with a maximum building height of 109mPD at the southern portion and stepped down towards the northern portion with the lowest building height of 69mPD without contravening the SKAHR. Both sites had a maximum plot ratio of 3 according to the LUR.

75. In response to a Member's question on the podium design, Mr Kepler S.Y. Yuen said that the KSRS site would adopt a terraced podium design to accommodate the proposed PTI and retail facilities at the southern part of the site. However, the northern part of the site including a proposed civic plaza would be developed at-grade. For the PHMC site, the whole development would be developed above a podium with stepped height design. The podium would be about 1,200m long. The proposed car parking spaces would be provided above the railway depot.

76. A Member said that the future developers should have due regard to the greening and landscape design of the podium, in particular the depth and width of the planters. Besides, it was noted that there was complaint from the occupant(s) of The Palazzo about the rail operation/maintenance noise at night. The future developer(s) of the KSRS and PHMC sites should adopt appropriate mitigation measures to alleviate potential railway noise. This Member also enquired about the building separations of the PHMC site. In response, Ms Maggie M.Y. Chin, DPO/FSYLE, said that as the developments would be developed above the existing railway tracks, the location of the supporting columns for residential blocks would be restricted. The building blocks together with the greening spaces and pedestrian

linkages were well distributed throughout the site, taking into consideration the technical constraint of the site. The layout would be further improved at the detailed design stage. The Chairman supplemented that the building separations would also help enhance air penetration.

77. In response to a Member's questions on the development schemes and proposed greening ratio, Ms Maggie M.Y. Chin said that PlanD, assisted by MTRCL and their consultants, had completed a comprehensive land use review for Kam Tin South and Pat Heung area, including the KSRS and PHMC sites. The findings and recommendations of the LUR together with the broad technical assessments conducted served as a basis for devising the conceptual development schemes of the sites. The LUR was agreed in-principle by the Board in 2014 and extensive public consultations were conducted. To take forward the proposals, proposed amendments to the OZP to guide the future developments would be required. Regarding the greening ratio, Ms Chin said that a minimum greening ratio of 30% was proposed for the KSRS and PHMC sites.

[Mr Martin W.C. Kwan left the meeting temporarily at this point.]

78. Members agreed that the proposed amendments to the Kam Tin South OZP were suitable for exhibition for public inspection.

79. After further deliberation, the Committee decided to :

- (a) agree that the proposed amendments on the approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/11A at Attachment II of the Paper (to be renumbered as S/YL-KTS/12 upon exhibition) and its Notes at Attachment III of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) for the draft Kam Tin South OZP No. S/YL-KTS/11A at Attachment IV of the Paper (to be renumbered as S/YL-KTS/12 upon exhibition) as an expression of the planning intention and objectives of the Town Planning Board for various land use zonings on the OZP; and

- (c) agree that the revised ES at Attachment IV of the Paper was suitable for exhibition for public inspection together with the draft OZP.

80. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before its publication under the Ordinance. Any major revision would be submitted for the Board's consideration.

Agenda Item 22

Section 12A Application

[Open Meeting]

Y/NE-KTS/7

Application for Amendment to the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/14, To rezone the application site from "Agriculture" to "Residential (Group C) 6", Lots 1263 RP (Part), 1271, 1273, 1274, 1275, 1276, 1277, 1278, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1299, 1300, 1301, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314 S.A, 1314 RP, 1316, 1317, 1318, 1319 (Part), 1321, 1322, 1330 (Part), 1338 RP (Part), 1339, 1340, 1341, 1342, 1343, 1345 S.A, 1345 S.B, 1345 S.C, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358 RP, 1362 RP (Part), 1363, 1364 RP (Part), 1369 RP, 1370 RP, 1378 RP (Part), 1379 RP (Part), 1730 and 1794 in D.D. 100 and Lots 1 and 2 (Part) in D.D. 108 and Adjoining Government Land, Kwu Tung South (RNTPC Paper No. Y/NE-KTS/7)

81. The Secretary reported that Environ Hong Kong Ltd. (Environ), MVA Hong Kong Ltd. (MVA) and AECOM Asia Co. Ltd. (AECOM) were three of the consultants of the applicants. The following Members had declared interests in the item :

- Professor S.C. Wong (the Vice-chairman) - having current business dealings with AECOM; and being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong (HKU) where AECOM had sponsored some activities of the Department;
- Mr Ivan C.S. Fu - having current business dealings with Environ, MVA and AECOM
- Ms Janice W.M. Lai - having current business dealings with AECOM

82. Members noted that Professor Wong and Ms Lai had tendered apologies for being unable to attend the meeting and Mr Fu had left the meeting already.

83. The Secretary reported that on 14.4.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. This was the first time that the applicant requested for deferment.

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

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/590 Proposed Houses in “Comprehensive Development Area” Zone, Lots 547 RP (Part) and 2160 RP in D.D. 106 and Adjoining Government Land, Tung Wui Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/590D)

85. 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 the item :

- Professor S.C. Wong - being an employee of the University of Hong Kong (the Vice-chairman) (HKU) which had received donation from a family member of the Chairman of HLD

- Dr W.K. Yau - being a Director of a non-government organisation which had received donation from HLD

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

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

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

- Ms Christina M. Lee - being the Secretary General of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from HLD

- Mr H.F. Leung - being an employee of HKU which had received donation from a family member of the Chairman of HLD
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had received donation from a family member of the Chairman of HLD

86. Members noted that Professor Wong, Dr Yau, Ms Lai and Ms Lee had tendered apologies for being unable to attend the meeting while Mr Fu and Mr Leung had left the meeting already. Members noted that the remaining Members had no involvement in the application and agreed that they could stay in the meeting.

Presentation and Question Sessions

87. With the aid of a PowerPoint presentation, Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed houses. Only the private land in Area (a) shown on the Outline Zoning Plan (OZP) would be developed in two phases. Phase 1 comprised a total of 52 two-storey (7.62m) houses (with a total plot ratio (PR) of 0.27 (based on the area of the entire “Comprehensive Development Area” (“CDA”) zone) and a total domestic gross floor area (GFA) of about 6,763m²) on land which was owned by the applicant, while no development scheme (except a proposed total PR of 0.13) was proposed under the current application for Phase 2 (i.e Lot No. 547 RP (Part) at the eastern portion in Area (a)), which was owned by a different landowner;
- (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) was unable to lend support to the application. DEP expressed concerns on the

environmental impacts of the site since it was potentially affected by air and noise impacts from the nearby uses including roads, factory/workshop, open storage yard, transport interchange and West Rail, etc.. The applicant still had not addressed DEP's concerns with regard to the Noise Impact Assessment (NIA) submitted in the current application;

- (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) reserved comments on the application from visual and urban design points of view as there was insufficient information in the submission to assess the visual impact of the proposed development. The applicant should provide information such as the treatment/mitigation measures for the proposed boundary wall, and to ameliorate the potential visual impact of the continuous alignment of the proposed houses along the site boundary on the surrounding area. CTP/UD&L, PlanD objected to the application from landscape planning point of view. No updated tree survey to assess the impacts of the development layout on existing vegetation and no compensatory planting proposal to indicate that adequate landscape treatment would be provided within the proposed development had been submitted. The proposed development had potential adverse impacts on the existing landscape resources. However, no assessment, mitigation measures or landscape proposals had been provided;
- (iii) the Commissioner for Transport (C for T) did not support the application from the traffic engineering standpoint as the applicant had failed to provide information regarding the ingress/egress of the proposed development and justifications on the proposed parking provision;
- (d) during the first three weeks of the statutory publication period and the publication of the further information, a total of 22 public comments were received. Four commenters objected to or expressed concerns on the

application mainly on the grounds that the applicant had not obtained consent from the land owner of 547 RP in D.D. 106 in submitting the application and the lot should not be designated as public landscape area; the cumulative impacts of residential developments in the area would cause adverse environmental, ecological and sewerage impacts and loss of agricultural land; and the proposed development was not compatible with the surroundings and the site should be reserved for community facilities/open space/land for Small House development in Tsz Tong Tsuen. The remaining comments supported the application as the proposed development would meet the housing need; improve the environment and enhance the community facilities; generate employment opportunities; and promote the economy. No local objection/view was received by the District Officer (Yuen Long); and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised as follows :
 - (i) the applicant failed to demonstrate that the proposed development was in line with the planning intention of the “CDA” zone for comprehensive development of the area for residential use with the provision of open space and other supporting facilities. The proposal was not comprehensive in that no information/specific proposal had been submitted for the development in the other part of the “CDA” zone (i.e. Lot 547 RP (Part)), and that the government land portion of the site was only shown as landscaped/amenity area without specific proposal. The proposed house development was only confined within Lot 2160 RP resulting in a congested layout with no communal facility or apparent linkage between the two private lots within the “CDA” zone. With regard to Area (b), there was insufficient information on the implementation arrangement of the proposed landscaped area which would affect the comprehensiveness of the site's future development;

- (ii) no technical assessment, except a NIA, was submitted. There was insufficient information in the submission to demonstrate that the proposed residential development would not be susceptible to adverse environmental impact and would not cause adverse traffic, landscape, visual and drainage and sewerage impacts on the surrounding areas. In that regard, DEP did not support the application and considered that the applicant was unable to demonstrate the environmental acceptability of the proposed development. C for T and CTP/UD&L, PlanD also objected to the application from the traffic engineering and landscape planning points of view respectively; and

- (iii) the applicant claimed that various technical assessments previously undertaken in 2009 under Application No. A/YL-KTS/472 (which was subsequently withdrawn by the applicant) were still relevant for the current application, and proposed the imposition of the relevant approval conditions to address the technical concerns. However, it was considered that technical assessments for each individual development proposal should be self-contained and the technical assessments of the withdrawn application did not form part of the current application. In view of the technical deficiencies of the current application, imposition of approval conditions to address the technical concerns was considered not acceptable.

88. In response to the Chairman's question on the location of the proposed noise barrier, Mr Kepler S.Y. Yuen, STP/FSYLE, referred to a plan shown in the PowerPoint and said that a 5.4m high solid boundary wall surrounding the houses was proposed. Some of the windows and main doors of the proposed houses were only about 2m away from the boundary wall.

89. In response to a Member's question on the proposed PR, Mr Kepler S.Y. Yuen said that the "CDA" zone was subject to a maximum PR of 0.4. Based on the site area of the

entire “CDA” zone, the proposed development on the area owned by the applicant would have a PR of 0.27. The remaining PR of 0.13 would be for Phase 2 development at the area owned by another landowner. However, based on the area of the site owned by the applicant, the PR would be 0.9745.

Deliberation Session

90. 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 planning intention of the “Comprehensive Development Area” (“CDA”) is for comprehensive development of the whole site. The development proposal mainly focuses on one private lot within the site without any specific proposal for the remaining area. The applicant fails to put forward a comprehensive development proposal for the “CDA” zone;
- (b) the applicant fails to demonstrate the environmental acceptability of the proposed development, and that the proposed measures are adequate to mitigate the air quality and noise impacts from the nearby uses. The proposed development would be susceptible to adverse environmental impact; and
- (c) the proposed development would generate adverse traffic, visual, landscape, drainage and sewerage impacts on the surrounding areas as no relevant technical assessment has been submitted to address such technical concerns.”

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/159 Proposed Comprehensive Low-Density Residential Development in “Comprehensive Development Area” Zone, Lots 391 S.B, 392 S.C RP, 394 S.D, 1941 S.A, 1941 S.B ss.1, 1941 RP, 2030 S.A, 2030 RP, 2054 and 2106 in D.D. 95, Lot 675 (Part) in D.D. 96 and adjoining Government Land, Kwu Tung North, Sheung Shui (RNTPC Paper No. A/NE-KTN/159C)

91. The Secretary reported that one of the applicants of the application, Team Glory Development Ltd., was a subsidiary of Henderson Land Development Co. Ltd. (HLD), and Scott Wilson Ltd., Environ Hong Kong Ltd. (Environ) and Urbis Ltd. (Urbis) were three of the consultants of the applicants. The following Members had declared interests in the item :

- Professor S.C. Wong (the Vice-chairman) - being an employee of the University of Hong Kong (HKU) which had received donation from a family member of the Chairman of HLD
- Dr W.K. Yau - being a Director of a non-government organisation which had received donation from HLD
- Professor K.C. Chau - being an employee of the Chinese University of Hong Kong which had received donation from a family member of the Chairman of HLD
- Mr Ivan C.S. Fu - having current business dealings with HLD, Environ and Urbis
- Ms Janice W.M. Lai - having current business dealings with HLD, Scott Wilson Ltd. and Urbis

- Ms Christina M. Lee - being the Secretary General of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from HLD
- Mr H.F. Leung - being an employee of HKU which had received donation from a family member of the Chairman of HLD
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had received donation from a family member of the Chairman of HLD

92. Members noted that Professor Wong, Dr Yau, Ms Lai and Ms Lee had tendered apologies for being unable to attend the meeting while Mr Fu and Mr Leung had left the meeting already. Members noted that the remaining Members had no involvement in the application and agreed that they could stay in the meeting.

Presentation and Question Sessions

93. Mr Kevin C.P. Ng, STP/FSYLE, said that the replacement page (page 17) to the Paper with a new Appendix Vc to reflect the public comments received was tabled at the meeting for Members' reference. With the aid of a PowerPoint presentation, Mr Ng presented the application and covered the following aspects as detailed in the Paper :

Background to the Application

- (a) the application site fell within the Kwu Tung North New Development Area (KTN NDA) and was covered by the North East New Territories New Development Area Planning and Engineering Study (NENT NDAs Study). At the time of the submission of the application on 8.6.2012, the application site fell within the "Comprehensive Development Area" ("CDA") zone under the approved KTN Outline Zoning Plan (OZP) No. S/NE-KTN/8 gazetted in 1994. The application was deferred twice as requested by the applicants. On 1.3.2013, the Committee decided to further defer a decision on the application as requested by the Planning Department (PlanD) and agreed that the application should be submitted

for its consideration after the completion of the NENT NDAs Study and the land use proposals for the KTN NDA had been confirmed. The NENT NDA Study was completed and promulgated in July 2013;

- (b) on 20.12.2013, the draft Kwu Tung North OZP No. S/KTN/1 was exhibited under section 5 of the Town Planning Ordinance, replacing the approved Kwu Tung North OZP No. S/NE-KTN/8. The site currently fell within an area zoned “Government, Institution or Community” (55.18%), “Other Specified Use” (“OU”) annotated “Commercial/Residential Development with Public Transport Interchange (PTI)” (3.87%), “Residential (Group A)1” (“R(A)1”) (9.44%), “R(A)2” (4.87%), “Open Space” (“O”) (7.08%), “O(1)” (0.08%), “OU” annotated “Amenity Area” (2.36%) and an area shown as ‘Road’ (17.13%). During the plan publication period of the draft OZP No. S/KTN/1, a total of 20,778 valid representations and 5,596 valid comments on representations were received in respect of the KTN OZP, of which two representations against the zonings covered by the site were received. Representation No. R20728 was submitted by one of the applicants against part of the “OU(Commercial/Residential Development with PTI)” and proposed to rezone it to “R(A)1”. The hearing for consideration of the representations and comments in respect of the draft Kwu Tung North OZP and draft Fanling North OZP was held from October 2014 to March 2015. After the deliberation on 28 and 29.4.2015, the Board decided not to uphold the representations and agreed that the OZP should not be amended to meet the representations;

The Proposal

- (c) the proposed low-density residential development of 171 two-storey houses with 2 club houses (with a domestic plot ratio of 0.4 (based on a development area of 97,755.3m²), a domestic gross floor area of about 39,657m² and a maximum building height of 7.62m) at the site, which were to be developed in three phases. The application site did not include the existing Fairy Park development, and part of Lot 675 in D.D. 96 and a strip of government land in the southern and western parts of the site;

Departmental Comments

- (d) departmental comments were set out in paragraph 10 of the Paper which were summarised as follows :
- (i) the Commissioner for Transport did not support the application as the Traffic Impact Assessment was not acceptable. Any potential impact on nearby development opportunities in the OZP due to the proposed development should be considered. The applicants should demonstrate that the proposed junction improvement schemes could meet prevailing traffic engineering and highway standards while responsible parties to carry out the necessary road improvement works should be identified;
 - (ii) the Director of Environmental Protection could not render support to the application at this stage as the technical assessments including the traffic noise impact and fixed noise impact assessments were not satisfactory;
 - (iii) the Project Manager (New Territories East), Civil Engineering and Development Department did not support the application as the site fell within the Advance Works Area of KTN and Fanling North NDAs which was currently under the detailed design stage and scheduled for commencement in 2018 for first population intake in 2023. The application would have impact on the tight development programme of the NDAs;
 - (iv) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD commented that the proposed development did not conform to the planning framework for KTN NDA set out in the OZP. The approval of the application would jeopardise the implementation of the NDA. CTP/UD&L, PlanD also objected to the application from landscape perspective, as significant adverse landscape impact on the existing landscape resources and character

was anticipated, and the feasibility of the proposed tree planting and tree preservation proposals could not be fully ascertained;

Public Comments

- (e) during the first three weeks of the statutory publication period and the publication of the further information, a total of 26 public comments were received. One public comment indicated 'no comment' but requested the concerned government department to consult the nearby residents. The Vice-chairman of the North District Council (NDC) (submitted two comments) objected to the application as it would affect the planning of KTN. The Hong Kong and China Gas Company Limited (Towngas) commented that the applicants should carry out a risk assessment in consultation with the Towngas during the construction stage and provision of protective measures. A member of the public objected to the application as it was not fully supported by any justifications, concerned parties had not been extensively consulted and the proposed development would cause adverse impacts. Another member of the public also suggested that thorough public consultation must be conducted as the proposed development would have implications on traffic and other aspects. Besides, a number of residents on Lot No. 2030 S.A (Part) in D.D. 95 (submitted two comments) objected to the application as they claimed they were the owners by way of adverse possession against the paper title owners of the said Lot. An owner of Fairy Park objected to the application as no agreement had been reached between the applicants and himself for inclusion of Fairy Park into the proposed development. The remaining comments objected to the application mainly on the grounds of implications on traffic and other aspects which might affect the daily life of nearby residents;
- (f) the District Officer/North conveyed that the Chairman of Sheung Shui District Rural Committee, Vice-chairman of the NDC, and the residents' representatives of Kwu Tung (North) and Kwu Tung (South) consulted had raised objections to the application, mainly on grounds that the proposed development would affect the long-term planning of KTN; cause traffic

impact on the existing road network; and that sufficient land should be reserved for relocation of the villagers and there were existing villagers living on the site;

PlanD's Views

(g) PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised as follows :

(i) the site proposed for low density residential development was not in line with the planning objective and land use proposals of the KTN NDA, i.e. for high density residential development, public transport interchange, open space and Government, institution or community facilities. Approval of the application would also significantly reduce the flat production in KTN NDA. Approval of the application would cause impact on the tight development programme of the KTN NDA;

[Mr Edwin W.K. Chan left the meeting temporarily at this point.]

(ii) the Site was the subject of representations No. R10 and R20728 of the draft KTN OZP No. S/KTN/1 and both representations were not upheld by the Board. There had been no material change in circumstances. The approval of the application would not be in line with the Board's decision in consideration of the representations;

(iii) the proposed Master Layout Plan, which left part of the subject "CDA" zone undeveloped, did not meet the requirements of the Town Planning Board Guidelines (TPB PG-No. 17) for 'Designation of "CDA" zone and Monitoring the Progress of "CDA" Development' in that it would undermine the planning intention and comprehensiveness of the "CDA" zone. The applicants also failed to demonstrate that the proposed residential development was acceptable from traffic, noise impact and

landscape aspects; and

- (iv) regarding the public comments on claim in adverse possession, it was a land administration issue which was outside the purview of the Board.

94. Members had no question on the application.

Deliberation Session

95. 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 objectives and land use proposals of the Kwu Tung North New Development Area (KTN NDA), and will adversely affect the implementation of the NDA and reduce flat production in KTN NDA;
- (b) the proposed Master Layout Plan, which leaves part of the subject “Comprehensive Development Area” (“CDA”) zone undeveloped, does not meet the requirements of the Town Planning Board Guidelines (TPB PG-No. 17) for ‘Designation of “CDA” zone and Monitoring the Progress of “CDA” Development’ in that it would undermine the planning intention and comprehensiveness of the “CDA” zone; and
- (c) the applicants have failed to demonstrate that the proposed development is acceptable from traffic, noise impact and landscape aspects.”

[Professor K.C. Chau left the meeting and Ms Anita W.T. Ma left the meeting temporarily at this point.]

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/14 Temporary public vehicle park (including private cars, light goods vehicles and medium goods vehicles) with ancillary rest room, storage containers and office for a Period of 3 Years in “Government, Institution or Community” and “Other Specified Uses” annotated “Amenity Area” Zones and an area shown as ‘Road’, Lots 664 RP (Part), 665 RP (Part), 667 (Part), 672 (Part) in D.D. 96, Kwu Tung, Sheung Shui

(RNTPC Paper No. A/KTN/14)

Presentation and Question Sessions

96. With the aid of a PowerPoint presentation, Mr Kevin C.P. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary public vehicle park (including private cars, light goods vehicles and medium goods vehicles) with ancillary rest room, storage containers and office for a period of 3 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 reservation on the application from the landscape planning point of view. It was noted that the landscape character and landscape resources were modified before the application and the approval of the application might set an undesirable precedent to encourage applicants to modify the site before application and hence affect the overall greening effect in Kwu Tung North. Moreover, landscape proposal to minimize the landscape impact arising from the proposed development was not provided. The Director of Environmental

Protection (DEP) did not support the application as there were sensitive receivers of domestic uses in the vicinity of the site and environmental nuisance was expected. DEP advised that there were six non-substantiated complaints on waste in 2013, one non-substantiated complaint on water and five non-substantiated complaints on waste in 2014 against the site recorded in the past three years. The Project Manager (New Territories East), Civil Engineering and Development Department (PM(NTE), CEDD) advised that the site fell within the Advanced Works and Remaining Packages of Kwu Tung North and Fanling North New Development Areas (KTN and FLN NDAs). Given that the Lands Department's tentative reversion date of the lots would be in mid 2017 and the site formation works for the NDAs development were tentatively scheduled to commence in 2018, PM(NTE), CEDD had no objection to the application provided that the effective period of permission for the application was granted to a date not later than mid 2017;

- (d) during the first three weeks of the statutory publication period, three public comments were received. A Northern District Council (NDC) Member had no comment on the application while another NDC Member and Designing Hong Kong Limited objected to the application mainly on the grounds that the entrance of the site was too narrow and would affect other road users in the area; the application was not in line with the planning intention for the site; and there was no impact assessment nor information to demonstrate that the proposed development would not cause adverse traffic and safety impacts;
- (e) the District Officer (North) conveyed that the Chairman of Sheung Shui District Rural Committee cum the Indigenous Inhabitant Representative of Ho Sheung Heung had no comment on the application. The NDC Vice-Chairman who was from the subject constituency, the Resident Representatives of Kwu Tung (North) and Kwu Tung (South) raised objection to the application as the operation of the vehicle park would affect traffic in the area and pose threats to other road users in the village;

and

- (f) PlanD's views – PlanD considered that the temporary use could be tolerated for a period of 2 years based on the assessments as detailed in paragraph 12 of the Paper. The proposed development was not incompatible with the surrounding land uses. In view of PM(NTE), CEDD's comments, it was considered that the application could be tolerated on a temporary basis for a period of 2 years, instead of 3 years sought under application, in order not to frustrate the long-term planning intention of the concerned zonings on the Outline Zoning Plan and the implementation of the NDA. To address the concerns of DEP and CTP/UD&L, PlanD, approval conditions on the submission and implementation of landscape proposal, as well as restricting the operating hours, the types of vehicles and activities onsite were recommended. Other government departments consulted had no adverse comment on or no objection to the application. Regarding the public comments received, the above assessments were relevant.

97. Members had no question on the application.

Deliberation Session

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 8.5.2017, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no operation between 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 operation on public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) no 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;
- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (e) no parking and reverse movement of vehicles is allowed on public road outside the site 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 8.11.2015;
- (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 Drainage Services or of the TPB by 8.2.2016;
- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2015;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.2.2016;
- (j) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.11.2015;
- (k) in relation to (j) 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 8.2.2016;

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

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

- “ (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) the planning permission is given to the development/use(s) and structures under application. It does not condone any other development/use(s) and structure(s) which currently occur(s) on the site/premises but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use(s) and remove such structure(s) not covered by the permission;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lots owners need to apply through his office to permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity of 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;

- (e) to note the comments of the Director of Fire Services that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will need to be installed, except where building plan is circulated to the Centralized Processing System of the Buildings Department, the tenant is required to send the 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 and the access for emergency vehicles should be clearly marked on the layout plans. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicant will need to subsequently provide such FSIs according to the approved proposal;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that : (i) before any new building works (including containers/sheds as repair workshop, office, toilet and store etc.) are to be carried out on the site, prior approval and consent from BD should be obtained, otherwise they are unauthorized building works (UBW). An authorized person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO); (ii) 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; (iii) in connection with (i) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R)

respectively; (iv) 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

- (g) to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas.”

Agenda Items 26 to 30

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/395 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 420 S.E in D.D. 100, Tsiu Keng, Sheung Shui (RNTPC Paper No. A/NE-KTS/395)

A/NE-KTS/396 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 420 S.D in D.D. 100, Tsiu Keng, Sheung Shui (RNTPC Paper No. A/NE-KTS/396)

A/NE-KTS/397 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 420 S.A in D.D. 100, Tsiu Keng, Sheung Shui (RNTPC Paper No. A/NE-KTS/397)

A/NE-KTS/398 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 420 S.B in D.D. 100, Tsiu Keng, Sheung Shui (RNTPC Paper No. A/NE-KTS/398)

A/NE-KTS/399 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 420 S.C in D.D. 100, Tsiu Keng, Sheung Shui (RNTPC Paper No. A/NE-KTS/399)

100. The Committee noted that the five applications were similar in nature and the sites were located in close proximity to each other and within the same zone. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

101. With the aid of a PowerPoint presentation, Mr Kevin C.P. Ng, STP/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 V of the Papers. The Director of Agriculture, Fisheries and Conservation did not support the applications from an agricultural development standpoint as the sites possessed good potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications and advised that such type of Small House developments outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impact would be substantial. Notwithstanding the above, each of the applications only involved construction of one Small House. C for T 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 reservation on the applications from the landscape planning perspective as approval of the applications might set an undesirable precedent of spreading village development outside the “V” zone and thus erode the rural landscape character;
- (d) during the first three weeks of the statutory publication period, six public comments on each of the applications were received from a North District

Council (NDC) Member, the Sheung Shui District Rural Committee (SSDRC), Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and a villager of Tsiu Keng. While the NDC Member supported the applications as they would bring convenience to concerned villagers and SSDRC indicated 'no comment' on the applications, the remaining four commenters objected to the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the "Agriculture" ("AGR") zone; quality farmland and the rural setting of the village should be preserved; the approval of the applications would be contradictory to the New Agricultural Policy; no traffic nor environmental impact assessment had been submitted; and approval of the applications would set an undesirable precedent for similar applications within the "AGR" zone;

- (e) the District Officer (North), Home Affairs Department conveyed that the Indigenous Inhabitant Representative of Tsiu Keng supported the applications, whereas the incumbent NDC Member, the Chairman of SSDRC and the Resident Representative of Tsiu Keng had no comment on the applications; and
- (f) PlanD's views – PlanD did not support the applications based on the assessments set out in paragraph 12 of the Papers. The proposed Small House developments were not in line with the planning intention of the "AGR" zone and there was no strong planning justification in the submission for a departure from the planning intention. The approval of the applications would set an undesirable precedent for similar applications and would further reduce agricultural land in the area. The applications did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that it would frustrate the planning intention of the "AGR" zone. There were still land within the "V" zone for Small House developments and it was considered more appropriate to concentrate the proposed Small House developments close to the existing village cluster for orderly development pattern,

efficient use of land and provision of infrastructure and services.

102. Members had no question on the applications.

Deliberation Session

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

- “ (a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Kwu Tung South area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) land is still available within the “Village Type Development” zone of Tsiu Keng Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (c) the application site forms part and parcel of the larger piece of active or fallow agricultural land to the north and north-west of Tsiu Keng Village, of which the agricultural land in the area is generally under active cultivation. The approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would further reduce the agricultural land in the area.”

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/400 Proposed 4 Houses (New Territories Exempted Houses - Small Houses) in “Recreation” Zone, Lot 1666 S.A ss.2 RP in D.D. 100, Ying Pun Village, Sheung Shui
(RNTPC Paper No. A/NE-KTS/400)

Presentation and Question Sessions

104. With the aid of a PowerPoint presentation, Mr Kevin C.P. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed 4 houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Environmental Protection (DEP) advised that the site was located within an area with various industrial uses and the associated traffic of heavy vehicles might cause adverse impacts on the proposed NTEHs. DEP could not offer support to the application unless the applicants could demonstrate the environmental acceptability of the proposed NTEHs. The Commissioner for Transport (C for T) had reservation on the application and advised that such type of Small House development outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent for similar applications in future and the resulting cumulative adverse traffic impact would be substantial. Notwithstanding the above, as the application only involved the construction of four Small Houses, C for T considered that the application could be tolerated unless it was rejected on other grounds;

- (d) during the first three weeks of the statutory publication period, four public comments were received from a North District Council (NDC) Member, Designing Hong Kong Limited (DHK) and two members of the general public. The NDC Member supported the application as the proposed development would bring convenience to the concerned villagers. DHK raised concerns on the application as the site was undesirable for the proposed Small House and there was a lack of public space and recreational facilities in the area. One commenter objected to the application mainly on the grounds that the provision of recreational space was essential; no justification had been provided to change the land use within “Recreation” (“REC”) zone; and the proposed development was not genuine Small House development. The remaining commenter indicated ‘no comment’ on the application;
- (e) the District Officer (North) conveyed that the Sheung Shui District Rural Committee, the incumbent NDC Member and the Resident Representative of Ying Pun had no comment on the application; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the proposed Small House development were not in line with the planning intention of the “REC” zone. Besides, there was still land within the “Village Type Development” (“V”) zone of Ying Pun Village for Small House development, it was considered more appropriate to concentrate the proposed Small Houses within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructure and services. The applicants also failed to demonstrate that the proposed development was environmentally acceptable. In addition, a similar application within the same “REC” zone was rejected by the Committee in 2013 and there had been no material change in planning circumstances which warranted a departure from the previous decision. The approval of the application

would set an undesirable precedent for similar applications within the “REC” zone.

105. Members had no question on the application.

Deliberation Session

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

- “ (a) the proposed development is not in line with the planning intention of the “Recreation” (“REC”) zone, which is primarily for recreational developments for the use of the general public, and encourages the development of active and/or passive recreation and tourism/eco-tourism;
- (b) the applicants fail to demonstrate that the proposed development is environmentally acceptable; and
- (c) there has been no material change in planning circumstances for the surrounding areas of the application site since the rejection of the similar application by the Committee in 2013 which warrants a departure from the Committee’s previous decision. The approval of the application would set an undesirable precedent for similar applications within the “REC” zone.”

Agenda Item 32

Section 16 Application

[Open Meeting]

A/YL-NSW/233 Proposed Residential Development with Filling and Excavation of Land in “Undetermined” Zone, Lots 592 S.C ss.1 S.A, 592 S.C ss.4 and 1252 S.C in D.D. 115, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/233B)

107. The Secretary reported that the application was submitted by Richduty Development Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK) and Environ Hong Kong (Environ), AECOM Asia Co. Limited (AECOM) and Urbis Ltd. (Urbis) were three of the consultants of the applicants. The following Members had declared interests in the item :

- Professor S.C. Wong (the Vice-chairman) - 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;
- Mr Ivan C.S. Fu - having current business dealings with SHK, Environ, AECOM and Urbis
- Ms Janice W.M. Lai - having current business dealings with SHK, AECOM and Urbis
- Ms Christina M. Lee - being the Secretary General of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from SHK

108. Members noted that Professor Wong, Ms Lai and Ms Lee had tendered apologies for being unable to attend the meeting and Mr Fu had left the meeting already.

109. The Secretary reported that on 21.4.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the departmental comments received from Drainage Services Department, Agriculture, Fisheries and Conservation Department, and Urban Design and Landscape Section, Planning Department and to allow time for respective departments to review the application. This was the applicant's third request for deferment. During the deferment period, the applicant had demonstrated efforts in submitting further information to address departmental comments. More time was required by the applicant to prepare further information to address departmental comments received and to allow time for respective departments to review the application.

[Ms Anita W.T. Ma returned to join the meeting at this point.]

110. 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 applicants was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since this was the third deferment and a total of six months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/316 Proposed Pond Filling for Permitted Open Storage Use (Tiles and Metal Construction Equipments) in “Open Storage” zone, Lots No. 2384 (Part), 2386 RP (Part), 2400 (Part) in D.D. 102, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/316)

Presentation and Question Sessions

111. Mr K.T. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed pond filling for permitted open storage use (tiles and metal construction equipments);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support any filling of ponds from a fishery point of view and considered that all fish ponds should be preserved for fish culture purposes. However, based on the existing condition of the site, it seemed that the ecological value was limited. In that regard, DAFC had no strong view from conservation perspective;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter was of the view that the application should be rejected as the administration had made pledges to resolve the proliferation of storage facilities in the New Territories and to amalgamate such services in high-rise purpose-built facilities to release land for other uses;

- (e) PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although DAFC did not support any filling of ponds activities, DAFC had no strong view on the application from conservation perspective as the ecological value of the site seemed to be limited. Other relevant government departments had no objection to/adverse comments on the application. Regarding the public comment received, open storage use was always permitted under the “Open Storage” zone.

112. Members had no question on the application.

Deliberation Session

113. 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 8.5.2019, 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) no part of the site is allowed to be filled to a depth exceeding 1.5m as proposed by the applicant;
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) in relation to (b) above, no pond filling works on site should commence until the implementation of the drainage proposal recommended therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and

- (e) if any of the above planning conditions (a), (b), (c) or (d) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

114. 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 (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The information provided by the applicant indicates that no structure is proposed within the site. The site is accessible to Kwu Tung Road through Government Land (GL) and private land. This office provides no maintenance work for the GL involved and does not guarantee right-of-way;
- (c) to note the comments of the Commissioner for Transport that the site is connected to an unknown local access road which is not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the drainage submission should include a drainage plan showing the details of the existing drains and the proposed drains together with adequate supporting design calculations to demonstrate how the applicant will collect, convey and discharge rain water falling onto or flowing to his site. Approval of the drainage submission must be sought prior to the implementation of drainage works
- ”

on site. After completion of the drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs. 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 sewer 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 proposed drainage proposal/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 proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the application site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the site;

- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should be advised to adopt necessary measures to avoid disturbing and polluting the watercourse to the north and west of the site during filling of the pond and operation;
- (f) to note the comments of the Commissioner of Police that the site should not be used for activities associated with vending/collection/supply of goods associated with parallel trading and that there shall be security guards and alarm installed for sufficient security; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that before any site formation works are to be carried out on the site, prior approval and consent of the Building

Authority are required. An Authorised Person should be appointed as the co-ordinator for the proposed site formation works in accordance with the Buildings Ordinance.”

Agenda Item 34

Section 16 Application

[Open Meeting]

A/YL-NTM/317 Proposed Religious Institution (with Ancillary Shrines, Elderly Centres and Canteen) in “Green Belt” Zone, Lots 244 (Part), 245, 246 (Part), 247 (Part), 248 (Part), 249 (Part), 254 (Part), 255 and 257 in D.D. 98, and Adjoining Government Land, Ki Lun Tsuen, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/317)

115. The Secretary reported that on 15.4.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment.

116. 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 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/460 Proposed Temporary Shop and Services (Sale of Vehicle Parts and Accessories) with Ancillary Facilities for a Period of 3 Years in “Residential (Group D)” Zone, Lots 170 RP and 174 S.C RP in D.D.105 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/460)

Presentation and Question Sessions

117. Mr K.T. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (sale of vehicle parts and accessories) with ancillary facilities for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received 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 as detailed in paragraph 12 of the Paper. The site fell within Category 3 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application was in line with the TPB PG-No. 13E in that the site fell

within the Category 3 areas where previous planning approvals for the same or similar use had been granted.

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 8.5.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no operation between 11:00p.m. and 8:00a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no heavy goods vehicles including container vehicles, trailers and tractors as defined in the Road Traffic Ordinance are allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no car washing, dismantling, repairing and workshop activity involving metal cutting, drilling, hammering, paint spraying, and oil/lubricant changing is allowed on the site at any time during the planning approval period;
- (d) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of as-built drainage plan and photographic records of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.8.2015;

- (g) 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 8.11.2015;
- (h) in relation to (g) 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 8.2.2016;
- (i) 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 8.11.2015;
- (j) in relation to (i) 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 8.2.2016;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “ (a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL) that the site comprises Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval of the Government. No permission is given for occupation of the government land (GL) (about 800m² subject to verification) included in the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible to Shek Wu Wai Road through the GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. Should the application be approved, the lot owner(s) will need to apply to his office to permit structures to be erected or regularize any irregularities on-site. The applicant has either to exclude the GL portion from the site or applied 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 the payment of premium or fee, as may be imposed by LandsD;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that if the proposed run-in was agreed by the Commissioner for Transport, the applicant should construct a run-in/out at the access point at the public 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 with the existing adjacent pavement. HyD is not and shall not be responsible for the maintenance of any vehicular access connecting the site and Shek Wu Wai Road. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;

- (d) 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; and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including open sheds and containers as temporary buildings) are to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (f) 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;

- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should be advised to preserve and properly maintain the existing landscape planting along the site boundary and avoid disturbing the breeding birds including their nests and eggs which are protected under the Wild Animals Protection Ordinance, Cap. 170. Besides, lighting facilities installed on the site should also avoid direct shining on the concerned landscape trees as well as the nearby wooded area to the southwest of the site in order to minimize glare impact on the breeding birds;
- (h) to note the comments of the Commissioner of Police that there shall be no activity whatsoever in connection with parallel trading conducted on site;
and
- (i) 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."

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/461 Renewal of Planning Approval for Temporary Open Storage of Second Hand Motor Vehicles (Including Medium Goods Vehicles and Container Tractors but Excluding Trailers) for Sale and a Covered Works Area for a Period of 3 Years in “Residential (Group D)” Zone, Lots 52 RP (Part), 61 (Part), 62 (Part), 64 RP (Part) and 65 RP in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/461)

Presentation and Question Sessions

121. Mr K.T. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of second hand motor vehicles (including medium goods vehicles and container tractors but excluding trailers) for sale and a covered works area under application no. A/YL-ST/413 for a period of 3 years;

[Mr Edwin W.K. Chan returned to join the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as the use involved movement of medium goods vehicles and container tractors, and there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. DEP advised that one complaint was received in February 2012 concerning illegal discharge of polluted water from the site and the case had been rectified in March 2012. There was no environmental

complaint related to the site from April 2012 to February 2015;

- (d) during the first three weeks of the statutory publication period, no public comment was received 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 3 years based on the assessments as detailed in paragraph 12 of the Paper. The site fell within Category 3 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application was in line with the TPB PG-No. 13E and the TPB PG-No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development. Although DEP did not support the application, there was no record of environmental complaint for the site from April 2012 to February 2015 and approval conditions restricting the operation hours, the types of vehicles and activities on-site, and requiring maintenance of paving and boundary fencing were recommended in order to address DEP's concern.

122. Members had no question on the application.

Deliberation Session

123. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 23.5.2015 to 22.5.2018, on the terms of the application as submitted to the TPB and subject to the following conditions :

- “ (a) no operation between 6:00p.m. and 9:00a.m. on weekdays and between 1:00p.m. and 9:00a.m. on Saturday, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sunday and public holiday, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) no trailer is allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no cutting, dismantling, repairing and workshop activity, including container repairs and vehicle repairs, 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 trees within the site shall be maintained at all times during the planning approval period;
- (g) a vehicular access/run-in between the site and Shek Wu Wai Road shall be maintained at all times during the planning approval period;
- (h) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of as-built drainage plans 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 22.8.2015;
- (k) the provision of fire extinguisher(s) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the TPB by 3.7.2015;
- (l) the submission of fire service installations proposal within 6 months from

the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2015;

- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

124. 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 (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without the prior approval of the Government. Portion of a government land (GL) (about 341m²) is covered by a Short Term Tenancy (STT) No. 1923 for “open storage of second hand motor vehicles (including private cars and tractors excluding

trailers) with ancillary workshop and office” purposes. No permission is given for occupation of the GL (about 209m² subject to verification) included in the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible to Shek Wu Wai Road through GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The STT holder will need to apply to his office for modification of the STT conditions. Besides, the applicant has to either exclude the GL (not covered by STT) from the site or apply for a formal approval prior to the actual occupation of the GL portion. The lot owner will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (c) to note the comments of the Director of Environmental Protection (DEP) that all wastewaters from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (d) to note the comments of the Chief Highway Engineer/NT West, Highways Department (HyD) that if the proposed run-in is agreed by the Commissioner for Transport, the applicant should construct a run in/out at the access point at the public 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. HyD is not and shall not be responsible for the maintenance of any access connecting the site and Shek Wu Wai Road. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (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 that : (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and (iii) good practice guidelines for open storage should be adhered to. The applicant should submit a valid fire certificate (FS251) to his department for approval. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

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

development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (g) 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 DEP 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 lot boundary in order to ensure the unobstructed discharge from the site in future; and
- (h) to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area.”

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/462 Proposed Annex Blocks to an Existing School in “Village Type Development” Zone, Lots 110, 111 S.C, 113 S.B, 114, 115 S.C, 116 S.C RP, 117, 118, 119, 120, 121 S.C. RP, 122, 123, 124, 125 S.C RP, 125 S.C ss.1, 126, 132, 133 and 135 in D.D. 102, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/462)

Presentation and Question Sessions

125. Mr K.T. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed annex blocks to an existing school;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received. A District Council Member supported the application mainly on the grounds that there was insufficient primary school space in the Yuen Long area. The remaining three comments submitted by private individuals objected to the application mainly on the grounds of adverse noise, traffic and drainage impacts on the surrounding areas; drastic decrease in primary students in the coming 2 to 3 years; and returning of the school site to Man's Tao Tong. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Regarding the public comments received, all concerned departments had no adverse comment on or no objection to the application.

126. Members had no question on the application.

Deliberation Session

127. 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 8.5.2019, 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 proposal of water supplies for firefighting and fire services installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission of an environmental assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) 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 8.11.2015;
- (d) in relation to (c) above, the implementation of the 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 8.2.2016; and
- (e) the submission and implementation of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “ (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval of the Government. The site is accessible to Castle Peak Road – San Tin through both private land and government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner(s) need(s) to apply to his office to permit

structures to be erected or regularize any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (b) 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;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of 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 are to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. Emergency vehicular access shall be provided for all the buildings to be erected on the site in accordance with the requirements under Building (Planning) Regulations 41D. In accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and greenery coverage) should be included, where possible, in the conditions in the planning approvals.

Detailed checking of plans will be carried out upon formal submission of buildings plans;

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

- (e) 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 application site in future.”

[The Chairman thanked Ms Maggie M.Y. Chin, DPO/FSYLE, Mr Kepler S.Y. Yuen, Mr Kevin C.P. Ng and Mr K.T. Ng, STPs/FSYLE, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

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

[Mr Peter K.T. Yuen left the meeting temporarily at this point.]

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/350 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 3076 S.A
in D.D. 120, Tin Liu Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/350)

Presentation and Question Sessions

129. 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 as the site possessed potential for agricultural rehabilitation;

- (d) during the first three weeks of the statutory publication period, five public comments were received. Four of the comments, which were submitted by a Yuen Long District Council Member, Village Representatives of Tin Liu Tsuen and Muk Kiu Tau Tsuen and the Chairman of the Shap Pat Heung Rural Committee, supported the application mainly on the grounds that the proposed development was compatible with the surrounding environment and would not generate adverse impacts; the applicant was an indigenous villager and had the right to build a NTEH (Small House); villagers of Tin Liu Tsuen and Muk Kiu Tau had no objection to the application; and/or the proposed development would help meet housing needs and better utilize valuable land resources. The remaining comment from Designing Hong Kong Limited opposed the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” zone; there was a lack of impact assessments; potential cumulative impact arising from developments without public sewerage; setting of an undesirable precedent for similar applications; and that agricultural land should be conserved. No local objection/view was received by the District Officer (Yuen Long); and

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

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although DAFC did not support the application from agricultural point of view, the footprint of the proposed Small House fell largely within the “Village Type Development” (“V”) zone and the proposed development was relatively small in scale. In addition, there was no active agricultural activity in the immediate vicinity of the site. The application complied with the Interim Criteria for Consideration of Application for NTEH/Small

House Development in New Territories in that there was insufficient land within the “V” zones of the concerned villages to meet the Small House demand. Other government departments consulted had no adverse comment on or no objection to the application. Regarding the public comments received, the above assessments were relevant.

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

130. Members had no question on the application.

Deliberation Session

131. 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 8.5.2019, 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.”

132. 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. If a proposed Small House (SH) site is outside or more than 50% of it is outside the village ‘environ’ boundary of a recognized village and the “Village Type Development” zone which encircles this recognized village, the concerned SH application will be rejected under the New Territories (NT) SH Policy

even though the applicant is an indigenous villager who has successfully sought planning permission. The registered lot owner(s) may submit application to DLO/YL, LandsD. If SH application(s) is(are) received, DLO/YL, LandsD will consider the SH application(s) acting in the capacity as the landlord at its sole discretion in accordance with the NT SH Policy. There is no guarantee that such application would be approved. Should the registered lot owner(s) submit lease modification/land exchange application, DLO/YL, LandsD will consider his application in the capacity as the landlord and there is also no guarantee that such application would be approved. Any applications, if approved, 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 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 on the adjacent areas and existing drainage facilities. 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;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the installation, operation and maintenance of any sub-main within the private lots to WSD's standards. Also, the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;

- (d) to note the comments of the Director of Fire Services that the applicant should observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD;

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) 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 (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed site formation and/or drainage works in accordance with the 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 works and/or drainage works in the NT under the Buildings Ordinance (Application to the NT) Ordinance. The applicant may approach DLO/YL, LandsD or seek AP's advice for details;

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

- (g) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should submit the site formation plans to BD for approval as required under the provisions of the BO, unless he wishes to apply for a certificate of exemption for site formation works from the Director of Lands.”

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/726 Temporary Open Storage of Building/Recycling Materials, Construction Machinery and Used Electrical/Electronic Appliances and Parts with Ancillary Packaging Activities for a Period of 3 Years in “Undetermined” zone, Lots 369 RP (Part), 370 RP (Part), 371 S.A (Part), 371 S.B (Part), 381 RP (Part), 382 RP, 383 RP, 384, 385, 386, 387, 388, 389 RP, 390 RP, 391 RP, 439 RP (Part), 440 (Part), 444, 445, 446, 447, 448, 449, 450 S.A, 450 S.B, 450 S.C, 451, 452, 453, 454, 455, 456, 457, 458 (Part), 459 (Part), 471 (Part), 472, 473, 474, 475 S.A (Part), 475 S.A ss.1 and 475 S.B (Part) in D.D. 119 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/726)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of building/recycling materials, construction

machinery and used electrical/electronic appliances and parts with ancillary packaging activities for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received and no local objection/view was received by the District Officer (Yuen Long); and

[Mr K.C. Siu left the meeting at this point.]

- (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 set out in paragraph 12 of the Paper. The site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application was in line with the TPB PG-No. 13E in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses, and the concerns of relevant government departments were technical in nature which could be addressed through the implementation of approval conditions.

134. Members had no question on the application.

Deliberation Session

135. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.5.2018, 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. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste is allowed outside the concrete-paved covered structures on the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no dismantling, repairing, cleansing or other workshop activities, except ancillary packaging activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (e) no vehicle queuing is allowed back to the public road and no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (f) all the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.8.2015;
- (i) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.6.2015;
- (j) the submission of fire service installations proposal within 6 months from

the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2015;

- (k) in relation to (j) 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 8.2.2016;
- (l) 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;
- (m) if any of the above planning conditions (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “ (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) at the site;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction

that no structures are allowed to be erected without prior approval of the Government. No permission is given for occupation of government land (GL) (about 110m² 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. Lots 475 S.A (Part) and 475 S.B (Part) both in D.D. 119 are covered by Short Term Waiver which permits structures for the purpose of open storage of building materials, construction machinery, recycling materials (metal, plastic and paper) and used electrical/electronic appliances and parts with ancillary packaging activities. Should planning approval be given to the application, the lot owner(s) will need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior 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 through long haul of an informal village track on GL and other private land extended from Kung Um Road. His office does not provide maintenance works for such track nor guarantee any right-of-way;

- (e) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Moreover, sufficient space should be provided within the site for manoeuvring of vehicles and no parking on public road is allowed;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be

provided to prevent surface water running from the site to the nearby public roads and drains. His office shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (g) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (h) to note the comments of the Director of 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. In addition, the layout plan should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Also, the good practice guidelines for open storage (Appendix V of the Paper) should be adhered to. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that 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 a New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the captioned application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land,

enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with 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 B(P)R at the building plan submission stage; and

- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (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: (i) prior to establishing any structure within the site, the applicant and/or his contactors 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 (ii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines."

Agenda Item 40

Section 16 Application

[Open Meeting]

A/TM/465 Proposed Columbarium in “Government, Institution or Community”
Zone, G/F, Lot 1197 (Part) in D.D. 131, Tsing Shan Tsuen, Yeung
Tsing Road, Tuen Mun
(RNTPC Paper No. A/TM/465B)

137. The Secretary reported that on 20.4.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to address the comments of the Commissioner for Transport (C for T) and the Commissioner of Police. This was the applicant’s third request for deferment. During the deferment period, the applicant had demonstrated efforts in submitting further information to address departmental comments. More time was required by the applicant to prepare further information to address the recent departmental comments received, particularly on traffic issue.

138. 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 since this was the third deferment and a total of six months had been allowed, no further deferment would be granted.

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/471 Shop and Services (Electrical Shop or Decorative Showroom) in
“Industrial” Zone, Workshop Unit A, G/F, Block 1, Koon Wah Mirror
Factory No.6 Industrial Building, 7-9 Ho Tin Street, Tuen Mun
(RNTPC Paper No. A/TM/471)

Presentation and Question Sessions

139. Miss Jessica Y.C. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (electrical shop or decorative showroom);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received and no local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the applied use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The applied use was in line with the Town Planning Board Guideline on Use/Development within “Industrial” Zone (TPB PG-No. 25D). All concerned departments had no adverse comment on or no objection to the application. A temporary approval of three years was recommended in order not to jeopardize the long-term planning intention of industrial use for the subject premises and

to allow the Committee to monitor the supply and demand of industrial floor space in the area.

140. Members had no question on the application.

Deliberation Session

141. After deliberation, the Committee decided to approve the application, on a temporary basis for a period of 3 years until 8.5.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) the submission of fire service installations proposal in the application premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2015;
- (b) in relation to (a) above, the implementation of the fire service installations proposal in the application premises within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.2.2016; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

142. 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 premises;
- (b) a temporary approval of three years is given in order to allow the Rural and New Town Planning Committee of the TPB to monitor the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises will not be

jeopardized;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the proposed 'electrical shop or decorative showroom' does not comply with the user restrictions of the lease conditions and the size of the combined unit may also be in breach of the lease conditions. The applicant need to apply to LandsD for a lease modification or temporary waiver for the proposal. The proposal will only be considered upon their receipt of formal application from the applicant. There is no guarantee that the application will be approved and he reserves his comment on such. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of premium, waiver fee and administrative fee;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorized Building Works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). Detailed comments under the BO will be provided at the building plan submission stage.

- (e) to note the comments of the Director of Fire Services that the existing fire service installations (FSIs) provisions may not be fully applicable for the application premises. All FSIs shall be provided in accordance to "Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises". The FSIs and equipments should be provided to his satisfaction. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. Regarding matters related to fire

resisting construction of the premises, the applicant is reminded to comply with the “Code of Practice for Fire Safety in Buildings” which is administered by the Building Authority.”

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/42 Temporary Recreation Use (Fishing Ground) for a Period of 3 Years in “Coastal Protection Area” Zone and 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/42)

Presentation and Question Sessions

143. 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 recreation use (fishing ground) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received 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 as detailed in paragraph 11 of the Paper. All concerned departments had no adverse comment on or no objection to the application.

144. Members had no question on the application.

Deliberation Session

145. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.5.2018, 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 in good condition 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 planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.8.2015;
- (f) 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 8.11.2015;
- (g) in relation to (f) 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 8.2.2016;

- (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 on the same date be revoked without further notice.”

146. 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 (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. 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 site is accessible to Nim Wan Road through both private land and GL. His office provides no maintenance works for the GL involved and does not guarantee any right-of-way. The lot owner(s) will need to apply to his office to permit any 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 fees, 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. Before any new building works 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 (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the proposed use 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 the Building (Planning) Regulations (B(P)R) Part VII. The site shall be provided with means of obtaining access thereto from a street under Regulation 5 of the B(P)R and emergency vehicular access shall be provided under the Regulation 41D of the B(P)R. If the site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage. 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. Formal submission under the BO is required for any proposed new works, including any temporary structures;

- (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 any potential environmental nuisance to the surrounding area;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant is 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 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 that 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 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 be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon

receipt of formal submission of general building plans.”

[The Chairman thanked Ms Bonita K.K. Ho, Miss Jessica Y.C. Ho and Mr K.C. Kan, STPs/TMYLW, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Agenda Item 43

Any Other Business

147. There being no other business, the meeting closed at 6:40 p.m..