

TOWN PLANNING BOARD

Minutes of 535th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 19.6.2015

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor Eddie C.M. Hui

Ms Anita W.T. Ma

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr H.F. Leung

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

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

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

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

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

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

Secretary

Absent with Apologies

Professor S.C. Wong

Vice-chairman

Dr C.P. Lau

Dr W.K. Yau

Ms Christina M. Lee

Mr Philip S.L. Kan

In Attendance

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

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 534th RNTPC Meeting held on 5.6.2015

[Open Meeting]

1. The Secretary reported that the draft minutes of the 534th RNTPC meeting were dispatched to Members on 17.6.2015. Subsequently, a typographical error was found in paragraph 77, which should be revised as “There being no other business, the meeting closed at ~~4:30~~ 3:30 p.m”.

2. The Committee agreed to the aforesaid proposed revision. The draft minutes of the 534th RNTPC meeting held on 5.6.2015 were confirmed subject to the aforesaid revision.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

[Ms Donna Y.P. Tam, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Items 3 and 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/I-LWKS/1 Proposed House in “Unspecified Use” zone, Lots No. 489, 491, 492 and 493 in D.D. 311, Keung Shan, Lantau Island
(RNTPC Paper No. A/DPA/I-LWKS/1C)

A/DPA/I-LWKS/2 Proposed House in “Unspecified Use” zone, Lot No. 484 in D.D. 311,
Keung Shan, Lantau Island
(RNTPC Paper No. A/DPA/I-LWKS/2C)

4. The Committee noted that the two applications, submitted by the same authorised agent of the applicants, were similar in nature and the sites were located in close proximity to one another in an area designated as “Unspecified Use” on the approved Luk Wu and Keung Shan Development Permission Area (DPA) Plan No. DPA/I-LWKS/2 at the time of submission on 20.6.2014. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed houses at each of the sites;

[Ms Anita W.T. Ma, Ms Janice W.M. Lai and Mr Victor W.T. Yeung arrived to join the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Papers. Relevant government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory public inspection periods, a total of 8 public comments were received from Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and Designing Hong Kong Limited for each of the applications. All commenters objected to the applications mainly on the grounds that the applications were not in line with the planning intention of the “Green Belt” (“GB”) zone and the Town Planning Board Guidelines No. 10 (TPB PG-No.

10). Approving applications for private developments within the “GB” zoning would set an undesirable precedent for similar applications within the area; the sites were in the enclave and no development should be allowed in this area; the biodiversity of the area would be affected; the narrow access path leading to the subject sites was well vegetated on both sides, the construction and future maintenance of the boardwalks would potentially cause further damage to the trees and the under-storey vegetation in the locality; and if the soak-away system was overloaded, the seepage would affect the water quality and the aquatic organisms living in the stream to the northeast of the sites; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 12 of the Papers. The sites fell within an area zoned “GB” on the draft Luk Wu and Keung Shan Outline Zoning Plan (OZP) No. S/I-LWKS/1 currently in force. According to TPB PG-No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’, an application for new development in a “GB” zone would only be considered in exceptional circumstances and must be justified with very strong planning grounds. The proposed house developments were in accordance with the building entitlement of the lots and could be considered as an exceptional circumstance. The proposed developments were small in scale with plot ratios of about 0.15 and 0.26 respectively. The proposed 2-storey houses were considered not incompatible with the surrounding rural context. They would not adversely affect the traffic, environment and infrastructures of the surrounding areas. Regarding the public objection on landscape and ecological grounds, relevant departments had no adverse comment on the applications. Since the proposed developments were to respect the land entitlement under the lease and could be considered as an exceptional circumstance, they would not set an undesirable precedent for other similar applications.

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

Provision for s.16 Applications

6. In response to two Members' questions, Ms Donna Y.P. Tam, STP/SKIs, said that the sites were designated as "Unspecified Use" on the approved Luk Wu and Keung Shan DPA Plan No. DPA/I-LWKS/2 at the time of submission of the planning applications. According to the Notes of the DPA Plan, any use or development (other than 'Agriculture Use' or the uses or developments always permitted under the covering Notes) in an area designated as "Unspecified Use" required planning permission from the Town Planning Board (the Board). The DPA Plan was subsequently replaced by the draft Luk Wu and Keung Shan OZP No. S/I-LWKS/1 (the draft OZP) and the sites were zoned "GB" on the draft OZP. According to the Notes of the draft OZP, only New Territories Exempted House (NTEH) was a Column 2 use within "GB" zone subject to planning permission from the Board. As the subject applications were not for NTEHs, there was no provision for the proposed house development under the draft OZP. However, according to the Town Planning Ordinance (TPO), applications for planning permissions under section 16 during the effective period of the DPA Plan should continued be processed based on the provision of the DPA Plan. In considering the applications, the Board could take into account the planning intention of the "GB" zone as stipulated in the draft OZP. As such, TPB PG-No. 10 for 'Application for Development within "Green Belt" zone under section 16 of the Town Planning Ordinance' was relevant consideration to the applications.

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

Other Similar Applications

7. A Member asked whether there were other lots in the area with building entitlement under the lease that the lot owners were likely to submit similar applications in the future. In response, Ms Tam said that she had no information at hand on the number of lots with building entitlement in the area. However, as the area fell largely within the Water Gathering Ground (WGG), the Water Supplies Department (WSD) had a very stringent control on developments within WGG to minimise any adverse impact on the water quality. It was expected that there would not be a substantial number of similar applications in the area in the future. Moreover, according to the Notes of the draft OZP, there was no provision for the proposed house development (except NTEH) within the "GB" zone. In future, proposed house development at lots with building entitlement would require application for

rezoning under section 12A of the TPO.

8. In response to a Member's question, Ms Tam said that although the sites were lots with building entitlement, they had not been designated as "Village Type Development" ("V") on the draft OZP as they did not fall within the village 'environs' of the nearby recognized Lower Keung Shan Village and were far away from the existing village cluster. Ms Tam said that the applicants of the two applications were not indigenous villagers. In response to the same Member's further query, Ms Tam said that while the building entitlement of the lot owners had to be respected, other planning considerations had also been taken into account by PlanD.

Protection of Trees

9. In response to the same Member's query regarding the approval condition (b) as recommended by PlanD, Ms Tam said that the submission of quarterly tree monitoring reports was proposed by the applicant to ensure that the impact on trees along the existing access path outside the sites for transportation of construction materials during the construction period would be kept to the minimal. Any tree felling on government land would be subject to the Government's approval.

10. Another Member was concerned about how to ensure that the transportation of construction materials and machineries to the sites would not affect the existing trees on both sides of the access path. In response, Ms Tam said that the applicant had proposed to use small trolleys for transporting construction materials and small machineries to the sites. The applicant had also submitted a tree survey and proposed tree preservation measures and construction methods to minimize the adverse landscape impacts on the existing trees along the access path. Any illegal tree felling on government land would be subject to enforcement action by the Government.

11. In response to the Chairman's concern on the provision of water supply, electricity and drains to the sites, Ms Tam said that the applicants proposed to connect to the nearest government water mains for the provision of water supply. The applicant would resolve separately any land matter associated with the provision of water supply. For the provision of electricity, the China Light and Power Hong Kong Limited (CLP) had already advised the applicants that a pole-mounted transformer was required to be installed within the

sites in order to receive the electricity supply from CLP. For the sewage disposal arrangement, the applicant proposed a septic tank underneath the proposed houses to collect sewage and the Drainage Services Department had no adverse comment on the proposal.

Others

12. In response to a Member's questions, Ms Tam said that the applicants of the applications were not indigenous villagers and PlanD had no information on when the applicants had become the land owners of the sites. The sites had been vacant and there was no existing structure on the sites except some small ruins.

Deliberation Session

13. The Chairman recapped that although an approved DPA Plan had ceased to be effective and was replaced by a draft OZP, any applications for permission submitted under section 16 of the TPO during the effective period of the DPA Plan should be considered by the Board. When considering such applications, the Committee would generally make reference to the planning intention as stipulated in the Notes of the OZP currently in force.

14. A Member said that in general, the development right of the lots with building entitlement should be respected if there was no other adverse planning implication. This Member noted that the area fell largely within WGG where WSD had very stringent control on developments and a substantial number of similar applications in the area would be unlikely in the future. As such, the applications could be approved under exceptional circumstances.

15. Two Members were of the view that the applications should not be approved based on the planning intention of "GB" as stipulated in the Notes of the current OZP. One of the Members considered that the applicants should submit fresh applications under section 12A of the TPO for rezoning the sites from "GB" to "V". In response, the Chairman said the applications should only be rejected based on planning reasons. He said that if considered appropriate to reject the applications, Members could consider the two rejection reasons as suggested by PlanD in paragraph 13.3 of the Papers.

16. A Member said that there was a similar application in Shap Sz Heung where the application site comprised lots with building entitlement under the lease. Approval was given to the application for rezoning of the site from “Conservation Area” (“CA”) to “V” zone so as to respect the building entitlement of the land owner. It was a precedent case in which building entitlement had been respected by the Board. The Chairman clarified that the application in Shap Sz Heung was a section 12A application and not a section 16 application as in the current cases. The Member considered the principle of respecting building entitlement was the same and that the subject applications should not be rejected just for the reason of requesting the applicants to submit fresh applications under section 12A of the TPO for rezoning the sites.

17. The Member who considered that the applications should not be approved said that although the concerned lots had building entitlement, the transportation and loading/unloading of the construction materials during the construction phase might affect the surrounding environment. Another Member said that the sites were densely vegetated as demonstrated in the site photo on Plan A-4 of the Papers and consideration should be given to the surrounding environment of the sites.

18. A Member agreed that the building entitlement of the applicant should be respected, but considered that the application should not be approved at this stage as there was insufficient information in the submission to demonstrate that the proposed developments would not generate adverse impacts on the existing trees, noting that there were many native trees with diameter more than 90mm according to the tree survey submitted by the applicant. Members noted that according to the tree survey and tree preservation proposal submitted by the applicant, for application No. A/DPA/I-LWKS/1, there were a total of 76 trees in the site, 3 trees were proposed to be felled and 8 new trees would be provided as compensatory planting. For application No. A/DPA/I-LWKS/2, there were a total of 17 trees in the site, 2 trees were proposed to be felled and 3 new trees would be provided. The tree preservation proposal was considered acceptable by the Chief Town Planner/Urban Design and Landscape, PlanD. The same Member was further concerned that the construction work related to the provision of water supply and electricity to the sites might affect the existing trees outside the sites. Members noted that as advised by WSD and CLP, there were connection points available for the provision of water supply and electricity respectively. However, the applicant had not provided any information in the submissions

regarding the proposed routings of the connections and whether existing trees along the routings would be affected during the construction of these connections.

19. In response to a Member's question on the sewage disposal arrangement, it was explained that the applicant had proposed to use septic tank system and both WSD and EPD had no comment on the proposal as the sites fell outside the WGG and were located more than 30m away from a stream. In response to the same Member's further query, Mr Victor W.T. Yeung, Principal Environmental Protection Officer (Strategic Assessment), Environmental Protection Department, said that the septic tank system consisted of mainly two components, septic tank and soakaway pit. The septic tank would store the wastewater generated from the houses and allow solid waste to settle. While soakaway pit would drain away the waste water through percolation into the soil and undergo microbial decomposition, the solid waste remaining in the septic tank would need to be disposed of periodically. Another Member raised concern on the impact generated by the service vehicles (for pumping out the solid waste in the septic tank) on the existing narrow access path. In response, Mr Yeung said that while the solid waste in the septic tank could be pumped out by service vehicles, it could also be disposed of through other means.

20. A Member suggested that the applications might be approved subject to adding an approval condition requiring the applicants to submit the proposed routings for provision of water supply and electricity to the satisfaction of the Director of Planning or of the Board or be rejected as there was insufficient information in the submission to demonstrate that the development would not generate adverse impacts on the surrounding environment. A Member considered that the application should be approved with the incorporation of the additional approval condition. Another Member considered that the application could be approved as the applicants had already provided substantial information and it might not be reasonable to reject the applications on ground of insufficient information. Two Members maintained their reservation on or objection to the applications.

21. After further deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission of each of the applications should be valid until 19.6.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was

subject to the following conditions :

- “(a) the submission and implementation of a landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of quarterly tree monitoring reports on trees along the access path leading to the application site during the construction period, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of the proposed routings for provision of water supply and electricity to the satisfaction of the Director of Planning or of the TPB; and
- (d) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Islands, Lands Department (LandsD) that the lot owner will need to apply for a lease modification for the proposed house development but there is no guarantee that the proposed lease modification can be approved. The application for lease modification, if approved by LandsD acting in its capacity as the landlord at its discretion, will be subject to such terms and conditions, including the payment of administrative fee and premium as appropriate, as imposed by LandsD. Occupation of unleased government land for storage of building material or equipment is not allowed;
- (b) to note the comments of the Commissioner for Transport that there are no public car parks or roads planned in the area;
- (c) to note the comments of the Chief Engineer/Hong Kong & Islands,

Drainage Services Department that there are no existing public stormwater drainage and sewerage systems available in the area for connection to the proposed house;

- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's standards;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that there is currently no road nor paved footpath to the site. The applicant will form pedestrian access along the existing pathway to the site. The HyD will not take over the maintenance of this future pedestrian access. However, if there is road junction modification/footpath works that affecting Tai O Road, submission shall be made to LandsD, the Transport Department, HyD and other relevant departments for comment;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant should not interfere with vegetation outside the lot boundary, in particular trees on government land, without government's approval;
- (g) to note the comments of the Director of Fire Services that emergency vehicular access shall be provided in accordance with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by the Buildings Department; and
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant/working party shall approach the electricity supplier for

the requisition of cable plans (and overhead alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant/working party shall carry out the following measures: for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulation in the Hong Kong Planning Standards and Guidelines published by PlanD, prior consultation and arrangement with the electricity supplier is necessary; prior to establishing any structure within the site, the applicant/working party and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant/working party and his contractors when carrying out works in the vicinity of the electricity supply lines.”

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

Agenda Item 5

Section 16 Application

[Open Meeting]

A/SK-SKT/9 Proposed Comprehensive Residential Development in “Comprehensive Development Area (1)” zone, Various Lots in D.D. 221 and Adjoining Government Land, Sha Ha, Sai Kung
(RNTPC Paper No. A/SK-SKT/9)

23. The Secretary reported that the application was submitted by Boxwin Ltd. which was a subsidiary of New World Development Co. Ltd (New World). Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with New World. As the

applicant had requested for a deferral of consideration of the application and the interest of Mr Fu was considered direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion.

24. The Committee noted that on 3.6.2015, the applicant's representative requested for deferment of consideration of the application for two months in order to allow time to revise the relevant technical assessments to address departmental comments and finalize various reports. This was the second time that the applicant requested for deferment of the application. After the first deferment, the applicant had submitted further information including revised Master Layout Plan, Landscape Master Plan and various impact assessment reports to respond to the departmental comments.

25. 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 further information. Since it was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

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

Sha Tin, Tai Po and North District

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/DPA/NE-TT/59 Proposed House (New Territories Exempted House - Small House) in
“Unspecified Use” Area, Lot 476 S.B ss.3 in D.D. 289, Ko Tong, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/59)

26. The Committee noted that on 17.6.2015, after issuance of the Paper, the applicant wrote to the Town Planning Board (TPB) requesting for deferment of consideration of the application for two months as more time was required for the applicant to prepare the further information to address departmental comments. The letter from the applicant was tabled at the meeting for Members’ consideration. This was the first time that the applicant requested for deferment of the application.

27. 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 7

Section 16 Application

[Open Meeting]

A/DPA/NE-TT/60 Proposed 4 Houses(New Territories Exempted House - Small House)
in “Unspecified Use” Area, Lots 771 S.A, 771RP, 772 S.A, 772 S.B,
772 RP, 773 S.A in D.D. 289 and adjoining Government Land, Ko
Tong, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/60)

28. The Committee noted that on 10.6.2015, the applicant’s representative requested for deferment of consideration of the application for two months in order to allow time for preparation of further information. This was the first time that the applicant requested for deferment of the application.

29. 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 had been allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 8

Section 16 Application

[Open Meeting]

A/NE-KLH/492 Proposed Private Swimming Pool for a Permitted House (New Territories Exempted House - Small House) for a Period of 3 Years and Excavation of Land in “Green Belt” and “Village Type Development” zones, Lot 1067 S.D (Part) in D.D. 9, Tai Hang, Fu Sha Wai, Tai Po
(RNTPC Paper No. A/NE-KLH/492)

30. The Committee noted that on 4.6.2015, the applicant requested for deferment of consideration of the application for two months in order to allow time for preparation and submission of drainage and sewerage proposals. This was the first time that the applicant requested for deferment of the application.

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/547 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” zone, Lot 744 in D.D.29, Ting Kok Village, Tai Po
 (RNTPC Paper No. A/NE-TK/547)

Presentation and Question Sessions

32. 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) proposed house (New Territories Exempted House (NTEH) - Small House);

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix VI of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site wholly fell outside the village ‘environs’ (‘VE’) of Ting Kok. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as the site fell within the “Agriculture” (“AGR”) zone and had high potential for rehabilitation of agricultural activities. The Chief Town Planner, Urban Design and Landscape, Planning Department (PlanD) objected to the application as the site was located on a hillslope covered with trees and shrubs. The construction of the Small House on slope would involve significant site formation works, felling of tree and clearance of vegetation, leading to deterioration of the landscape quality. Other relevant government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory public inspection period, five public comments from World Wide Fund (Hong Kong), Designing Hong Kong and individuals were received which objected to the application mainly on the grounds of being not in line with the planning intention of “AGR” zone; no impact assessment had been submitted; potential cumulative impacts on traffic, sewerage and water quality; setting undesirable precedent for other similar applications in the area; and the site fell outside the ‘VE’; and

- (e) PlanD’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. Although there was a general shortage of land in meeting the future Small House demand in Ting Kok Village, the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’ in that the footprint of the proposed Small House was entirely outside both the “Village Type Development” zone and the ‘VE’ of any recognized villages and the proposed development would have adverse landscape impact on the surrounding areas. The proposed development was not in line with the planning intention of the “AGR” zone for the area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes.

33. In response to a Member’s question, Mr C.T. Lau, STP/STN, said that the area in front of the site was currently occupied by some vacant containers and construction materials. According to PlanD’s record, no enforcement action against unauthorised development was taken. The Chairman suggested that the case should be referred to the Central Enforcement and Prosecution Section of PlanD to follow up, as appropriate.

Deliberation Session

34. 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 in the submission to justify 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 more than 50% of the footprint of the proposed Small House falls outside the village ‘environs’ and “Village Type Development” zone of any recognized villages and the proposed development would cause adverse landscape impact on the surrounding areas.”

Agenda Items 10 and 11

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/569 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 582 S.B ss.1 in D.D.85, Lau Shui Heung,
Fanling
(RNTPC Paper No. A/NE-LYT/569)

A/NE-LYT/571 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 582 S.B ss.2 in D.D.85, Lau Shui Heung,
Fanling
(RNTPC Paper No. A/NE-LYT/571)

35. The Committee noted that the two applications were similar in nature and the sites were located in close proximity to one another in an area within the same “Agriculture” (“AGR”) zone. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed houses (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix VI of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from agricultural development point of view as active agricultural activities could be found in the vicinity and the sites possessed potential for agricultural rehabilitation. The Commissioner for Transport had reservation on the applications and advised that Small House developments should be confined within the “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed developments was not expected to be significant, such type of developments outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Other relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, four public comments on each of the applications were received. A North District Council member supported while the Chairman of Fanling District Rural Committee stated no comment on the applications. The other two public comments from Designing Hong Kong Limited and Kadoorie Farm and Botanic Garden Corporation objected to the applications mainly on the grounds that the proposed developments were not in line with the planning

intention of “Agriculture” (“AGR”) zone; agricultural land should be retained to safeguard the potential agricultural activities; no environmental and traffic impact assessments had been submitted; approval of the applications were in contravention with the Government’s new agricultural policy under consultation; and the setting of undesirable precedent for similar applications; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments made in paragraph 11 of the Papers. The proposed developments were not in line with the planning intention of the “AGR” zone for the area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. Although the applications were generally in line with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’ as more than 50% of the footprint of the proposed Small Houses fell within the village ‘environs’ of Lau Shui Heung Village and land available within the “V” zone could not fully meet the future Small House demand, there was still some 0.43 ha of land available within the “V” zone for Small House development. It was considered more appropriate to concentrate the proposed Small Houses close to the existing village cluster within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

37. In response to a Member’s question, Mr Wallace W.K. Tang, STP/STN, said that there were two proposed Small Houses within the same “AGR” zone to the south of the sites and their Small House grant applications were being processed by the Lands Department (LandsD). However, no planning application regarding those two Small Houses had been submitted to the Town Planning Board (the Board) so far. Another Member asked why the applicants of those two Small House grant did not submit planning application before applying for Small House grant from LandsD. In response, Mr Tang said that it was not uncommon for an applicant to apply for Small House grant from LandsD first. In processing the application, LandsD would advise the applicant whether planning application was required. As stipulated in the draft Lung Yeuk Tau and Kwan Tei South Outline

Zoning Plan (the OZP), building NTEH in “AGR” zone required planning permission from the Board.

38. With reference to the aerial photo on Plan A-3 of the Paper, a Member raised concern that a considerable area to the further south of the sites within the “AGR” and “Green Belt” (“GB”) zones had been cleared. In response, Mr Tang said that the vegetation had already been cleared as observed during the site visit by PlanD but there was no information on the purpose of the clearance. The Chairman said that if the clearance of vegetation was for agricultural purpose, it might not constitute an unauthorised development as agricultural use was always permitted in the “GB” zone.

Deliberation Session

39. 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 Papers and considered that they were appropriate. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone 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; and
- (b) land is still available within the “Village Type Development” zone of Lau Shui Heung Village 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 orderly development pattern, efficient use of land and provision of infrastructures and services.”

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/879 Shop and Services in “Industrial” zone, Workshop A5 and A8 of A,
LG/F Valiant Industrial Centre, Nos. 2-12 Au Pui Wan Street, Fo Tan,
Sha Tin
(RNTPC Paper No. A/ST/879)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) shop and services under application;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory public inspection period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of 3 years based on the assessments made in paragraph 11 of the Paper. The planning intention of the “Industrial” (“I”) zone was to reserve land primarily for general industrial uses to ensure adequate supply of industrial floor space to meet demand from production-oriented industries. However, commercial uses in industrial buildings within the “I” zone might be permitted on application to the Town Planning Board based on individual merits and the planning assessment criteria set out in the Town Planning Board Guidelines

No. 25D (TPB PG-No. 25D). The shop and services use under application generally complied with the relevant considerations set out in TPB PG-No. 25D including the fire safety and traffic aspects. The last application No. A/ST/821 for the same applied use at the subject premises were approved with conditions by the Committee on 19.7.2013 for 3 years but were subsequently revoked due to non-compliance with approval conditions on fire safety measures. Should the application be approved by the Committee, a shorter compliance period of the approval condition was recommended to monitor the progress of compliance. Moreover, the applicant would be advised that should he fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

41. Members had no question on the application.

Deliberation Session

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

- “(a) the submission of the fire service installations proposal within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 19.9.2015;
- (b) the implementation of the fire safety installations proposal within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 19.12.2015; and
- (c) if any of the above planning condition (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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to resolve any land issue relating to the development with other concerned owners of the application premises;
- (c) a temporary approval of three years is given in order to allow the Committee 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;
- (d) shorter compliance periods are imposed to monitor the progress of compliance of approval conditions. Should the applicant fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use shall comply with the requirements under the Buildings Ordinance (BO). For instance, the shop shall be separated from adjoining workshops by fire barriers with a fire resistance rating of 120 minutes, and the means of escape of the existing premises shall not be adversely affected. Besides, the subdivision of the unit/ premises should comply with the provisions of BO/ Building (Minor Works) Regulations. The applicant should engage a registered building professional under the BO to co-ordinate the building works. Adequate access and facilities for persons with a disability should be provided. The applicant should make reference to Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008; and
- (f) to note the comments of the Director of Fire Services that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from

the industrial portion should be available for the subject unit. Regarding matters related to fire resisting construction of the premises, the applicant is advised to comply with the “Code of Practice for Fire Safety in Buildings” which is administered by the Buildings Authority. The applicant should also pay attention to the “Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises”.”

Agenda Item 13

Section 16 Application

[Open Meeting]

A/ST/880 Proposed Wholesale Conversion for Shop and Services, Eating Place in “Industrial” zone, Sha Tin Town Lot No. 27, 2-8 Shing Wan Road, Sha Tin
(RNTPC Paper No. A/ST/880)

44. The Committee noted that on 5.6.2015, the applicant requested for deferment of consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. This was the first time that the applicant requested for deferment of the application.

45. 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 had been allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

Fanling, Sheung Shui and Yuen Long East District

[Mr Kevin C.P. Ng, Mr Kepler S.Y. Yuen 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.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/9 Proposed Temporary Hobby Farm for a Period of 3 Years in
 "Agriculture(1)" zone, Lots 1527 RP, 1528 and 1529 in D.D. 95,
 Ho Sheung Heung, Kwu Tung North, Sheung Shui
 (RNTPC Paper No. A/KTN/9)

Presentation and Question Sessions

46. 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) proposed temporary hobby farm for a period of 3 years;

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

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory public inspection period, a total of ten public comments were received from a North District Council (NDC) member, two members of the public, Designing Hong Kong Limited and World Wide Fund for Nature Hong Kong. The NDC member had no comment on the application, but indicated that comments of nearby villagers should be sought. The other commenters raised concerns on the application and their comments included no information on the design and operation of the proposed development; if hobby farms were in line with the planning intention of the “Agriculture” (“AGR”) zone; sustainable agricultural concept and practice should be adopted to minimize the use of chemicals and pollution to adjacent land and wetland; approval of the application would set a precedent for similar applications; the proposed structures on farm with an area of 94m² would exceed the standard area of 37.2m² for on-farm domestic structure; the adjoining government land and the site were illegally formed and used for dumping of construction materials; and the applicant’s experience and record in operation of hobby farm was queried; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary hobby farm could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. According to the Director of Agriculture, Fisheries and Conservation, the applied use was essentially a farming activity and it would not cause adverse impact on Long Valley Nature Park. The proposed temporary hobby farm for farming/cultivation use was considered not incompatible with the planning intention of the “AGR(1)” zone and approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention. Considering the nature and scale of the proposed development, it would not have significant adverse drainage, ecological, sewerage and environmental impacts on the surrounding areas. Relevant government departments had no adverse comment on or no objection to the application. Regarding the public concern of previous dumping of construction materials at the site, there was no enforcement case against illegal dumping activities at the site in the past 3 years and the site was

currently overgrown with grass.

47. Members had no question on the application.

Deliberation Session

48. In response to a Member's suggestion, the Committee agreed to add an approval condition which prohibited the applicant to set up bird-proofing nets within the application site that would affect the flight route of the migratory birds.

49. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 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 operation between 6:00 p.m. and 9:00 a.m. from Mondays to Sundays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no parking, queuing or reverse movement of vehicles, as proposed by the applicant, shall be allowed on public road outside the site at any times during the planning approval period;
- (c) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.12.2015;
- (d) in relation to (c) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.3.2016;
- (e) the submission of proposals of water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.12.2015;

- (f) in relation to (e) above, the implementation of proposals of water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.3.2016;
- (g) the implementation of accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2015;
- (h) no bird-proofing nets affecting the flight route of migratory birds shall be set up on the site at any time during the planning approval period;
- (i) if any of the above planning conditions (a), (b) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) the permission is given to the use/development under application. It does not condone any other use/development which currently exists on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by

the permission;

- (c) to note the comments of the District Lands Officer/North, Lands Department (LandsD) that the owners of the lots concerned should apply to his office for Short Term Waivers (STWs) for any structures erected or to be erected on the lots, which would be considered by LandsD acting in the capacity as landlord. There is no guarantee that the applications would be approved. If the STWs are approved, they would be subject to such terms and conditions to be imposed including payment of STW fees;
- (d) to note the comments of the Commissioner for Transport that the local track connecting the site to Ho Sheung Heung Road is not managed by his department. The status of the concerned road section should be checked with the lands authority. The management and maintenance responsibilities of the local track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities of the proposed development;
- (f) to note the comments of the Director of Fire Services that the applicant shall observe the requirements of emergency vehicular access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by the Buildings Department;
- (g) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve

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

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

[The meeting was adjourned for a 5-minute break.]

[Mr Lincoln L.H. Huang left the meeting temporarily at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/461 Proposed House (New Territories Exempted House) in “Agriculture” zone, Lot 926 S.A ss.1 S.D ss.5 in D.D. 109, Tai Kong Po, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/461)

Presentation and Question Sessions

51. Mr Kepler S.Y. Yuen, STP/FSYLE, drew Members’ attention that as the application was not for a Small House application, the title of all the attached plans should be revised accordingly. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and

Conservation (DAFC) did not support the application for NTEH from agricultural development point of view as the site with road access and water supply was suitable for greenhouse cultivation or plant nursery. Other relevant government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory public inspection period, two public comments were received. Both commenters objected to the application because it was submitted by investor looking for easy profits, not by indigenous villagers for their housing need. The applied use was not in line with the planning intention of “Agriculture” (“AGR”) zone. No impact assessment had been completed for traffic, sewerage or environment. The supporting infrastructures, including transport and access width were not suitable for further increase of houses in the area. The application failed to confirm there was an appropriate access, right of way and parking; thus approval of the application would lead to illegal occupation of land, including government land; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The proposed NTEH development was not in line with the planning intention of the “AGR” zone and the applicant had not provided strong planning justification in the submission for a departure from such planning intention. The proposed NTEH might not be entirely incompatible with the surrounding environment which was predominantly rural in character with residential dwellings / village houses, ruins, orchard and a few open storage/storage yards. However, most vacant land was unused land which according to DAFC could be rehabilitated for agricultural purpose such as greenhouse cultivation or plant nursery. Approval of the application would set an undesirable precedent for similar applications within the subject large “AGR” zone. The cumulative effect of approving such applications would lead to degradation of the rural character and environment in the area.

52. Members had no question on the application.

Deliberation Session

53. 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” (“AGR”) zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) 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 lead to degradation of the rural character and environment in the area.”

Agenda Item 16

Section 16 Application

[Open Meeting]

A/YL-KTN/464 Proposed Flats in “Residential (Group E)” zone, Lots 215 S.C, 242 S.B RP, 264 S.B RP, 266 S.A, 266 RP, 267, 268, 269 S.B RP, 269 S.B ss.2 RP, 270, 271 (Part), 272, 275, 277 (Part) and 295 (Part) in D.D. 103 and Adjoining Government Land, Ha Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/464)

54. The Secretary reported that the application was submitted by Ease Gold

Development Ltd. which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK), with AECOM Asia Co. Ltd. (AECOM), Environ Hong Kong Ltd. (Environ), and Urbis Ltd. (Urbis) as three of the consultants of the applicant. The following Members had declared interests in this item:

- | | |
|---------------------|---|
| Mr Ivan C.S. Fu | - having current business dealings with SHK, AECOM, Environ and Urbis |
| Ms Janice W.M. Lai | - having current business dealings with SHK, AECOM, Environ and Urbis |
| Professor S.C. Wong | - having current business dealings with AECOM; and being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where AECOM had sponsored some activities of the Department |
| Ms Christina M. Lee | - being the Secretary-General of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from SHK |

55. As the applicant had requested for a deferral of consideration of the application, the Committee agreed that Mr Fu and Ms Lai could stay in the meeting but should refrain from participating in the discussion as their interests were considered direct. The Committee noted that Professor S.C. Wong and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting.

56. The Committee noted that on 5.6.2015, the applicant requested for deferment of the consideration of the application for two months in order to allow time to address departmental comments. This was the first time that the applicant requested for deferment of the application.

57. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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 had been allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/663 Proposed Temporary Open Storage for Construction Materials and Machinery for a Period of 3 Years in "Agriculture" Zone, Lot 104 S.A in D.D. 113, Kam Ho Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/663A)

Presentation and Question Sessions

58. 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) proposed temporary open storage for construction materials and machinery for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view as the proposed development was not compatible with the existing rural landscape in the vicinity, and approval of the application would set an undesirable precedent for similar application, thus degrading the landscape quality in the area. Moreover, CTP/UD&L, PlanD considered that the applicant failed to

demonstrate that the adverse landscape impact could be adequately mitigated in the proposed development. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site possessed potential for plant nursery and green house. Other relevant government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory public inspection period; and
- (e) PlanD's views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed development for temporary open storage for construction materials and machinery was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good quality agricultural land for agricultural purpose. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis. The proposed development was not compatible with the surrounding land uses which were rural in character. The proposed development was not in line with the Town Planning Board Guidelines No. 13E in that there was no previous approval granted at the site for open storage use and there were adverse comments from relevant departments. The applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts and the approval of the application would set an undesirable precedent.

59. Members had no question on the application.

Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development for temporary open storage for construction materials and machinery is not compatible with the surrounding land uses which are rural in character;
- (c) the application does not comply with the Town Planning Board Guidelines No. 13E in that there is no previous approval for open storage use granted at the site and there are adverse departmental comments against the application. The applicant fails to demonstrate that the proposed development would not generate adverse landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar application, thus degrading the landscape quality in the area.”

[Mr Lincoln L.H. Huang returned to join the meeting at this point.]

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/716 Temporary Open Storage of Construction Materials and Vehicle Parts for a Period of 3 Years in “Residential (Group D)” zone, Lots 2901 (Part), 2902 (Part), 2904 (Part), 2905 (Part), 2909 (Part) and 2911 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/716)

Presentation and Question Sessions

61. 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) temporary open storage of construction materials and vehicle parts for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential dwellings locating to the west (about 30m away) and environmental nuisance was expected. Other relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, one public comment was received from a member of the public. The commenter objected to the application mainly on the grounds that the operation of the proposed development would generate noise, sewerage and sanitation problems; and the site had been used to accommodate illegal workers; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of construction materials and vehicle parts could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. The applied use was considered not incompatible with the surrounding areas which were predominated by various open storage/storage yards, warehouses, a workshop, residential structures/dwellings and unused land. Similar applications for various temporary open storage uses were approved in the vicinity of the site and approval of the application was in line with the Committee's previous decisions. As there was no known residential development proposal at the subject part of the "Residential (Group D)" ("R(D)") zone, approval of the application on a temporary basis would not frustrate the planning intention of the "R(D)" zone. Although DEP did not support the application, no environmental compliant had been received in the past 3 years. To address potential environmental concerns, approval conditions restricting the operation hours of the use, prohibiting medium or heavy goods vehicles and workshop activities were recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorised development on site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to adopt the environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to alleviate any potential impact.

62. Members had no question on the application.

Deliberation Session

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 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 operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant,

is allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) the stacking height of construction materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence of the site at any times during the planning approval period;
- (e) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (f) the existing boundary fencing on the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (h) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (i) the submission of the record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.9.2015;
- (j) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.7.2015;

- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.12.2015;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.3.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

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

- “(a) the site should be kept in a clean and tidy condition at all times;
- (b) resolve any land issue relating to the development with the concerned owners of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. The site is accessible to Kam Tin Road via government land (GL) and private land. LandsD does not provide maintenance work for the GL involved and does not guarantee any right-of-way. The lots owners concerned will need to apply to LandsD to permit structures to be erected or regularize any irregularities on the site. Such application will

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

- (d) to note the comments of the Commissioner of Transport that the site is connected to the public road network via a section of local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should preserve the trees surrounding the site during operation as far as practicable;
- (f) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to alleviate any potential environmental nuisance;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. 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. The Good Practice Guidelines for Open Storage Sites in Appendix V of the Paper should be adhered to. To address the approval condition on provision of the fire extinguisher, the applicant should submit a valid fire

certificate (FS 251) to his department for approval. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorised under the BO and should not be designated for any use under the subject application. Before any new building works (including containers / open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD should be obtained. Otherwise, they are Unauthorised Buildings Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with 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. 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. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant and/or his contractor 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. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead

line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 19

Section 16 Application

[Open Meeting]

A/YL-NTM/319 Temporary Open Storage of Containers and Cargo Handling and Forwarding Facilities for a Period of 2 Years in “Comprehensive Development Area” zone, Lots 1750 (Part), 1751 (Part), 1753 (Part), 1796 S.D ss. 1 (Part), 1768 (Part), 1769, 1770 (Part), 1771, 1772 S.A (Part), 1798, 1799, 1800 (Part) in D.D. 104 and Adjoining Government Land, Chuk Yau Road, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/319)

65. The Committee noted that on 12.6.2015, after issuance of the Paper, the applicant wrote to the Town Planning Board (TPB) requesting for deferment of consideration of the application for two months as more time was required for the applicant to prepare the supplementary/further information to address the environmental and traffic issues. The letter from the applicant was tabled at the meeting for Members’ consideration. This was the first time that the applicant requested for deferment of the application.

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

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/466 Proposed Temporary Agricultural Use (Corn Farming), Storage and Mixing of Corn with Excavation of Land for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lot 769 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/466)

67. The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (Ove Arup) was the consultant of the applicant. The following Members had declared interests in this item:

- | | |
|--|--|
| Mr Ivan C.S. Fu | - having current business dealings with Ove Arup |
| Professor S.C. Wong
(the Vice-chairman) | - being a traffic consultant of Ove Arup |

68. The Committee noted that Mr Ivan C.S. Fu had no involvement in the application and agreed that he could stay in the meeting. The Committee also noted that Professor S.C. Wong had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

69. 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) proposed temporary agricultural use (corn farming), storage and mixing of corn with excavation of land for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Relevant government departments had no objection to or no adverse comment on the application.
- (d) during the first three weeks of the statutory public inspection period, two public comments were received from individuals who raised concerns about the use of the site, mostly government land, for the applied use; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary agricultural use (corn farming), storage and mixing of corn with excavation of land could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Although the proposed temporary use was not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”), approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention as there was no immediate development proposal for the site. The applied use was not incompatible with the surrounding land uses, comprising mainly farms, open storage yards, vehicle parks (including container vehicle parks) and vehicle repair workshop. There was no environmental complaint related to the site in the past 3 years. Technical concerns of relevant government departments could be addressed by approval conditions. To mitigate potential environmental impacts on the surrounding area, approval conditions restricting the works on-site and operating hours were recommended. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority.

70. In response to the Chairman's question, Mr K.T. Ng, STP/FSYLE, said that the site was currently hard paved with a temporary structure at its northeast corner. The

applicant proposed excavation of land of not more than 1.2m in depth below ground for corn farming and planting of trees along the periphery of the site.

Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 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 excavation for removing the concrete paved land or structure modification works is allowed on the site at any time within the breeding season of ardeids from March to August inclusive in order to protect the egretry nearby to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (b) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) 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 19.12.2015;
- (d) in relation to (c) above, the implementation 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 19.3.2016;
- (e) 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 19.12.2015;
- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.3.2016;

- (g) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2015;
- (h) in relation to (g) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.3.2016;
- (i) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2015;
- (j) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (c), (d), (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (l) upon 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.”

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

- “(a) to resolve any land issue relating to the temporary development with the concerned owner(s) of the site;
- (b) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance. The applicant should obtain the Building Authority’s prior approval of plans and consent for commencement of works or, if such

works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;

- (c) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) comments that the site comprises Old Schedule Agricultural Lot 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 government land (GL) (about 1,830m² 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 Castle Peak Road- San Tin through GL. His Office provides no maintenance work 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 structures to be erected or regularize any irregularities on-site. The applicant has either to exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as 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;

- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the proposed access arrangement of the site from Castle Peak Road – San Tin should be commented and approved by the Commissioner of Transport (C for T). If the proposed run-in is agreed by C for T, 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 access connecting the site and Castle Peak Road – San Tin. 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 Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised: (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans;

- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that if the existing structures are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including excavation works 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 Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with 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 Chief Engineer/Mainland North, Drainage Services

Department's (DSD) comments that 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 stormwater drainage maintained by DSD is currently available for connection. The area is probably being served by some of the existing local village drains/watercourses maintained by the District Officer (Yuen Long) (DO(YL)), Home Affairs Department. The applicant should approach DO(YL) if the applicant wishes to know more about these drains/watercourses and seek an agreement from the relevant department on the proposal. 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. 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 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. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant and successive owners of the subject lots shall ensure and keep all drainage facilities on site under proper maintenance at all times;

- (h) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that the existing water mains will be affected. A 3m wide waterworks reserve within 1.5 meters from centreline of the water mains shown in the enclosed plan shall be provided to WSD. The developer shall bear the cost of any necessary diversion works affected by the proposed development. No structures shall be erected over this waterworks reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. The Government shall not be liable

to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site.”

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

Tuen Mun and Yuen Long West District

Agenda Item 21

Section 12A Application

[Open Meeting]

Y/YL-TYST/6 Application for Amendment to the Approved Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/10, To rezone the application site from “Government, Institution or Community” to “Residential (Group B) 1”, Lots 533 S.C (Part), 542 (Part), 543 RP (Part), 544 (Part) and 1944 (Part) in D.D.121, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. Y/YL-TYST/6)

73. The Secretary reported that the application was submitted by Realray Investment Limited which was a subsidiary of New World Development Co. Ltd (New World). Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with New World. As the applicant had requested for a deferral of consideration of the application and the interest of Mr Fu was considered direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion.

74. The Committee noted that on 3.6.2015, the applicant’s representative requested for deferment of consideration of the application for two months in order to allow time to prepare supplementary information to respond to departmental and public comments. This was the first time that the applicant requested for deferment of the application.

75. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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 had been allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/465 Proposed Religious Institution (Church) and Social Welfare Facility
(Day Care Centre for Elderly, Early Education and Training Centre,
and Parents Resource Centre) in "Village Type Development" zone,
Lots 1969 S.B and 1970 S.B in D.D. 124, 76 Tin Ha Road, San Lee Uk
Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/465B)

Presentation and Question Sessions

76. Mr K.C. Kan, STP/TMYLW, drew Members' attention that the draft Ping Shan Outline Zoning Plan (OZP) had been approved by the Chief Executive in Council and the approved Ping Shan OZP was re-numbered as S/YL-PS/16. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed religious institution (church) and social welfare facility (day care centre for elderly, early education and training centre, and parents resource centre);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory public inspection period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The applicant had applied for the Special Scheme on Privately Owned Sites for Welfare Uses and the Director of Social Welfare supported the provision of the social welfare facilities at the site in principle. It was considered that the proposed redevelopment was generally acceptable having regard to the site history and the nature of the proposed uses. The requirements/concerns of relevant departments on noise, sewerage, run-in/run-out and fire safety could be addressed by imposing approval conditions.

77. Members had no question on the application.

Deliberation Session

78. 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 19.6.2019, 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 of a noise impact assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the submission of a sewerage impact assessment for connections to the public sewers and implementation of the sewerage improvement measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the design and provision of run-in/run-out to the satisfaction of the Director of Highways or of the TPB;
- (d) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB; 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.”

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

- “(a) to note that the approval of the application does not imply that the proposed building design elements could fulfill the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the TPB may be required;
- (b) to note the comments of the District Lands Officer/Yuen Long, LandsD that the site involves two adjoining private lots, namely Lots No. 1969 S.B

and 1970 S.B both in D.D. 124 (“the Lots”). Lot No. 1969 S.B is an Old Schedule Agricultural and Building Lot held under Block Government Lease. Lot No. 1970 S.B is an Old Schedule Agricultural Lot held under Block Government Lease. A minor portion of the site falls within the village environs of Lei Uk Tsuen. Land in village environs for recognized villages is primarily reserved for Small House development by indigenous villagers under the Small House Policy. The registered owner of the Lots has to apply to LandsD for a land exchange to effect the proposed development. Such application, if received by LandsD, will be considered by the LandsD acting in the capacity as the landlord at its sole discretion. There is, however, no guarantee that approval to such application will be granted as proposed. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee, as may be imposed by LandsD at its sole discretion. The actual site area and status of the Lots involved will be subject to verification when the registered owner applies for a land exchange to effect the proposed development;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, BD that the sustainable building design requirements and pre-requisites under Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP APP-151 and 152) for GFA concessions would be applicable to development in the site. In this connection, building set back is required if the width of Tin Ha Road is less than 15m. Disregarding private carparking spaces from GFA calculation under the Buildings Ordinance will be considered on the basis of the criteria set out in PNAP APP-2 during plan submission stage. The day care centre for the elderly and the early education and training centre are subject to the issue of licence/registration, the applicant is reminded that any proposed 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;
- (d) to note the comments of Director of Environmental Protection (DEP) that

the applicant is advised to incorporate noise mitigation measures in the building design in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). When the relevant traffic noise standard is exceeded despite of the effort in building design, acoustic insulation in the form of closed-window environment equipped with air-conditioning shall be provided as the last resort. In addressing the potential vehicular emission impact of Tin Ha Road and the potential odour nuisance caused by the petrol filling station, the applicant should provide a 5-metre buffer distance between the proposed air sensitive uses and Tin Ha Road, and locate the proposed air sensitive uses (including the fresh air intake of air conditioning system) as far away as possible from the petrol filling station. There is insufficient information provided in the application to conduct assessment on generation of sewerage flow and to determine the need of any sewerage mitigation measures. Details on sewerage generation arising from visitors, staff, canteen and residential facilities, if applicable, shall be provided;

- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (TD) that sufficient manoeuvring spaces shall be provided within the site. No vehicle is allowed to queue back to public road or reverse onto/from public road;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Tin Ha Road should be commented and approved by TD. If the proposed run-in is agreed by TD, the applicant should construct a run-in/out at the access point at Tin Ha Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114 or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for maintenance of any access connecting the site and Tin Ha Road;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there is public drainage and sewerage system in the vicinity available for connection. The applicant is reminded to provide the applicant's own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities;

- (h) to note the comments of the Director of Fire Services that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. The applicant is reminded that the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by BD;

- (i) to note the comments of the Secretary for Home Affairs that he agrees with the Development Bureau in mid-2012 that he would advance the aforementioned checking process to the planning stage in case an application involves a religious development, but such checking does not involve any consideration of the merit of the application or the needs of the organization(s). The policy support he gives for these planning applications will be more-or-less a general support for religious facilities having regard to the conditions stated above as his religious policy is to be generally supportive of religious development in Hong Kong. Only the facilities for places for worship and ancillary use will attract his policy support for a concessionary premium of 2/3 of the full market value under the prevailing policy at the land grant stage. Church office and Pastor's office are normally not regarded as religious facilities and hence he is unable to render policy support from the religious point of view;

- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant is reminded to allow sufficient soil depth (1.2m for tree planting) and volume for the

proposed tree planting; and

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/957 Temporary Shop for Construction Machinery Parts with Ancillary Workshop, Logistics Warehouse and Logistics Vehicles Back-up Centre, Office, Guard Room, and Staff Canteen for a Period of 3 Years in "Comprehensive Development Area" zone, Lots 3169 (Part), 3170 (Part), 3172 RP (Part), 3173 S.A RP (Part), 3173 S.B (Part), 3173 S.C, 3174 RP (Part), 3175 (Part), 3176, 3177 (Part), 3178 (Part), 3179 (Part), 3184 (Part), 3185 (Part) and 3187 RP (Part) in D.D.129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/957)

80. The Secretary reported that Ms Janice W.M. Lai had declared an interest in this item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen. The Committee noted that the pieces of land of Ms Lai's spouse did not have direct view of the site and agreed that she could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary shop for construction machinery parts with ancillary workshop, logistics warehouse and logistics vehicles back-up centre, office, guard room, and staff canteen for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the site (the nearest residential dwelling being 2m to the northwest) and along the Ping Ha Road and environmental nuisance was expected. A substantiated complaint was received in 2012 which concerned machine noise from a metal recycling workshop at the site. Other relevant government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory public inspection period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary shop for construction machinery parts with ancillary workshop, logistics warehouse and logistics vehicles back-up centre, office, guard room, and staff canteen could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Although the

proposed use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone, there was not yet any known programme to implement the zoned use. Therefore, it was considered that approval of the application on a temporary basis would not frustrate the long-term planning intention. The applied use was not incompatible with most of the surrounding uses within the subject “CDA” zone which was predominantly occupied by open storage yards, workshops and logistics centre uses. The development was in line with the Town Planning Board Guidelines No. 13E in that there was no adverse comment from concerned government departments. The technical concerns raised by relevant departments regarding the vehicle queuing on public road, run-in/out at the access point, maintenance and submission of a condition record of the existing drainage facilities, the submission and implementation of tree preservation and landscape proposals, and fire service installations proposal could be addressed by approval conditions. Although DEP did not support the application and there was a substantiated complaint on machine noise from metal recycling workshop in 2012, it was related to the previous use on the site which had been ceased. No environmental complaint had been received by DEP for the current use on site which was approved by the Committee on 23.5.2014. To mitigate any potential environmental impacts, approval conditions on restrictions on operation hours and to prohibit workshop activities outside the proposed workshops had been recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorised development on site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact. Nevertheless, as the last planning permission under application No. A/YL-HT/896 was revoked, shorter compliance periods were recommended to monitor the fulfilment of approval conditions.

82. In response to the Chairman’s question, Mr Vincent T.K. Lai, STP/TMYLW,

said that the occupant of the house next to the site had not raised objection to the application.

Deliberation Session

83. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 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 operation between 9:00 p.m. to 8:00 a.m. is allowed on the site, as proposed by the applicant, is allowed during the approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, repairing, melting, compaction, cleansing activity is allowed on the site, except within the workshops at any time during the planning approval period;
- (d) no material is allowed to be stored/dumped within 1m of any tree at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any times during the planning approval period;
- (f) the existing fencing on-site shall be maintained at any times during the planning approval period;
- (g) the existing drainage facilities on-site shall be maintained at any times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.9.2015;

- (i) the submission of a run-in/out proposal within 3 months from the date of planning approval to the satisfaction of Director of Highways or of the TPB by 19.9.2015;
- (j) in relation to (i) above, the implementation of the run-in/out proposal within 6 months from the date of planning approval to the satisfaction of Director of Highways or of the TPB by 19.12.2015;
- (k) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.9.2015;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.12.2015;
- (m) the submission of a tree preservation and landscape proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 19.9.2015 ;
- (n) in relation to (m) above, the implementation of the landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2015 ;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (p) if any of the above planning conditions (h), (i), (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

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

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

- (b) shorter compliance periods are granted to monitor the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;

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

- (d) note the comments of the District Lands Officer/Yuen Long that the lots within the site are Old Schedule Agricultural Lots held under the Block Government Lease under which no structures are allowed to be erected without the prior approval from his office. The private land of Lots No. 3173 S.B and 3169 both in D.D. 129 covered by Short Term Waiver No. 3242 and 3054 respectively both permit structures for the purpose of “workshop and ancillary use to storage of machinery and construction material and ancillary use to storage”. A Building Licence No. 372 is granted to Lot No. 3174 RP in D.D. 129 for the erection of a 3-storey New Territories Exempted House for non-industrial purpose. No permission has been given for the proposed use and/or occupation of the government land (GL) (about 2.8m² subject to verification) included into the site. The act of occupation of GL without Government’s prior approval is not be encouraged. The site is accessible to Ping Ha Road through GL. He provides no maintenance works for the GL involved and does not guarantee right-of-way. The site does not fall within any Airfield Height Restriction Area. The land owners would need to apply to him to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior the actual occupation of the GL portion. Such application would be considered by the Lands

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

- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (f) note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site ;
- (g) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures at the site access to prevent surface runoff flowing from the site onto the nearby public roads/drains;
- (h) note the comments of the Chief Town Planning Officer/Urban Design and Landscape, Planning Department that 1 tree at the northern boundary noted in the previous site visit on 8.8.2014 was removed and topped tree at the western boundary was in poor condition. Replacement of these trees is required. Besides tree planting opportunity is available along the site boundary;
- (i) note the comments of the Director of Fire Services that the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements will be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (BO) (Cap. 123), detailed

fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (j) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including containers/open sheds as temporary building) are to be carried out on the application site, the prior approval and consent of the Buildings Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. In connection with 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. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (k) 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 application site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines

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

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/90 Temporary Barbecue Area (for a Period of 3 Years) in “Village Type Development” zone, Lots 263 S.B (Part) and 268 (Part) in D.D. 385 and Adjoining Government Land, Tai Lam Chung, Tuen Mun
(RNTPC Paper No. A/TM-SKW/90C)

Presentation and Question Sessions

85. Ms 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) temporary barbecue area for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as the applicant failed to demonstrate the septic tank and soakaway systems as stated in the further information could technically comply with the requirement of Professional Persons Environmental Consultative Committee (ProPECC) PN5/93. The applicant did not provide any information on the wastewater pretreatment method for the trade effluent. Furthermore, there were inconsistencies in terms of information regarding the dimension and layout of the septic tank and soakaway system/pits between the wastewater assessment report and the supplementary calculation. Based on the further information

submitted, DEP was still of the view that the wastewater generated from the proposed development would not be properly treated and disposed of. Other relevant government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory public inspection period; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. Considering the maximum number of patrons in the current application might reach 120 persons, which was an increase of 60 persons as compared with the previously approved application No. A/TM-SKW/67, DEP had concerns on the treatment and disposal of the wastewater generated by the proposed development. In response, the applicant proposed an additional structure to provide portable chemical toilets and two additional soakaway pits. The applicant also indicated that the wastewater in the septic tank would be regularly pumped away by special commercial sewage collection vehicles. However, DEP was still unable to support the application due to the concern on inadequate wastewater treatment.

86. Members had no question on the application.

Deliberation Session

87. After 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 that the wastewater generated from the development could be properly treated and disposed of.”

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/464 Proposed Office cum Shop and Services / Private Club / Eating Place
in “Industrial” zone, No. 1 San Hop Lane, Tuen Mun, Castle Peak
Town Lot 23 (Part)
(RNTPC Paper No. A/TM/464D)

88. The Secretary reported that the application was submitted by Healthy Longevity Ltd., with Environ Hong Kong Ltd. (Environ) as one of the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as they had current business dealings with Environ. The Committee noted that Mr Fu and Ms Lai had no involvement in the application and agreed that they could stay in the meeting.

Presentation and Question Sessions

89. Ms 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) proposed office cum shop and services / private club / eating place;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection periods, a total of 4 comments were received. Three comments were in support of the application with reasons that the application could promote the revitalization of old industrial buildings, strengthen the development of Tuen Mun and provide employment opportunities for local residents; and the application was in line with the government’s policy of revitalization of

industrial buildings and the generated traffic pressure was acceptable. One comment objected to the application on the grounds that the provision of car parking facilities was not sufficient; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the proposed office cum shop and services / private club / eating place based on the assessments made in paragraph 11 of the Paper. The planning intention of the “Industrial” (“I”) zone was to reserve land primarily for general industrial uses to ensure adequate supply of industrial floor space to meet demand from production-oriented industries. However, commercial uses in industrial buildings within the “I” zone might be permitted on application to the Town Planning Board based on individual merits and the planning assessment criteria set out in the Town Planning Board Guidelines No. 25D (TPB PG-No. 25D). The proposed development in general met the TPB PG-No. 25D in that the location of the proposed development was easily accessible to public transport facilities including Tuen Mun Mass Transit Railway station and Tuen Mun Light Rail Transit station and the provision of parking and loading/unloading facilities had met the minimum requirements of Hong Kong Planning Standards and Guidelines. The Committee had approved 4 applications for wholesale conversion of existing industrial buildings in the industrial area of Tuen Mun since the promulgation of new policy measures to encourage redevelopment and wholesale conversion of old industrial buildings in 2010. Thus, the approval of the subject application was in line with the Committee's previous decisions.

90. In response to the Chairman's query, Ms Jessica Y.C. Ho, STP/TMYLW, said that as proposed by the applicant, the private club on G/F and 1/F to 3/F would be used by local organizations/associations for holding events.

Deliberation Session

91. 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 19.6.2019, 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 fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the design and provision of parking facilities and loading/unloading spaces for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
- (c) the submission and implementation of an upgrading proposal for the existing 225mm sewer at the applicants’ cost, as proposed by the applicants, to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that:
 - (i) the applicant should apply for a lease modification or temporary waiver for the above proposal. The proposal will only be considered upon receipt of formal application from the applicants. There is no guarantee that the application, if received, will be approved and he reserves his comments on such. The application will only 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 etc.; and
 - (ii) the project proponent shall obtain excavation permit from the Highways Department (HyD) for carrying out works on public roads

and obtain consent from the Transport Department in respect of temporary traffic arrangement, if any;

- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) before any building works are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (ii) if the proposed use under application is subject to the issue of a licence, the applicant should be reminded that the area 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;
 - (iii) noting that the proposed development will be provided with fixed windows with lockable sashes and centralized air-conditioners, the applicant is required to demonstrate the proposed windows for office/habitable areas/toilets in compliance with Building (Planning) Regulations 30, 31 & 36; and
 - (iv) detailed comments under BO will be provided in the Building Plan submission stage;
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and the emergency vehicular access provision shall comply with the standards as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administrated by BD;

- (d) to note the comments of the Commissioner of Transport that detailed design drawings should be incorporated into the upgrading proposal for the existing 225mm sewer so as to ensure that upgrading works of the sewer will not adversely affect an existing cycle track;

- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that :
 - (i) the sewage generated from within the proposed development shall be conveyed to the sewer at the upstream of manhole S1 (i.e. FMH1016481) and hence modification to the existing public sewerage would be necessary. A terminal manhole (in accordance with the DSD standards) should be constructed within and close to the site boundary before discharging the sewage to the nearby public sewerage. The applicants shall follow the established procedures and requirements and submit an upgrading proposal to DSD for comment and approval. The connection work will be subject to his technical audit, for which an audit fee will be charged;

 - (ii) the proposed drainage works, whether within or outside the lot boundary, should be constructed by the developer at their own expense. For works to be undertaken outside the lot boundary, the applicants should obtain prior consent and agreement from DLO/TM and/or relevant private lot owners; and

 - (iii) the Sewerage Impact Assessment (SIA), including the proposed sewer upgrading works, for the subject planning application needs to meet the full satisfaction of the Environmental Protection Department (EPD), the planning authority of sewerage infrastructure. DSD's comments on the SIA submitted by the developer are subject to views and agreement of EPD;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, HyD that:

- (i) the proposed upgrading works of the existing 225mm public sewer underneath the public roads should comply with the minimum cover requirements for utilities as stipulated in HyD Technical Circular No. 3/90. For clarity, minimum cover should be measured from top of permanent protection measures of the sewer;
 - (ii) the applicant should also take note that any damage to the public roads, highway structures or street furniture arising from his drainage work or its related construction activities shall be immediately made good to the current HyD standard and to the satisfaction of his Office and at the expense of the project proponent; and
 - (iii) excavation permit should be obtained from HyD's Regional Office prior to commencement of excavation works on public roads and the applicant should ascertain the alignment and level of existing utility services in the vicinity prior to the commencement of works and should bear the cost of any necessary repair works and any consequence so caused by the damaged utilities arising from his works;
- (g) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that the applicants should not carry on or cause, permit or suffer to be carried on any food business as specified in Section 31 of Food Business Regulation, Cap. 132X except under and in accordance with a licence granted by the DFEH. The proposed conversion should comply with relevant legislation enforced by all concerned departments. If food business is intended to be conducted at the premises, relevant food licences/permits should be applied from his department;
- (h) to note the comments of the Director of Electrical and Mechanical Services that pursuant to section 3(2)(f) of Lifts and Escalators Ordinance, Chapter 618 ("the Ordinance"), the Ordinance does not apply to a lift, the height of

travel of which does not exceed 3.5m and that does not pass through any floor solely used for the raising of motor vehicle. Form 5 application to the Electrical and Mechanical Services Department (EMSD) for this type of parking system is not required. If the height of travel of this machine exceed 3.5m, form 5 application to EMSD is required. The technical guidelines can be obtained on EMSD's website.”

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

Agenda Item 26

Any Other Business

Section 16 Application

[Open Meeting]

A/SK-PK/216-1 Application for Extension of Time For Compliance with Planning Condition, Lots 4 S.E(Part) and 4 R.P.(Part) in D.D. 212 and adjoining Government Land, Tui Min Hoi, Sai Kung, New Territories

93. The Secretary reported that Application No. A/ SK-PK/216 was approved with conditions by the Committee on 13.3.2015. Approval condition (a) required the submission of proposals for water supplies for firefighting and fire service installations within 3 months until 13.6.2015. An application for extension of time (EOT) for compliance with approval condition (a) by three months was received by the Town Planning Board (TPB) on 11.6.2015, which was two working days before the expiry of the specified time limit for condition (a). According to the Town Planning Board Guidelines No. 34B for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development”, an application submitted less than six weeks before the expiry of the specified time might not be processed for consideration of the TPB, as there was insufficient time to obtain departmental comments before the expiry of the specified time limit for compliance with the condition which were essential for the consideration of the application. Hence, the application was recommended not to be considered.

94. After deliberation, the Committee agreed that the application for EOT for compliance with planning condition could not be considered for reason that condition (a) had already expired on 13.6.2015 and the planning approval for the subject application had ceased to have effect and had on the same date been revoked, the Committee could not consider the section 16A application as the planning permission no longer existed at the time of consideration.

95. There being no other business, the meeting closed at 4:35 p.m.