

TOWN PLANNING BOARD

Minutes of 540th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 4.9.2015

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

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

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

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

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

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

Secretary

Absent with Apologies

Dr W.K. Yau

Professor K.C. Chau

Mr Ivan C.S. Fu

In Attendance

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

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

Town Planner/Town Planning Board
Mr Dennis C.C. Tsang

Agenda Item 1

Confirmation of the Draft Minutes of the 539th RNTPC Meeting held on 21.8.2015

[Open Meeting]

1. The draft minutes of the 539th RNTPC meeting held on 21.8.2015 were confirmed without amendments.

[Ms Christina M. Lee and Mr H.F. Leung arrived to join the meeting this point.]

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/SK-TMT/6 Application for Amendment to the Approved Tai Mong Tsai & Tsam Chuk Wan Outline Zoning Plan No. S/SK-TMT/4, To rezone the application site from “Government, Institution or Community” zone to “Village Type Development” zone, Lots 157S.D (Part), 157RP (Part), 161 S.A (Part), 161S.B (Part), 161 S.C (Part) & 161 RP (Part) in D.D. 258, Wong Chuk Wan Village, Sai Kung
(RNTPC Paper No. Y/SK-TMT/6)

Presentation and Question Sessions

3. Mr Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs), and Mr Stanley C.M. Au, Senior Town Planner/Sai Kung and Islands (STP/SKIs), were invited to the meeting at this point. The applicant had indicated that he would not attend the meeting.

4. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Mr Stanley C.M. Au, STP/SKIs, to brief Members on the background of the application. With the aid of a PowerPoint presentation, Mr Stanley C.M. Au presented the application and covered the following aspects as detailed in the Paper:

The Proposal

- (a) to rezone the application site (the site) from “Government, Institution or Community” (“G/IC”) to “Village Type Development” (“V”) on the approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan (OZP) No. S/SK-TMT/4 to facilitate the development of one ‘House (New Territories Exempted House – Small House)’;

Background

- (b) the site formed part of a larger “G/IC” site originally earmarked for the Drainage Services Department (DSD) sewage pumping station. Owing to engineering considerations, a replacement site for the proposed sewage pumping station had been identified at about 300m to the south-east of the site. The replacement site fell within an area zoned “V” and planning permission for the proposed sewage pumping station was required. DSD had already submitted a planning application (No. A/SK-TMT/50) which was not yet considered by the Committee;
- (c) the site, under private ownership, was in the midst of the “V” zone of Wong Chuk Wan Village and within the village ‘environs’ of the village. About one-third of the site was flat and paved while the remaining two-thirds were vegetated slope;

Justifications from the Applicant

The major justifications put forth by the applicant in support of the application were summarised as follows:

- (d) the site was previously reserved for DSD sewage pumping station, but was no longer required; and
- (e) after obtaining the planning permission, the applicant would approach LandsD for land grant. In processing the land grant, detailed design would be submitted to LandsD for consultation with relevant government departments including DSD and the Buildings Department to ensure that the development would not cause adverse impacts to the environment;

Departmental Comments

- (f) departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse

comment on the application. The Chief Engineer/Mainland South, DSD, commented that since the proposed sewage pumping station had already been relocated, he had no objection to the rezoning application from drainage maintenance viewpoint. Other government departments, including the Social Welfare Department, and Leisure and Cultural Services Department, indicated that the site was not required for provision of government, institution or community (GIC) facilities.

Public Comments

- (g) during the first three weeks of the statutory public inspection period, three public comments, including one from Designing Hong Kong Limited (DHK) and two from members of the public, objecting to the application were received. The main grounds of the objections were that the site was reserved for GIC uses; the proposed rezoning did not comply with the zoning intention and approval of the application would set an undesirable precedent for similar applications and would seriously affect the environment and the emergency vehicular access; and

Planning Department (PlanD)'s Views

- (h) PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The site was originally earmarked for the proposed sewage pumping station. However, DSD had identified a replacement site and had no objection to the rezoning application. The proposed Small House was not incompatible with the surrounding area which was mostly occupied by village houses. Given the small scale of the development, adverse impact on the environment, landscape, visual, traffic and drainage aspects would be minimal. The site was in the midst of the "V" zone and no longer required for GIC uses, the proposed rezoning of the site from "G/IC" to "V" could reflect the latest planning circumstances of the area and would not set a precedent. Regarding the public comments, the above assessments were relevant.

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

5. In response to a Member's enquiries on the location of the reprovisioning site of the pumping station and the land use of the remaining portion of the "G/IC" site, Mr Ivan M.K. Chung, DPO/SKIs, said that the reprovisioning site was at about 300m to the south-east of the subject site and PlanD would review the land use of the remaining portion of the "G/IC" site if the current application was approved. The findings of the review would be submitted for consideration by the Committee in due course.

6. In response to the Chairman's question on the timing of the submission of DSD's application for the reprovisioned sewage pumping station, Mr Ivan M.K. Chun said that the Committee, at the request of DSD, had deferred consideration of the application at its meeting on 21.8.2015 pending submission of further information from the applicant to address the traffic concern. It was estimated that the application would be submitted for the Committee's consideration by the end of 2015.

7. The Chairman said that the current application for amendment to the OZP would involve a lengthy plan-making process even if the application was approved. Given that the proposed Small House development was of a small scale and the applied use was under Column 2 of the "V" zone, he questioned why the application was not submitted under s.16 of the Town Planning Ordinance (TPO) as the granting of planning permission could help speed up the implementation of the proposed development. Mr Ivan M.K. Chung said that the applicant had submitted the application according to the Town Planning Board Guidelines for Application for Development/Redevelopment within "G/IC" Zone for Uses other than GIC Uses under Section 16 of the TPO' (TPB PG-No. 16) in that if the development was for predominantly non-GIC (i.e. more than 50% of the total site area or gross floor area of the development), the Town Planning Board might consider rezoning the site to an appropriate zoning. As Members had no questions to raise, the Chairman thanked PlanD's representatives for attending the meeting. They all left the meeting at this point.

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

Deliberation Session

8. Members generally had no objection to the rezoning application and agreed that PlanD should liaise with the applicant, alerting him that a s.16 application could be submitted which could speed up the development process.

9. After further deliberation, the Committee decided to agree to the application, and that an amendment to the approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan (OZP) No. S/SK-TMT/4 would be submitted to the Committee for agreement prior to gazetting under section 5 of the Town Planning Ordinance after reference back of the OZP for amendment by the Chief Executive in Council. The Committee also agreed that PlanD should liaise with the applicant alerting him that a s.16 application could be submitted should he wish to speed up the development process.

Fanling, Sheung Shui and Yuen Long East District

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

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-KTS/8 Application for Amendment to the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/14, to rezone the application site from “Agriculture” to “Residential (Group D)”, Lots 1118 S.A, 1118 S.B, 1118 RP and 1119 in D.D. 92 and Lots 413, 414, 415, 417, 418, 420, 421, 422 and 423 in D.D. 94, Kwu Tung South
(RNTPC Paper No. Y/NE-KTS/8)

10. The following representatives from the Planning Department (PlanD) and the representatives of the applicant were invited to the meeting at this point:

Ms Maggie M.Y. Chin - District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE)

Mr Kevin C.P. Ng - Senior Town Planner/Fanling, Sheung Shui
and Yuen Long East (STP/FSYLE)

Mr Wan Lam Chu }
Mr Lau For On, Kenny } the applicant's representatives

11. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Mr Kevin C.P. Ng, STP/FSYLE, to brief Members on the background of the application.

The Proposal

- (a) to rezone the application site (the site) of about 14,511.17 m² from “Agriculture” (“AGR”) to “Residential (Group D)” (“R(D)”) on the approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/14, and stipulation of a maximum plot ratio (PR) of 0.4 and a building height (BH) of 3 storeys (9m);

The Site

- (b) the site was partly occupied by open storage yards, some domestic structures, trees and fallow agricultural land. It was about 15m away from Sheung Yuen River;

Previous Applications

- (c) parts of the site were the subject of four previous applications under s.16 of the Town Planning Ordinance (the Ordinance):
 - (i) application No. A/NE-KTS/130 for temporary open storage of light construction machinery and equipment for a period of 3 years was rejected by the Committee on 3.8.2001 on grounds that the development was not in line with the planning intention of the “AGR” zone; no information in the submission to demonstrate that

the development would not have adverse traffic impact on the surrounding road networks; and setting of an undesirable precedent for other similar applications;

- (ii) application No. A/NE-KTS/192 for temporary storage of goods for a period of three years was rejected by the Committee on 17.12.2004 on grounds that the development under application did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) in that there was no previous planning approval granted to the application site, and there was insufficient information provided by the applicant to demonstrate that the development would not have adverse traffic and drainage impacts on the surrounding area;
- (iii) application No. A/NE-KTS/244 for proposed religious institution (Buddhism study centre) was rejected by the Town Planning Board (the Board) on review on 20.4.2007 mainly on grounds that the proposed development was not in line with the planning intention of the “AGR” zone and no justification had been provided for a departure from the planning intention; the proposed development was considered out of scale with the local context and was not compatible with the surrounding areas which were rural in character; and approval of the application would set an undesirable precedent for similar applications in the area; and
- (iv) application No. A/NE-KTS/312 for temporary open storage of construction materials and machinery parts (excluding dangerous goods) for a period of three years was rejected by the Committee on 4.11.2011 on grounds that the development was not in line with the planning intention of the “AGR” zone; the applicants had failed to demonstrate that the development would not generate adverse environmental and traffic impacts on the surrounding areas; the application did not comply with TPB PG-No.13E; and approval of the application would set an undesirable precedent for similar

applications in the area;

Departmental Comments

- (d) departmental comments were set out in paragraph 9 of the Paper and highlighted as follows:
- (i) the Commissioner for Transport (C for T) did not support the application as the applicant had not provided any information on the vehicular access arrangement, estimated vehicular trip to/from the site arising from the proposed rezoning, class of vehicles, parking/loading/unloading arrangement within the site, etc.;
 - (ii) the Director of Environmental Protection (DEP) did not support the application as the applicant had not provided any assessment to address the various environmental concerns including air and noise impacts from the nearby roads and other polluting sources, water quality impacts on nearby water bodies, land contamination, nor any sewage disposal proposal;
 - (iii) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) did not support the application as the applicant should have submitted a drainage impact assessment (DIA) and implemented a drainage proposal for the proposed rezoning to ensure that it would not cause adverse drainage impact to the adjacent area. The applicant should also submit a sewage impact assessment to demonstrate that the sewerage concern was satisfactorily addressed;
 - (iv) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was well connected with road access and water source and it possessed potential for agricultural rehabilitation. It should be used for agricultural activities;
 - (v) the Chief Town Planner/Urban Design and Landscape, Planning

Department (CTP/UD&L, PlanD) had reservation on the application from the visual point of view as there was no information in the submission to demonstrate the visual effect of the proposed development. The proposed residential development might affect the existing trees within the site. The approval of the application might set an undesirable precedent and might create a ripple effect that further modified the rural landscape character. As no information or landscape assessment was provided to evaluate the existing site conditions, the landscape impact arising from the proposed rezoning could not be ascertained;

Public Comments

- (e) during the statutory public inspection period, a total of 91 public comments were received. Out of the 91 public comments, 18 comments supported the application mainly on grounds that there was no agricultural activity at the site; the proposed development was in line with the Government's policy for increasing housing land supply; and the proposed development would bring improvements to the surroundings in terms of traffic, environmental and sewerage aspects. The remaining 72 public comments objected to the application, mainly on grounds that the proposed rezoning was not in line with the Government's New Agricultural Policy; no relevant technical assessment had been submitted; the large-scale site formation would endanger the safety of nearby residents; the site should be used for alternative uses and the approval of the application would set an undesirable precedent for similar applications in the area. One comment offered views that nearby residents should be consulted;

- (f) the District Officer (North), Home Affairs Department, advised that the Vice-chairman of the NDC cum the incumbent member and the Residents Representative of Hang Tau had raised objections to the application on the grounds that the proposed development would worsen the traffic congestion problem and lead to overloading of the existing traffic in Hang Tau Village. An objection was also received from a villager of Hang Tau

Village who claimed that the proposed development would encroach onto his land;

The Planning Department (PlanD)'s Views

- (g) PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The site was zoned “AGR” 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. Although no active agricultural activities were currently found on the site, DAFC advised that it possessed potential for agricultural rehabilitation as it was well connected with road access and water source. The current “AGR” zoning for the site was considered appropriate and the applicant had not provided strong planning justifications in the submission to support the rezoning of the Site from “AGR” to “R(D)”. The applicant had not provided any specific development scheme, indicative Master Layout Plan, Landscape Master Plan, proposed schedule of uses for the proposed “R(D)” zone, nor submitted technical assessments. In this regard, C for T, DEP, CE/MN, DSD did not support the application while CTP/UD&L, PlanD had reservation on the application. The approval of the application would set an undesirable precedent for similar rezoning applications within the Kwu Tung South OZP area. The cumulative effect of approving such similar application would result in adverse traffic, environmental, drainage, sewerage, visual and landscape impacts on the surrounding areas. There were local objections and public comments against the application mainly on traffic, environmental, agricultural, drainage, sewerage, landscape and ecological grounds, as well as concerns on setting an undesirable precedent.

12. The Chairman then invited the applicant’s representatives to elaborate on the application. Mr Wan Lam Chu made the following main points:

- (i) a land use review of the “Recreation” (“REC”) zone to the south-east of the subject site was submitted by PlanD for the Board’s

consideration on 23.5.2014. Abundant technical assessments had been conducted for the land use review and the subject site under the current application was included in the assessments. There was no need to carry out separate technical assessments for the site;

- (ii) if the application was approved, the applicant would fulfil the requirements and improvement works as required by the relevant government departments; and
- (iii) agricultural use at the site had been abandoned for about 30 years. The site was currently used for open storage yards and warehouses and partly left vacant. He did not agree that the site had the potential for agricultural rehabilitation as there were no agricultural activities on site. The proposed development would improve the environment of the site.

13. In response to the Chairman's enquiry about the relationship between the subject site and the Land Use Review of the "Recreation" ("REC") Zone in Hang Tau Tai Po (the Land Use Review), Ms Maggie M.Y. Chin, DPO/FSYLE, said that the planning intention of the "REC" zone was to provide recreational facilities for the enjoyment of the locals and general public. In 2014, the Committee approved an application for rezoning part of the "REC" zone. As requested by the Committee, PlanD subsequently carried out the Land Use Review which recommended to rezone the "REC" to "Comprehensive Development Area", "Village Type Development", "Open Space (1)", "Government, Institution or Community" and "Residential (Group D)" zones. The findings were agreed by the Board on 23.5.2014. The "REC" zone covered by the Land Use Review was near Hang Tau Road which was far from the subject site. The subject site was only about 15 m from Sheung Yue River. DAFC considered that the site had the potential for agricultural rehabilitation. As such, the "REC" zone and the subject site were of different stie contexts.

14. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed the applicant's representatives that the hearing procedure for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's

decision in due course. The Chairman thanked the applicant's representatives and PlanD's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

15. Members considered it necessary for the applicant to submit the relevant technical assessments to demonstrate the feasibility of the proposed rezoning to "R(D)". Without such assessments, the Committee could not lend support to the application.

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

- “(a) the application site possesses potential for agricultural rehabilitation and the existing “Agriculture” (“AGR”) zoning for the application site is considered appropriate. The applicant has not provided strong planning justifications in the submission to support the rezoning of the application site from “AGR” to “Residential (Group D)”;
- (b) no technical assessments have been submitted to demonstrate that the proposed rezoning would not cause adverse traffic, environmental, drainage, sewerage, visual and landscape impacts on the surrounding areas; and
- (c) the approval of the rezoning application would set an undesirable precedent for similar rezoning applications. The cumulative effect of approving such similar applications would result in adverse traffic, environmental, drainage, sewerage, visual and landscape impacts on the surrounding areas.”

Tuen Mun and Yuen Long West District

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TM/16 Application for Amendment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/32, To rezone the application site from “Comprehensive Development Area” to “Comprehensive Development Area (3)”, Lots 398 RP, 406 RP, 407, 408 RP, 409, 410 RP, 411 RP, 412 S.B, 412 RP, 413, 442 RP, 443 RP, 444, 445 S.A, 445 RP, 446 S.A, 446 RP, 447, 448, 449, 450, 451, 453 (Part), 454, 455, 456, 457, 458, 459 (Part), 462 (Part), 464 RP, 466 RP, in D.D. 374 and Lots 248 RP, 249 S.A RP, 249 S.B, 250 RP, 251, 253 (Part), 255 RP (Part) in D.D. 375 and Adjoining Government Land in Area 56, So Kwun Wat, Tuen Mun, New Territories
(RNTPC Paper No. Y/TM/16B)

17. The Secretary reported that the application was submitted by Fill Year Limited, a subsidiary of Sun Hung Kai Properties Limited (SHK), which was one of the applicants with Environ Hong Kong Limited (Environ) and MVA Hong Kong Limited (MVA) as two of the consultants of the applicants. The following Members had declared interests in the item:

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

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

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

- Dr W.K. Yau - being the operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK

18. Members noted that Mr Ivan C. S. Fu and Dr W.K. Yau had tendered apologies for being unable to attend the meeting. Members agreed the interest of Ms Janice W.M. Lai was direct and should be invited to leave the meeting temporarily. As the interest of Ms Christina M. Lee was indirect, she should be allowed to stay in the meeting.

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

Presentation and Question Sessions

19. The following representatives from the Planning Department (PlanD) and the representatives of the applicant were invited to the meeting at this point:

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|--------------------|---|---|
| Mr David C.M. Lam | - | District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW) |
| Ms Jessica Y.C. Ho | - | Senior Town Planner/Tuen Mun and Yuen Long West (STP/TMYLW) |
| Ms Winnie Wu | } | The applicant's representatives |
| Miss Kirstie Law | } | |

20. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Ms Jessica Y.C. Ho, STP/TMYLW, to brief Members on the background of the application. With the aid of a PowerPoint presentation, Ms Jessica Y.C. Ho presented the application and covered the following aspects as detailed in the Paper:

The Proposal

- (a) to rezone the application site (the site) in Tuen Mun Area 56 from “Comprehensive Development Area” (“CDA”) to “Comprehensive Development Area(3)” (“CDA(3)”) on the approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/33, with proposed increase in maximum plot ratio (PR) from 1.3 to 2.6, maximum building height (BH) from 52 mPD to 79 mPD and to maintain the maximum site coverage of 25% to facilitate a

residential development;

- (b) according to the indicative development scheme, the proposed development would be developed in two phases with the major proposed development parameters as follows:

Site Area (m ²)	: 22,165
Total PR	: 2.6
Domestic GFA (m ²)	: 57,629
Clubhouse GFA (m ²)	: 2,285
Site Coverage	: 20%
No. of Storeys (Domestic)	: 10 to 20
No. of Storeys (Non-domestic) (Including entrance lobby, E/M facilities and basement car park)	: 1 to 2
No. of Storeys (Clubhouse)	: 2
BH (mPD)	: 45 to 79
No. of Residential Block	9
No. of Flats	: 1,044
Car Parking Provision	
- Residents	: 142
- Visitors	: 45
- Disabled	: 3
- Motorcycle	: 11

Background

- (c) the site was the subject of two s.16 applications approved with conditions by the Committee on 30.7.2010 and 1.3.2013 respectively. A comparison of the proposed development parameters of the indicative scheme and the latest approved scheme under Application No. A/TM/432 was set out in paragraph 1.3 of the Paper;

- (d) on 2.5.2014, the draft Tuen Mun OZP No. S/TM/32 was exhibited under s.5 of the Town Planning Ordinance (the Ordinance) for public inspection. The applicant submitted a representation to the Board objecting to a lack of comprehensive review of existing residential sites in Area 56 and proposed to consider increasing the development intensity of the site, which was not an amendment item. On 16.7.2014, the applicant submitted the subject application under s.12A of the Ordinance. On 26.9.2014, the Committee agreed to defer consideration of the subject application as requested by PlanD, and that the application should be submitted for the Board's consideration after the Board had considered the representations of the draft Tuen Mun OZP No. S/TM/32 and had made a decision on the representations. The Board, after hearing the representations and comments on 7.11.2014, decided not to uphold the representations and that for any proposals to increase the PR and/or BH in any sites other than those under amendments of the Tuen Mun OZP, planning application could be submitted to the Board under the provisions of the Ordinance. On 10.2.2015, the Chief Executive in Council approved the draft Tuen Mun OZP, which was subsequently renumbered as S/TM/33;

Departmental Comments

- (e) the departmental comments were set out in paragraph 9 of the Paper. The Commissioner of Police (C of P) commented that the proposed number of car parking spaces (187 car parking spaces) could not fulfil the need of the residents (1044 residential units). There had been traffic complaints against the illegal parking and vehicle obstruction along So Kwun Wat Road and Kwun Chui Road since July 2014. Given the remoteness of the site and the very limited public transport facilities in its vicinity, the residents would have a strong demand to use their private vehicles for transport. Illegal parking and vehicle obstruction were anticipated due to insufficient parking space within the development area. The capacity of the access road and the potential effects on road safety would be a concern. Other concerned departments had no objection to or no adverse comment

on the application;

Public Comments

- (f) a total of 178 public comments including 111 supporting, 65 opposing, and 2 providing general views, were received. The application was supported on grounds of better utilisation of land resources; the increase in development intensity was supported by technical assessments, land use compatibility, and improvement of the living environment of the area. Comments objecting to the application were mainly on grounds of adverse environmental, visual, air ventilation, traffic impacts, inadequate provision of community facilities to meet the demand in the area, and undesirable precedent;
- (g) the District Officer (Tuen Mun), Home Affairs Department, advised that the Owners' Committee of the Aegean Coast, residents of Avignon and a Tuen Mun District Council member of the subject constituency would raise concerns on the drastic increase of PR from 1.3 to 2.6 whilst the locals/Tuen Mun District Council members had raised concerns on the traffic aspect in Tuen Mun East all along. The locals were concerned about the lack of community facilities (e.g. wet market, recreation centres and clinics etc.) in the area. There were also concerns over the BH which might pose adverse ventilation impacts; and an 24-hour barrier-free access should be provided for the two lots (i.e. Lots 444 and 248RP) which could not be included in the subject application;

The Planning Department (PlanD)'s Views

- (h) PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application was for rezoning the site from "CDA" to "CDA(3)" mainly to increase the maximum PR from 1.3 to 2.6 and to increase the maximum BH from 10 storeys above car parks (equivalent to about 52mPD in the previously approved s.16 application) to 79mPD, while the maximum site coverage remained at 25%. There would be no change to

the planning intention for the “CDA” zone. To maximise the development potential of housing land as announced in the Policy Address 2014, the OZP had been amended to relax the PR to 3.6 in general for housing sites in Tuen Mun East. The site was situated in a residential cluster subject to a range of PR of 1.3 and 3.6, with the maximum BH up to 90mPD. From urban design perspective, the proposed increase in PR and BH would not have significant adverse impacts on the visual quality of the area. On traffic aspect, the applicant had demonstrated in the revised Traffic Impact Assessment and sensitivity scenario that taking into account the planned and known potential housing development in Tuen Mun, the proposed development would not result in adverse traffic impact. Although C of P was concerned about the capacity of the access road and the potential effects on road safety and the shortfall of car parking spaces in the proposed development, the Commissioner for Transport had no objection to the application. Technical concerns raised by government departments on the visual, noise, water mains, environmental assessment and sewerage impact assessment could be addressed at the detailed design stage. On the public comments, most government departments consulted had no objection to or no adverse comment on the application. With regard to the undesirable precedent for other private residential developments, each application would be considered by the Board on a case-by-case basis, taking into account such factors as traffic, environmental, infrastructural capacity, visual and air ventilation.

21. The Chairman then invited the applicants’ representatives to elaborate on the application. With the aid of a PowerPoint presentation, Ms Winnie Wu made the following main points:

- (a) according to the Notes of the OZP, the permitted PR and BH of the subject site was 1.3 and 10 storeys above car park (about 52 mPD) respectively. The PR of the residential developments in the vicinity of the subject site had been increased from 1.3 to about 4. The subject site was the only “CDA” site in the area which was yet to be developed. The applicants had taken the opportunity to review the maximum development intensity in order to increase the housing supply to accord with the Policy Address

2014;

- (b) the subject site was not an amendment item of the Draft Tuen Mun OZP No. S/TM/32. The applicants submitted a representation in respect of the amendments of the Draft Tuen Mun OZP No. S/TM/32 and requested that the subject site be considered as part of the proposed amendments. Upon hearing of the representation by the applicants in November 2014, the Board decided that for any proposals to increase the PR and/or BH in any sites other than those under amendments on the Tuen Mun OZP, planning application could be submitted to the Board under the provisions of the Town Planning Ordinance. Against this background, the application was submitted to increase the PR and BH to 2.6 and 79 mPD respectively while the maximum site coverage at 25% would remain unchanged;
- (c) the proposed increase in PR and BH would increase the housing supply from 200 flats to about 1,000 flats, yet the development intensity was still lower than the nearby developments. The future development at the site was compatible with the surrounding developments and the technical feasibility of the proposed scheme had been confirmed by technical assessments and there were no adverse comments from concerned government departments. Detailed technical assessments, including a detailed Visual Impact Assessment, would be carried out at the detailed design stage. The current scheme maintained the block layout and design merits, including the building separations, non-building areas, road setbacks and 4 m-wide passageway in the previously approved scheme.

22. In response to the Chairman's enquiry on whether there would be scope for providing retail facilities within the future development, Ms Winnie Wu said that the applicants could look into such provision in the detailed design stage, subject to the need for such facilities and its technical feasibility.

23. In response to the Vice-chairman's question, Mr David C.M. Lam, DPO/TMYLW, said that the development parameters of Avignon, which was located to the east of the site, were within the development restrictions stipulated under the OZP i.e. PR of

1.3, site coverage of 20% and BH of 10 storeys above car park.

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

Deliberation Session

25. Members generally considered the rezoning application for the site acceptable. They also agreed that the applicants should be advised to explore the opportunity for providing retail facilities in the future residential development.

26. After deliberation, the Committee decided to agree to rezone the application site to "Comprehensive Development Area (3)" or other more appropriate zoning, and that an amendment to the approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/33 would be submitted to the Committee for agreement prior to gazetting under section 5 of the Town Planning Ordinance after reference back of the OZP for amendment by the Chief Executive in Council. The Committee also agreed that the applicants should be advised to explore the opportunity for providing retail facilities in the future residential development.

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

Sai Kung and Islands District

Agenda Item 6

Section 12A Application

[Open Meeting]

Y/SK-SKT/2

Application for Amendment to the Approved Sai Kung Town Outline Zoning Plan No. S/SK-SKT/6, To rezone the application site from “Residential (Group E)1”, “Green Belt” and areas shown as ‘Road’ to “Other Specified Uses” annotated “Hotel and Commercial Uses”, No. 7-9 Hong Ting Road, Sai Kung (Lots 963, Ext.to 963, and 991 in D.D. 215)

(RNTPC Paper No. Y/SK-SKT/2)

27. The Committee noted that the applicant requested on 19.8.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments from government departments. This was the first time that the applicant requested for deferment of the application.

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

[Mr Stanley C.M. Au, Mr Richard Y.L. Siu and Ms Lisa L.S. Cheng, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBS/21 Proposed Utility Installation for Private Project and Excavation of Land in “Conservation Area” zone, Lot 644 (Part) in D.D. 230, No. 18 Lung Ha Wan Road, Sai Kung
(RNTPC Paper No. A/SK-CWBS/21)

Presentation and Question Sessions

29. With the aid of a PowerPoint presentation, Mr Stanley C.M. Au, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed utility installation for private project (Cham Shan Monastery) and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed utilities were essential ancillary facilities for enhancing fire services and sprinkler water system; fresh water, flushing water and irrigation water system; drainage system; electricity supply system; and telecom system to serve the new Buddha Hall of Cham Shan Monastery. The alignment of the proposed utility facilities would avoid excavation of the existing slope and would not involve felling of trees. The site was

partly hard paved and partly covered by common grasses, shrubs and trees. The proposed utility installation and the associated land excavation (about 1.5m deep) would not involve extensive clearance of existing natural vegetation nor generate adverse impact on landscape resources, visual, ecological, environmental, drainage, traffic or slope stability.

30. A Member noted that the proposed utility installation and land excavation works fell just slightly outside the boundary of the “Government, Institution or Community” (“G/IC”) zone within the “Conservation Area” (“CA”) zone and questioned why they could not be provided with the “G/IC” zone. Mr Stanley C.M. Au, STP/SKIs, said that the site had already been formed and the proposed works at the site would avoid excavation of the nearby slopes. However, there was no information in the submission on why the proposed works could not be carried out within the “G/IC” zone.

Deliberation Session

31. Without the relevant information as to why the proposed utility installation could not be provided within the “G/IC” zone, a Member was concerned that the approval of the application within the “CA” zone might set an undesirable precedent. Whilst noting that the proposed works fell entirely within the private lot of Cham Shan Monastery, the Chairman considered it appropriate to defer a decision on the application pending submission of further information from the applicant on the reason for not carrying out the proposed works within the “G/IC” zone.

32. After deliberation, the Committee decided to defer a decision on the application pending submission of further information from the applicant on the reason for not providing the proposed works within the “G/IC” zone.

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/219 Proposed Residential Institution (Hostel) ancillary to an Indoor
Recreational Hobby Farm in “Recreation” zone, Remaining Portion of
Section B of Lot No. 333 in D.D. 221, Sha Kok Mei, Sai Kung
(RNTPC Paper No. A/SK-PK/219)

Presentation and Question Sessions

33. With the aid of a PowerPoint presentation, Mr Stanley C.M. Au, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the residential institution (hostel) ancillary to an indoor recreational hobby farm;

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that the landscape proposal of the current application was inferior to that of the previous approved application No. A/SK-PK/210, in that there were more hard areas for circulation use; reduction of planting area and countable outdoor communal open space; and insufficient space for tree preservation along the northwestern side of the site. The proposed emergency vehicular access and internal vehicular circulation in the current application were close to the existing trees and might cause adverse impact on the roots of the trees along the northwestern side of the site during construction. No detailed or tree preservation proposal had been provided. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, a total of 37 public comments were received, of which 21 comments supported the application mainly on grounds that the proposed development would promote farming activities, provide ecological recreational facilities and improve eco-tourism. A total of 16 comments objected to the application mainly on grounds that the development would have adverse traffic impact; and

- (e) PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. As compared with the previously approved planning application, the current scheme mainly involved changes to the design and layout of the proposed indoor hobby farm/outdoor recreation area and the ancillary hostel by swapping the location of the two uses. The increasing plot ratio, gross floor area and building height were considered minor in nature and had only insignificant effect on the overall development. There was no change in the development parameters to the ancillary hostel. The proposed development would not have adverse impact on the existing trees as additional trees would be planted at the boundary of the site according to the submitted Landscape Master Plan. Regarding the adverse public comments, C for T commented that the proposed development would unlikely generate adverse impact on the surrounding area.

34. Members had no question on the application.

Deliberation Session

35. 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 4.9.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

“(a) the submission and implementation of landscape and tree preservation

proposals to the satisfaction of the Director of Planning or of the TPB;

- (b) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the design and provision of carparking space, loading/unloading space, vehicular and pedestrian access arrangements at Tai Mong Tsai Road to the satisfaction of the Commissioner for Transport or of the TPB; and
- (d) if the approved scheme was not implemented in whole, including the hobby farm as proposed in the application, the planning permission for the proposed hostel would lapse.”

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

- “(a) to note the comments of the District Lands Officer/Sai Kung, Lands Department (LandsD) that the proposed development will be served by a proposed short vehicular access through unleased government land lying between the subject lot and Tai Mong Tsai Road. According to his file record, no permit or approval has been granted for the proposed vehicular access. The lot owner will need to apply for a lease modification/land exchange to effect the proposed development. However, there is no guarantee that such application for lease modification or land exchange (with or without Government land) would be approved by the Government. Such application, if eventually approved, would be subject to such terms and conditions including payment of a premium as the Government considers appropriate;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that should the application be approved, the proposed new run-in/out and X-Y-Z point should be approved by LandsD and the Transport Department;
- (c) to note the comments of the Director of Agriculture, Fisheries and

Conservation that as the majority of the site will be built upon and the peripheries are already lined with trees, planting more trees for landscaping may result in over-crowding of the trees;

- (d) to note the comments of the Director of Environmental Protection that all noise sensitive rooms should be designed to have fixed glazing without openable windows for ventilation on the facades facing Tai Mong Tsai Road;
- (e) to note the comments of the Director of Fire Services that emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administrated by the Buildings Department. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (g) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the site is within an area where drainage and sewerage connections maintained by DSD are available in the vicinity. All proposed connection works should be carried out by the developer in accordance with DSD Standard Drawings at the developer's costs and audited by DSD upon completion. The connection pipe shall then be handed over to DSD for maintenance. The Authorised Person (AP) shall submit a Form HBP1 with a cross cheque to apply for technical audit for completed drainage connection woks. The applicant should be advised that it is the developer's responsibility to identify/locate existing

government sewers and stormwater drains to which drainage connections from his site are to be proposed. The AP should verify the existence of any existing drains/sewers/utilities and also their exact locations, levels and alignments on site in order to ascertain the positions and levels of the proposed manholes and the associated connection works. The AP should also verify that the existing government drains/sewer, to which connections are proposed, are in normal working conditions and capable for the discharge from the site; and

- (h) to note the comments of the Chief Officer (Licensing Authority), Office of the Licensing Authority, Home Affairs Department that the applicant should be reminded to submit a copy of the occupation permit for the proposed residential institution (hostel) when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO). The proposed licensed area should be physically connected. The Fire Services Installation provisions should comply with paragraph 4.28 of Codes of Practice for Minimum Fire Services Installations and Equipment. The licensing requirements will be formulated after inspections by the Building Safety Unit and Fire Safety Team upon receipt of an application under the HAGAO.”

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/220 Proposed 5 Houses (New Territories Exempted Houses - Small Houses) in “Village Type Development” and “Green Belt” zones, Lots No. 1090s.A(Part), 1090s.B(Part), 1090s.C(Part), 1090s.D(Part), 1090s.E(Part), 1090s.F and 1090R.P(Part) in D.D. 217 and adjoining Government Land, Kau Sai San Tsuen, Sai Kung
(RNTPC Paper No. A/SK-PK/220)

Presentation and Question Sessions

37. With the aid of a PowerPoint presentation, Mr Stanley C.M. Au, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

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

- (b) the proposed 5 houses (New Territories Exempted Houses (NTEHs) – Small Houses);

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) commented that the applications for the 5 Small Houses were being processed by his office. As the previous planning application No. A/SK-PK/184 had already lapsed on 4.3.2015, the applicants needed to obtain a new planning permission in order to further pursue the Small House developments. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from tree preservation point of view as the site was located in the fringe of a piece of woodland. The proposed Small Houses might affect trees within and adjacent to the site but the applicants had not provided any information on the impact on the existing trees. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application as no information had been provided in the submission to demonstrate that measures would be undertaken to minimise the potential adverse impact on the nearby existing tree and landscape and the landscape impact of the proposed development could not be ascertained;

- (d) during the first three weeks of the statutory public inspection period, a total of 11 public comments were received. One comment supported the application as the number of Small Houses had been reduced to minimise the encroachment on the “Green Belt” (“GB”) zone. Five public

comments expressed concerns that approval of the Small Houses would have adverse traffic and environmental impacts. Five comments objected to the application mainly on grounds that the proposed developments were incompatible with the planning intention of the “GB” zone; continuous increase in population and number of houses in Kau Sai San Tsuen would lead to inadequate provision of road access and environmental issues; most villagers built houses for financial gain but not for self-use; and the proposed scheme might be unlawful and unauthorised under the Small House Policy and the associated regulations; and

- (e) PlanD’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The site was the subject of a previous application No. A/SK-PK/184 which was approved by the Committee with conditions on 4.3.2011 but planning permission lapsed on 4.3.2015. There was no change in planning circumstances in the area since the last approval given by the Committee. Sympathetic consideration could be given to the current application. The application generally complied with the Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House Development in the New Territories (Interim Criteria) and the Town Planning Board Guidelines No. 10 on “Application for Development within “Green Belt” zone” (TPB PG-No. 10) as the entire site fell within the village ‘environs’ of Kau Sai San Tsuen and over 50% of the footprint for each of the proposed five Small Houses fell within the “Village Type Development” (“V”) zone, and there was a general shortage of land in meeting the future Small House demand in the Village. To address the concerns of the DAFC and CTP/UD&L, PlanD, an approval condition on the submission and implementation of tree preservation proposal was suggested. Regarding the objecting public comments received, the planning consideration and assessments above were relevant.

38. In response to a Member’s question, Mr Stanley C.M. Au, STP/SKIs, conformed that the overall Small House demand of Kau Sai San Tsuen was 89. The Chairman supplemented that the figure was based on the outstanding Small House applications of 26

and the 10-year Small House demand forecast of 63, as provided by the DLO/SK, LandsD.

39. In response to a Member's question on the location of the proposed Small Houses, Mr Stanley C.M. Au, STP/SKIs, said that the application site was located close to an existing Small House and was within the village 'environs' of Kau Sai San Tsuen.

40. A Member noted in the Paper that if the application was approved, it was recommended that an approval condition on the submission of a Nature Terrain Hazard Study and implementation of the mitigation measures identified therein to the satisfaction of the Director of Civil Engineering Development or of the Board. The Member was concerned that the technical department in considering the submission might not take account of the aesthetic aspect. The Chairman said that it was a usual practice that the approval conditions would need to meet the technical requirements of the concerned departments. However, for specific cases, the Committee could request that certain approval conditions be submitted for its consideration.

Deliberation Session

41. The Chairman said that planning permission for development of five Small Houses was granted in 2011 but lapsed on 4.3.2015. The current application was submitted as DLO/SK, LandsD was still processing the land grant of the concerned Small House applications. Moreover, land within the "V" zone of Kau Sai San Tsuen was available to accommodate 20 Small Houses, which was inadequate to meet the demand of the 26 outstanding Small House applications.

42. 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 4.9.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

- (b) the submission of a Natural Terrain Hazard Study and the implementation of the mitigation measures recommended therein to the satisfaction of the Director of the Civil Engineering and Development or of the TPB;
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the provision of septic tanks, as proposed by the applicants, at locations to the satisfaction of the Director of Lands or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Sai Kung, Lands Department (LandsD) that the Small House applications are now under processing by his office. The layout and disposition of the proposed Small Houses will be subject to change. If works are required to be conducted on the government land adjoining the subject lots, permission has to be sought from his office separately. There is no guarantee that the applications for grant of the five Small House sites will be approved;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicants may need to extend their inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards. Besides, water mains in the vicinity cannot provide the standard pedestal hydrant;
- (c) to note the comments of the Director of Fire Services that the applicants are reminded to observe ‘New Territories Exempted Houses – A Guide to Fire

Safety Requirements' published by LandsD;

- (d) to note the comments of the Chief Buildings Surveyor/New Territories East 2 and Rail, Buildings Department that all non-exempted ancillary site formation and/or communal drainage works are subject to compliance with the Buildings Ordinance; and an Authorised Person must be appointed for the aforesaid site formation and communal drainage works; and
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the retaining wall structure should be minimized. Vertical greening to the wall within the "Green Belt" zone is recommended. Adequate protective measures should be provided to protect existing trees outside the application boundary during the construction stage. If tree felling is unavoidable, reinstatement of woodland tree planting is necessary."

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/51 Proposed House (New Territories Exempted House - Small House) in
"Village Type Development" and "Green Belt" zones, Lot 253 in D.D.
257, Wong Keng Tei, Sai Kung
(RNTPC Paper No. A/SK-TMT/51)

Presentation and Question Sessions

44. With the aid of a PowerPoint presentation, Mr Stanley C.M. Au, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small

House);

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix VI of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of seven public comments objecting to the application were received from Designing Hong Kong Limited, Kadoorie Farm & Botanic Garden Corporation and five members of the public. The main grounds of the objections were that the proposed Small House development was incompatible with the planning intention of the “Green Belt” (“GB”) zone and not in line with the Town Planning Board Guidelines No. 10 on “Application for Development within “GB” zone” (TPB PG-No. 10). The approval of the application would further degrade the environment and there was no public gain for development within “GB” zone. Besides, the applicant had not submitted any impact assessments on environment, landscape, traffic, drainage and sewerage aspects, and the scenic and recreation value of the area would be destroyed during the construction stage.
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The site was the subject of two previous applications approved by the Committee on 5.10.2001 and 18.7.2008 respectively for the development of a NTEH. There was no change in planning circumstance of the area since the last approval given by the Committee. As significant site formation work was not anticipated, the proposed development would not cause significant impact on the natural landscape. The site was in close proximity to the existing village and would not have adverse traffic and infrastructural impacts. The application was generally in line with the TPB PG-No. 10 in that 100% of the site/footprint of the NTEH fell within the village ‘environs’ of Wong Keng Tei Village and there were no adverse impacts on the surroundings. Regarding the public comments, the

planning consideration assessments above were relevant.

45. Members had no question on the application.

Deliberation Session

46. 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 4.9.2019, 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 Geotechnical Planning Review Report to assess the natural terrain hazard and the implementation of the recommended measures, if any, to the satisfaction of the Director of Civil Engineering and Development or of the TPB; and
- (b) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB.”

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

- “(a) to liaise with the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department on the guidelines in preparing the Geotechnical Planning Review Report;
- (b) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage collection and disposal facilities should be provided in connection with the proposed developments to deal with the surface runoff of the site or the same flowing onto the site from the adjacent areas without causing any adverse drainage impacts or nuisance to the adjoining areas;
- (c) to note the comments of the Chief Building Surveyor/New Territories

East 2 & Rail, Buildings Department that all non-exempted ancillary site formation and/or communal drainage works are subject to compliance with the Buildings Ordinance and an Authorised Person must be appointed for the site formation and communal drainage works;

- (d) to note the comments of the Director of Fire Services to observe the ‘New Territories Exempted House – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD), and that detailed fire safety requirements will be formulated upon receipt of formal application referred by the LandsD;
- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards; and
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the location of the septic tank should be reviewed to avoid impact on the existing slope.”

[Professor S.C. Wong left the meeting temporarily at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-CC/19 Proposed Eating Place in “Village Type Development” zone, G/F, 83
San Hing Street, Cheung Chau
(RNTPC Paper No. A/I-CC/19)

48. Mr Lincoln L.H. Huang declared an interest in the item as his company owned a property in Cheung Chau. The Committee noted that the property was far away from the site and agreed that Mr Huang should be allowed to stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed eating place;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) did not support the application as the village house within which the subject premises was located was not a New Territories Exempted House (NTEH). The use of the premises for eating place was in breach of the lease condition;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter stated that the consultation was not necessary provided that the proposed eating place would comply with hygiene and fire safety requirements, and that it would not cause any noise nuisance to residents living in the surrounding areas; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed development was considered in line with the planning intention of the “Village Type Development” zone where selected commercial and community uses serving the needs of the villagers and in support of the village development were always permitted on the ground floor of a NTEH. Although the subject building was not a NTEH according to DLO/Is of LandsD, it was in the form of a village house which

had been in existence before the publication of the first Cheung Chau Outline Zoning Plan (OZP). The proposed eating place was considered not incompatible with the land uses in the vicinity, including retail shops, cafés and restaurants. Given its small scale, the proposed eating place was not anticipated to cause significant adverse impacts on building safety, pedestrian flow, drainage, sewerage and fire safety aspects. Regarding DLO/Is, LandsD's objection to the application, the covering Notes of the OZP stipulated that any use or development which was always permitted or might be permitted in accordance with the Notes must also conform to any other relevant legislation, the conditions of the government lease concerned, and any other government requirements as might be applicable. Regarding the public comment, the proposed eating place would have no adverse impact on the surroundings as confirmed by departments concerned.

Deliberation Session

50. 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 4.9.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

“the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

“(a) to note the comments of the District Lands Officer/Islands, Lands Department (LandsD) that the 4-storey village house within which the premises is located is in breach of the lease condition;

(b) to note the comments of the Chief Building Surveyor/New Territories East 1 & Licensing, Buildings Department (BD) that:

- (i) before any new building works are to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). 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 site does not abut a “Specified Street” of not less than 4.5m wide, the development intensity (i.e. plot ratio and site coverage) should be subject to determination under Building (Planning) Regulations (B(P)R) 19(3) upon formal submission of building plan to BD. In making a determination under B(P)R 19(3), factors relating to safety, traffic, servicing access and drainage discharge capacity will be taken into consideration together with the comments from relevant government departments like LandsD, Planning Department, Transport Department, Drainage Services Department (DSD), Fire Services Department etc. Without the supports from the relevant government departments, the proposed development intensity is unlikely to be acceptable under B(P)R 19(3);
- (iii) access to the site should be clarified under Building (Planning) Regulations B(P)R 5. The land status of the adjoining lands, footpath, street etc. should be clarified in building plan submission;
- (iv) 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;
- (v) if the proposed use under application is subject to the issuance of a licence, the applicant should be reminded that any existing structures

on the application site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and

- (vi) emergency vehicular access and access and facilities for persons with a disability should be provided;

- (c) to note the comments of the Director of Food and Environmental Hygiene that in accordance with the laws of Hong Kong, any person who intends to carry out a food business, including a restaurant, in Hong Kong must obtain a relevant food business licence issued by his Department before commencement of such business; and

- (d) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department that foul water generated from the eating place should be controlled properly to avoid flowing into the nearby surface channels and create odour, hygiene and pollution nuisance.”

[Professor S.C. Wong returned to join the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/99	Proposed Minor Relaxation of Maximum Building Height Restriction for permitted Government Offices Development in “Government, Institution or Community (1)” and “Government, Institution or Community (4)” zones, Government Land in Area 67, Tseung Kwan O (RNTPC Paper No. A/TKO/99)
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52. The Secretary reported that Environ Hong Kong Limited (Environ) was one of the consultants of the applicant. The following Members had declared interests in the item:

Ms Janice W.M. Lai	}	
	}	having current business dealings with Environ
Mr Ivan C.S. Fu	}	

53. Members noted that Mr Ivan C. S. Fu had tendered apologies for being unable to attend the meeting. As Ms Janice W.M. Lai had no involvement in the item, the Committee agreed that she should be allowed to stay in the meeting.

54. The Secretary reported that on 2.9.2015, after the issuance of the RNTPC Paper, the applicant's consultant wrote to the Board to indicate that the applicant had addressed the comments of the Sai Kung District Council via a letter of 31.8.2015. A copy of the letter was tabled at the meeting.

Presentation and Question Sessions

55. With the aid of a PowerPoint presentation, Ms Lisa L.S. Cheng, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of maximum building height (BH) restrictions for permitted government offices development;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 3,755 comments were received, of which five comments supported, 3,749 comments objected to and one comment offered general views on the application. The public comments supporting the application were of the views that the proposed government offices would provide more jobs and convenient public services to the area and better utilise the land resource. The proposed increase in BH was also acceptable. The general view

given by the commenter was that the BH restriction should be further relaxed to cater for the rising demand for public services. The objecting comments were summarised as follows:

- (i) why the design merits of the notional scheme such as building separation and landscape opportunities could not be accommodated in the Base Scheme without increasing the BH;
- (ii) how BH was measured, whether the proposed relaxation of BH was minor, what the actual increase in floor space was proposed and suggestions on accommodating some of the floor space in basement;
- (iii) the increase in BH would have adverse air ventilation and visual impacts and obstruct daylight; and the façade treatment of the buildings would have problems of glare and reflective heat;
- (iv) the proposed development with an increased BH would break the Government's promise during previous public consultation to restrict development density in the area and to reserve the entire site for civic centre development, and undermine the stepped height urban design concept for the Town Centre South area;
- (v) the increase in the number of workers and vehicle traffic might have adverse impacts on public transport and road capacity;
- (vi) the proposal failed to meet public demand for more public parking for private vehicles and there was concern that the proposed public parking facilities for heavy goods vehicles might have possible adverse noise impact and overload the road networks;
- (vii) the provision of more community facilities needed by the local community and early provision of Government, Institution or Community (GIC) facilities. The Wan Chai Government Office Complex (WCGOC) should be preserved and upgraded to avoid

wasting resources and increase in BH for the proposed development;
and

- (viii) the local residents should be consulted;
- (e) the District Officer (Sai Kung), Home Affairs Department (DO(SK), HAD) advised that while the motion to raise concern on the applicant's proposal to relax the BH restriction was endorsed by the Sai Kung District Council (SKDC) at the meeting on 7.7.2015, and some SKDC members objected to increasing the maximum planned BH of Tseung Kwan O Area 67 and launched signature campaign against any BH increase, some other members considered that the adoption of a BH of no more than 100mPD could realise the full development potential of the site and optimise land use. The latter group pointed out that the stepped BH profile was first proposed by the SKDC and adopted by the Government in 2005 as the development concept for Tseung Kwan O South. They pointed out that the current proposal was not inconsistent with the development concept. For any revised proposal to be submitted by the Government Property Agency, as long as the overall building height in Area 67 was consistent with the neighbouring residential developments, most SKDC members were not expected to oppose, except for the members who had already registered their opposition publicly; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The major points were summarised as follows:

Planning Intention and Proposed Minor Relaxation of Building Height Restriction

- (i) the site had been reserved for government offices, with the remainder of the “Government, Institution or Community (1)” (“G/IC(1)”) site reserved for a civic centre/cultural complex. To implement government's policy to accommodate government offices

in its owned premises as circumstances permit and to relocate those offices with no location requirements away from high land value areas, the proposed government offices development would accommodate offices to be relocated from the WCGOC and in leased premises, as well as government services and public parking facilities to serve the local residents. The proposal comprised a Specialist Departmental Building (SDB) with two towers, including one with north and south blocks, and a Joint-User Building (JUB) with two building blocks and public parking facilities for coach and goods vehicles. The proposed development was therefore in line with the planning intention of the “G/IC(1)” zone;

- (ii) the applicant sought the approval of the Board for the minor relaxation of the BH restriction by about 25.5m or 34% from 75m (about 81mPD) to 100.5m (about 100mPD). The proposed building at the portion of the site zoned “G/IC(4)” would not exceed the maximum BH restriction of 40m;

Proposed Building Height and Compliance with the Stepped Height Urban Design Concept

- (iii) the applicant had demonstrated that the Notional Scheme with the relaxed BH of 100.5m could achieve a much better layout design with scope for the provision of design features to enhance air ventilation and soften the visual impact. The building mass was also broken up to create more separation between the towers to enhance permeability;
- (iv) the height of the proposed developments up to 100mPD was the same as those of the adjoining residential developments, and would not adversely affect the original design concept as recommended by the Feasibility Study for Further Development of Tseung Kwan O (the Feasibility Study). The stepped BH profile could still be maintained in relation to the adjacent developments;

Visual, Air Ventilation, and Environmental Impacts

- (v) as demonstrated in the Visual Impact Assessment, the proposed minor relaxation of BH restriction for the government buildings to 100mPD was considered to be broadly comparable to the Base Scheme in terms of visual impact. The Notional Scheme would be visually compatible with its future urban context. The various design measures including building separations, setback and voids, and BH variation could be effective in breaking up the visual mass of the proposed development with increase in visual permeability;
- (vi) the design measures including building separation, setbacks and voids would have slight enhancements at the breezeways of Po Shun Road and Tong Yin Street;
- (vii) the Environmental Assessment had shown that the proposed development would not induce any adverse noise and air quality impacts;

Traffic and Infrastructural Capacity

- (viii) various technical assessments conducted by the applicant had demonstrated that the proposed development with minor relaxation of BH would not cause adverse impacts on traffic or infrastructural capacity. Noting the SKDC's and some public comments on the public parking facilities, the applicant indicated that the final number and types of parking spaces to be provided would be subject to review during the detailed design stage, taking into account the latest needs of the public and to the satisfaction of the Commissioner for Transport (C for T). An approval condition to this effect was recommended;
- (ix) the Sewerage Impact Assessment and Drainage Impact Assessment

showed that the existing sewers and drainage serving the area would be sufficient to cater for the sewerage generated from the proposed development;

Planning Merits

- (x) the proposed minor relaxation of BH restriction would help optimise the use of scarce land resource to accommodate various government departments to better serve the public and the needs of the local residents. It would allow more room for innovative and sustainable design to help break up the visual mass of the buildings and enhance visual permeability and landscape opportunity. The proposed development with relaxed BH restriction was considered not incompatible with the surroundings and the stepped BH profile in the urban design concept for the Town Centre South area could still be maintained;

Public Comments

- (xi) regarding the public comments on why the design features in the Notional Scheme could not be incorporated without increasing the BH, the assessments under paragraph (i) to (iii) above were relevant;
- (xii) on the concern regarding how the BH was assessed, the proposed increase in BH had been considered in terms of both absolute height (from 75m to 100.5m) and mPD (from about 81mPD to 100mPD);
- (xiii) on whether the application for relaxation of BH was minor in nature, the Board might consider minor relaxation of BH restriction based on the individual merits of a development proposal. There was no set percentage on what would be considered as 'minor'. The current application was supported by various technical assessments, which demonstrated that the proposal was technically feasible and its impacts were acceptable without compromising the general planning

intention and urban design concept;

- (xiv) regarding the suggestion to incorporate basement to avoid the relaxation of BH restriction, as the BH restriction of 75m referred to absolute height, basement floors would not provide additional development capacity. With the proposed relaxation of BH to 100.5m, the applicant undertook to accommodate more facilities in basement level as far as practicable;
- (xv) regarding the concern on air ventilation and visual impact of the proposal, the assessments under paragraphs (v) and (vi) above were relevant. An approval condition would be imposed requiring the applicant to conduct a quantitative air ventilation assessment at detailed design stage;
- (xvi) regarding possible daylight obstruction and glare, and reflective heat, the applicant confirmed that only the lowest floors of Park Central would be shadowed by the proposed development. Transparent and low-reflective material would be used to minimise glare and reflection;
- (xvii) regarding whether the Government had broken the promise to reserve the entire site for civic centre use, etc., the general concept recommended by the Feasibility Study and as reflected under the OZP had been implemented. The proposed BH at 100.5m (about 100mPD) was not incompatible with developments in the surrounding area while the stepped building height concept for the area could still be maintained. The planning intention for the site had always included government offices and not just a civic centre; and
- (xviii) on the potential traffic impact and the provision of public parking facilities, paragraph (viii) above was relevant. Regarding the comments on the public consultation for the proposed development,

the application had been published for public comments in accordance with the established statutory and administrative procedures. On the requests for the early provision of planned GIC facilities and the retention of WCGOC, they were not related to the application.

56. The Chairman, having noted that the site was subject to a maximum BH restriction of 75 m on the OZP, asked why the proposed relaxation of BH restriction was subject to a maximum of 100 mPD and whether it was the absolute BH increase that should be considered by the Committee. A Member also asked whether more basement levels could be proposed to accommodate more facilities as to reduce the BH above the ground level. In response, Ms Lisa L.S. Cheng, STP/SKIs, said that the BH restriction at 75 m stipulated on the OZP was the absolute maximum height, including the basement level of 6.5m high. Hence, the increase in the number of basement levels would still be subject to the BH restriction of 75 m. Notwithstanding this, the Chairman remarked the visual impact of the proposed relaxation of BH restriction for the government offices should be considered based on the BH above the ground level.

57. A Member asked whether the approval of the application would set an undesirable precedent for similar applications for relaxation of BH restrictions for the residential developments located to the south of the site. The Chairman responded that while the setting of precedent was a relevant factor in considering a planning application, each application would be considered on each individual merits. Ms Lisa L.S. Cheng, STP/SKIs, supplemented that building plans for all the proposed private residential developments in the south had been submitted and the approval of the application would unlikely set a precedent for similar applications.

Deliberation Session

58. The Chairman said that the proposed relaxation of BH restriction would improve air ventilation through the provision of building gaps and adverse impact was not anticipated. However, if the same gross floor area (GFA) was to be accommodated in the building bulk under the current BH restriction stipulated on the OZP, there would be no building gap to allow better air ventilation. He further said that government buildings to be developed

under the current restriction could not meet the special functional and operational requirements involving high headroom for specific departments. For the subject application, the Committee should consider whether the BH relaxation sought was minor, and whether the proposal involved any planning merits.

59. The Secretary supplemented for Members' information that the site was subject to a BH restriction of 75m. Given that the site formation level was at 6mPD, the current permissible BH of the site was equivalent to 81 mPD while the relaxation of BH restriction sought was 100 mPD. The issue was whether it was acceptable to allow the proposed minor BH relaxation.

60. The Chairman said that according to the notional scheme submitted by the applicant, the maximum height for the SDB was 97mPD and that for the JUB was 96mPD, which amounted to increases of 16 m and 15 m respectively as compared with the maximum of 81mPD under the base scheme. In considering whether the BH relaxation sought was minor, both the magnitude and impacts of the increase should be considered. The Chairman further said that as the proposal would not involve any increase in GFA, there would be no traffic and other infrastructural impacts. However, based on the notional scheme, the provision of the building gaps would help improve air ventilation and visual quality.

61. A Member questioned why the applicant had applied for relaxation of BH restriction to 100 mPD, whereas the notional scheme presented a lower BH. The Chairman said that if Members considered appropriate, the permissible BH could be based on the maximum as shown in the notional scheme instead of the proposed BH at 100 mPD.

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

62. A Member pointed out that planning permission should be granted for a specific scheme instead of a notional scheme. Whilst the proposed BH relaxation could be considered minor, it was noted that a large number of public comments objecting to the application had been received. Consideration should be given to the strong public reaction if the application was approved. A Member concurred that it might not be appropriate to approve a notional scheme.

63. A Member said that the residential developments to the north of the site were much taller and the stepped BH concept could still be maintained even if the application was approved, and the proposal under the application represented a better utilisation of land resources. In view that the relaxation of BH restriction would improve the visual and air quality of the area, the application could be favourably considered.

64. The Vice-chairman said that the application was for a relaxation of BH restriction from 81 mPD to 97 mPD which was less than 20% increase. Given the locational context with the BH of the residential developments to the north at 170 mPD which was much taller, and that to the south which was much lower, there should not be much difference in the overall BH context. The visual impact of the proposal was considered minor. It was also noted that the proposal had planning merits of providing building gaps for better air ventilation. Hence, the application could be approved. A Member, having noted that there were two proposed schools to the southeast of the site, considered that the proposal allowing building gaps would improve the environment of the school sites.

65. The Chairman sought Members' view on whether it was the maximum BH as shown in the notional scheme i.e. 97mPD, or the proposed BH of 100mPD that should be approved. A Member considered that a specific scheme, instead of a notional scheme, should be submitted to the Committee for consideration and the approval should be granted based on the specific scheme showing the planning and design merits.

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

66. The Chairman concluded that Members generally considered that the application could be approved subject to a maximum BH of 97mPD and the provision of building gaps as shown in the notional scheme. The Chairman also drew Members' attention to the concerns of the public comments as summarised in paragraph 17 of the Paper and noted that PlanD had addressed the concerns. Moreover, with respect to the public concern on the possible glare effect of the future development, Members agreed that such concern could be addressed by imposing an approval condition on the submission of façade treatment to reduce the glare effect as far as possible. In addition, having noted that the applicant was exploring the feasibility to further reduce the above-ground BH, Members agreed that an advisory clause requesting the applicant to reduce the BH of the proposed development as far as possible

should be included.

67. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.9.2019, 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 proposed development is subject to a maximum building height restriction of 97 mPD and the requirement for provision of building gaps as shown in the notional scheme;
- (b) the submission of façade treatment of the proposed development to reduce the glare effect as far as possible to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of vehicle parking spaces and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission of a quantitative Air Ventilation Assessment at the detailed design stage to the satisfaction of the Director of Planning or of the TPB;
- (e) the provision of fire services installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
and
- (f) the submission and implementation of a drainage design scheme to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “(a) efforts should be made to reduce the building height of the proposed development as far as possible;

- (b) to apply to the Director of Lands for permanent land allocation for the proposed government offices buildings development;
- (c) to note the comments of the Director of Water Supplies that the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to the standards of his department;
- (d) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that no plant with deep root system should be placed within the Drainage Reserve;
- (e) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department that the applicant should be reminded that different design measures, including but not limited to building and tower separations, building setbacks, voids, landscaping, building height variation within the site, and a stepped height profile in relation to adjacent developments, should be incorporated in the future development at the site in order to mitigate potential visual impact induced by the relaxation of building height restriction, and to enhance the visual permeability of the future development at the site; and
- (f) to note the comments of the Director of Fire Services that the applicant should observe the requirements of emergency vehicular access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by the Buildings Department.”

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

[Dr C.P. Lau, Ms Janice W.M. Lai and Mr David Y.T. Lui left the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/100 Proposed Rural Committee/Village Office in “Green Belt” and
 “Village Type Development” zones, Government land in D.D. 239, Fat
 Tau Chau Village, Tseung Kwan O
 (RNTPC Paper No. A/TKO/100)

Presentation and Question Sessions

69. With the aid of a PowerPoint presentation, Ms Lisa L.S. Cheng, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed rural committee/village office;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sai Kung), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. While the proposed village office development was not in line with the planning intention of “Green Belt” (“GB”) zone, according to the Town Planning Board Guidelines No. 10 on “Application for Development within “GB” zone” (TPB PG-No. 10), applications for new development within “GB” zone could be considered in exceptional circumstances. The

Village Expansion Area (VEA) was purposely formed by the Government as part of the Fat Tau Chau resite village. The entire platform area of the VEA, including the subject site, should have fallen within the “Village Type Development” zone had the platform design not been adjusted in 1995. The proposed development was a needed community facility and gathering place for passive recreational use for the local villagers which was small in scale and considered not incompatible with the character of the surrounding areas. The proposed development would not involve any clearance of existing trees and natural vegetation and no adverse impact on landscape resources was anticipated. The subject site could be connected to sewage disposal facilities, and public utility installations and the proposed development would not overstrain the capacity of the existing and planned infrastructure or the overall provision of Government, institution and community facilities.

70. Members had no question on the application.

Deliberation Session

71. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.9.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

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

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

“(a) to note comments of the District Lands Officer/Sai Kung (DLO/SK), Lands Department that if planning permission is granted, the applicant should be reminded that he is required to obtain a Short Term Tenancy (STT) for village office on the government land from DLO/SK. There is no

guarantee that DLO/SK will grant an STT and, if granted, the STT will be subject to such terms and conditions, as DLO/SK considers appropriate;

- (b) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department (BD) that except for New Territories Exempted House development under Buildings Ordinance (BO) (Application to the New Territories) Ordinance (CAP 121), all building works are subject to the compliance with BO (CAP 123). An Authorised Person (AP) must be appointed to coordinate all building works. Unless the site abuts on a "Specified Street" under Building (Planning) Regulations (B(P)R) 18A(3) of not less than 4.5m wide, its development intensity shall be determined by the Building Authority under B(P)R 19(3);
- (c) to note the comments of the Director of Environmental Protection that public sewer is available in the vicinity of the site, the sewer connection should be provided to convey the sewage from the subject development into the public sewerage system;
- (d) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that there is an existing DSD tunnel with protection zone in the vicinity of the proposed site. If the application involves any works within the protection zone, the applicant is required to submit the work details to DSD and seek DSD's consent before carrying out the works. Adequate stormwater drainage and sewerage systems shall be provided in association with the proposed village office. Both stormwater drainage and sewerage connections are available in the vicinity of the site;
- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction,

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

- (f) to note the comments of the Director of Fire Services that Emergency Vehicular Access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD; and
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the proposed village office will occupy the whole site, the applicant is recommended to provide tree buffer between the site and the adjacent woodland on slope in the "Green Belt" zone when opportunity arises."

[The Chairman thanked Mr Stanley C.M. Au, Mr Richard Y.L. Siu and Ms Lisa L.S. Cheng, STPs/SKIs, for their attendance to answer Members' enquiries. Mr Au, Mr Siu and Ms Cheng left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 14

Section 16 Application

[Open Meeting]

A/NE-YSO/1 Proposed House (New Territories Exempted House - Small House) in "Green Belt" zone, Government land in D.D. 204, Yung Shue O, Tai Po, New Territories
(RNTPC Paper No. A/NE-YSO/1)

73. The Secretary reported that the application was scheduled for consideration by the Committee at the meeting and drew Members' attention that the draft Yung Shue O Outline Zoning Plan (OZP) No. S/NE-YSO/1 was exhibited on 24.4.2015. Among the eight

representations received during the two-month exhibition period, three representations were related to the site. According to the Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33), a decision on a section 16 application should be deferred if the application site was still subject to outstanding adverse representation yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representation was relevant to the application. The Planning Department therefore proposed to defer a decision on the subject application pending the final decision of CE in C on the draft OZP.

74. After deliberation, the Committee decided to defer a decision on the application pending the final decision of CE in C on the draft OZP. The Committee agreed that the application should be submitted to the Committee for consideration after CE in C had made a decision on the draft OZP.

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/109 Redevelopment of House (New Territories Exempted House) in “Green Belt” zone, Lot 950S.A in D.D.167, Nai Chung Village, Sai Kung North
(RNTPC Paper No. A/MOS/109)

Presentation and Question Sessions

75. Mr C.K. Tsang, STP/STN, said that a letter from a member of the public, who alleged to be the owner of the subject lot, had just been received requesting the Committee to take note of land ownership dispute in considering the application. The person had also

submitted similar comment on the application during the statutory publication period of the application. The letter was tabled at the meeting for Members' information. The Chairman remarked that planning permission was attached to the land and land ownership was not a material consideration of the Committee.

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

- (a) background to the application;
- (b) the redevelopment of house (New Territories Exempted House (NTEH));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of seven public comments against the application were received. The main grounds of the objections were that the proposed redevelopment was not in line with the planning intention of the “Green Belt” (“GB”) zone, there were disputes in development right of the land; and concerns on adverse landscape and fung shui impacts, structural problem to the rest of the existing village house and environmental pollution problem; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed NTEH development was not in line with the planning intention of the “GB” zone and there was a general presumption against development within the zone. Given that the site was partly occupied by a portion of an existing village house and partly vacant and paved, significant adverse impact on the existing landscape resources was not anticipated. The proposed development was also not expected to have significant adverse traffic, infrastructural and environmental impacts on the surrounding areas. The small scale of the development was considered

not incompatible with the surrounding rural landscape character. The proposed development generally complied with the Town Planning Board Guidelines No. 10 on “Application for Development within “Green Belt” zone” (TPB PG-No. 10) in that consulted government departments had no objection to or no adverse comment on the application. According to the records of the District Lands Office/Tai Po, Lands Department, the applicants were entitled to rebuild the subject lot into a 2-storey NTEH with balconies and 8.23m in height subject to payment of full market value premium. It had been an existing practice of the Board to take into account building entitlement under lease in considering planning application for house development. Whilst the site was restricted to 2 storeys under the lease, the proposed 3-storey building height was not incompatible with the adjacent environment including the existing 3-storey village houses nearby. Although two similar applications were rejected by the Committee in 2013 and 2014, the current application involving building entitlement of the subject lot for redevelopment of house was different in circumstances from the rejected cases. Regarding the public comments against the application, the above assessment was relevant.

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 4.9.2019, 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the provision of septic tank, as proposed by the applicants, at a location to the satisfaction of the Director of Lands or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that the applicants have to apply to LandsD for necessary approval for the redevelopment of the lot. If the application is approved by LandsD acting in the capacity as landlord at LandsD’s discretion, such approval may be subject to such terms and conditions as imposed by LandsD;

- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is no existing DSD maintained public drain available for connection there. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site and overland flow from surrounding of the site, e.g. surface channel of sufficient size along the perimeter of the site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the site if any boundary wall/fence is to be erected etc. Any existing flow path affected should be re-provided. Besides, the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicants/owner is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation, the applicants/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. For works to be undertaken outside the site boundary, prior consent and agreement from DLO/TP, LandsD and/or relevant private lot owners should be sought;

- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicants may need to extend the inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the

provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that as the site is overhung by nearby tree branches, any tree pruning should be minimised;
- (e) to note the comments of the Commissioner for Transport that the nearby access is not under the Transport Department's jurisdiction and the land status of the village access should be checked with the lands authority and the management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comment of the Director of Fire Services that the applicants should observe the 'New Territories Exempted Houses – a Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (g) to note the comment of the Chief Highway Engineer/New Territories East, Highways Department that the subject site is close to the adjoining road. The applicants should provide mitigation measures at its own cost against any nuisance (e.g. noise, dust etc) from the road. The government is guarded against any future claim for losses or claim for provision of environmental mitigation measures by the applicants/ house occupiers;
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicants shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the site and any required minimum set back distance away from them during the design and construction stages of the proposed development; and observe the

requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes"; and

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

[Ms Anita W.T. Ma arrived to join the meeting at this point. Mr Martin W.C. Kwan left the meeting temporarily at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/873 Proposed Shop and Services (Retail) in "Industrial" zone, Portion of G/F, HK JEBN Group Centre, 13-15 Shing Wan Road, Tai Wai, New Territories (Sha Tin Town Lot No. 39)
(RNTPC Paper No. A/ST/873A)

80. The Secretary reported that RHL Surveyors Limited (RHL) was one of the consultants of the applicant. Mr H.F. Leung had declared an interest in the item as he was an employee of the Department of Real Estate and Construction of the University of Hong Kong which had obtained a donation from RHL. The Committee noted that Mr Leung had already left the meeting.

Presentation and Question Sessions

81. 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) the proposed shop and services (retail);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of five comments were received. One public comment from a group of local residents supported the application. Four public comments objected to the application, mainly on grounds that the commercial operation at the subject building would reduce the number of lorry parking spaces, and thus worsen the traffic and parking situation in Tai Wai, and would adversely affect the livelihood of the truck drivers serving the industrial areas; and a large flux of tourists for shopping in the subject premises would pose danger and fire safety problem to the shoppers and visitors and cause noise nuisance and air pollution to the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The use under application was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications for shop and services use on a temporary basis had been approved on the ground floor of the other industrial building nearby. The subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor. Currently no commercial floor area had been approved on the ground floor of the subject building. Approval of the application with a total floor area of 450m² would not exceed the aggregate commercial floor area of 460m² in the subject industrial building. The use under application generally complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D on “Use/Development within “Industrial” Zone” (TPB PG-No. 25D) including

the fire safety and traffic aspects. The applicant had submitted a Traffic Impact Assessment confirming that the local road network would be able to cope with the traffic generated by the proposed development and the existing provision of car parking and loading/unloading facilities of the subject building would accommodate the existing demand and the demand for such facilities generated by the proposed development. A temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area. Regarding the public comments against the application, the above assessment was relevant.

82. Members had no question on 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 4.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2016;
- (b) in relation to (a) 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 4.6.2016; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) a temporary approval of three years is given in order to monitor the compliance of the approval conditions and 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 jeopardised;
- (b) to apply to the District Lands Officer/Shia Tin, Lands Department (LandsD) for a temporary waiver to permit the applied use;
- (c) to note the comments of the Chief Building Surveyor/New Territories East (2) & Rail Unit, Buildings Department that adequate exit doors with individual and total widths complying with Code of Practice for Fire safety in Building 2011 and adequate sanitary fitments for the proposed use should be provided. Further detailed comment will be given at plan submission stage; and
- (d) to note the comments of the Director of Fire Services that means of escape completely separated from the industrial portion should be available for the subject premises. The applicant should also comply with the requirements as stipulated in the Code of Practice for Fire Safety in Buildings which is administered by the Building Authority. The applicant should also observe the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises. Detailed requirements will be formulated upon receipt of formal submission of general building plans.”

Agenda Item 17

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/691-1 Proposed Comprehensive Commercial/Residential Development cum Educational Institution (Post-secondary College) - Proposed Class B Amendments to the approved scheme under Application No. A/ST/691 in “Comprehensive Development Area (1)” zone, Ma On Shan Line Tai Wai Station Site, Sha Tin
(RNTPC Paper No. A/ST/691-1)

85. The Secretary reported that the application was submitted by MTR Corporation Limited (MTRCL) with MVA Hong Kong Limited (MVA) as one of the consultants. The following Members had declared interests in the item:

- | | | |
|---------------------|---|---|
| Ms Janice W.M. Lai | - | having current business dealings with MTRCL |
| Mr Ivan C.S. Fu | - | having current business dealings with MTRCL and MVA |
| Professor S.C. Wong | - | being the Chair Professor and Head of the Department of Civil Engineering of the University of Hong Kong which had obtained sponsorship from MTRCL on some activities of the Department |

86. Members noted that Mr Ivan C. S. Fu had tendered apologies for being unable to attend the meeting and Ms Janice W.M. Lai had already left the meeting. As the interest of Professor S.C. Wong was indirect, he should be allowed to stay in the meeting.

87. Ms Christina M. Lee declared an interest in the item as she and her spouse owned a property in Tai Wai located near the site. Since the concerned property had a direct view on the site, Members agreed that Ms Lee should be invited to leave the meeting temporarily.

[Ms Christina M. Lee left the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application for Class B amendment to the approved scheme under Application No. A/ST/691. In view of the local objection conveyed by the District Officer (Sha Tin), Home Affairs Department (DO(ST), HAD), the subject application was submitted to the Committee for consideration;
- (b) the proposed comprehensive commercial/residential development cum educational institution (post-secondary college) (PSC) - proposed Class B amendments set out in paragraph 1.4 of the Paper;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Leisure and Cultural Services (DLCS) strongly requested for inclusion of a library at a net operable floor area of not less than 500m² at the subject site, and the DO/ST, HAD commented that the local community had all along strongly requested the provision of a library in Tai Wai, in particular at the premises above the Tai Wai Station in view of its convenient location at the Tai Wai town centre. However, such request had not been acceded to by the applicant. It was expected that the locals, Sha Tin District Council (STDC) members and political parties would probably object to the proposed amendments if they were made public. Other concerned departments had no objection to or no adverse comments on the application; and
- (d) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The major views were highlighted as follows:

- (i) the proposed comprehensive commercial and residential development was generally in line with the planning intention of the “Comprehensive Development Area (1)” (“CDA(1)”) zone which was for comprehensive commercial and residential uses with provision of a PSC, open space and other supporting facilities. Compared with the approved scheme, there was no change of the key development parameters including GFA, maximum building height, number of towers and number of flats. The Class B Amendments mainly included increase in basement levels from two to four, private car and motorcycle parking spaces, reduction in bicycle parking spaces and lay-bys for coach, and the new provision of public lay-by;

Building blocks and building form and disposition

- (ii) the bulk/form of the podium was reduced by setting back at least 30m from the cycling track along Shing Mun River Channel and 6.8m from the northern boundary in order to meet the Sustainable Building Design requirement on building permeability and to allow opportunity for provision of larger piazzas at the eastern and southern corners of the site. There were also further setbacks on Levels 2 and 3 of the podium for provision of new landscaped terraces to enhance visual quality. To address the structural and environmental constraints of the site upon detailed assessments, there were minor modifications to the form, disposition and internal layout of the residential towers. The proposed amendments would not result in adverse visual impact. While the building blocks and podium were the subject of environmental mitigation measures, the proposed development, with provision of the proposed mitigation measures would not be susceptible to adverse road traffic or rail noise impact;

Provision of post secondary college

- (iii) while the design of the PSC had been revised from 5-level layout to 3-level layout, a direct and separate access for the PSC was maintained;

Landscape design

- (iv) the Landscape Master Plan (LMP) had been revised by redistribution of the landscape areas and private open space among levels while maintaining the provision of private open space of not less than 8,500m². The amendments on the LMP had no adverse impacts on landscape quality;

Provision of carparking, loading/unloading, and internal road layout and emergency vehicular access

- (v) the layout of carpark was revised to comply with SBD requirement and gross floor area concessions. Such arrangement also released some space in the podium for setback and reduced the podium mass;

Phasing and implementation schedule

- (vi) the revised schedule for completion of the PSC and other parts of the proposed development tallied with the relevant development conditions under the land grant executed in 2015; and

Proposed Public Library

- (vii) regarding DLCS and DO(ST)'s concerns that no public library was proposed in the current scheme, the current provision of public libraries in Sha Tin, including one major library near Sha Tin Town Hall, a small library at Siu Lek Yuen and 14 mobile library service points, and a district library at Yuen Chau Kok near Prince of Wales Hospital being constructed could meet the requirements for Sha Tin district in accordance with the Hong Kong Planning Standards and

Guidelines. PlanD had also conducted rounds of site searches since 2011 but no suitable venue had been identified. Considering the concern of DLCS and the locals, an advisory clause was recommended to urge the applicant to continue liaising with the Leisure and Cultural Services Department to explore the possibility of provision of a small library within the proposed development or other alternatives to address the concern.

89. The Chairman said that the application was to seek planning permission for Class B amendments to the approved comprehensive/residential development with a PSC under application No. A/ST/691 which was approved with conditions by the Committee on 18.12.2009. The application could be considered by the Director of Planning under the delegated authority of the Town Planning Board. As there was local concern relayed by departments, the application was thus submitted for consideration of the Committee.

90. The Vice-chairman noted that as compared to the approved scheme, the provision of bicycle parking under the current application was 43 less. In response, Mr C.K. Tsang, STP/STN, said that the provision of bicycle parking was in accordance with the parking ratio stipulated under the land grant which was based on the average flat size of the proposed development.

Deliberation Session

91. The Chairman said that concerned government departments had no objection to or no adverse comment on the application. Regarding the concern of DLCS and DO(ST) on the provision of a library within the site, he considered it not appropriate to require the provision of a new facility at the Class B amendment stage. However, an advisory clause requiring the applicant to liaise with the relevant departments to explore the possibility of providing a small library as suggested by PlanD could be imposed. Members agreed.

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

- “(a) the submission and implementation of a revised Master Layout Plan (MLP) including a revised development schedule taking into account the approval conditions as stipulated in conditions (b) to (l) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of a riverside promenade of not less than 10m from the lot boundary to the satisfaction of the Director of Planning or of the TPB;
- (d) the design and provision of setbacks at south-eastern and the south-western corners of the application site to the satisfaction of the Director of Planning or of the TPB;
- (e) the submission of a revised Environmental Noise Impact Assessment and implementation of all noise mitigation measures as identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the design and provision of vehicular access, pedestrian circulation system (including the dedicated pedestrian link to the Tai Wai Station), car-parking, loading/unloading and lay-by facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the design and provision of the proposed footbridges to connect the application site with Sun Chui Estate and Tai Wai Maintenance Centre site and the provision of footbridge connections to the existing footbridge system above the roundabout of Che Kung Miu Road/Mei Tin Road with direct and convenient access to Mei Tin Road to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the design and provision of bicycle track and bicycle parking facilities (including temporary bicycle parking during construction stage of the

scheme, and bicycle track and bicycle parking facilities at Tseun Nam Road) to the satisfaction of the Commissioner for Transport or of the TPB;

- (i) the submission of a revised Traffic Impact Assessment and the implementation of traffic improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (j) the design and disposition of the proposed post-secondary college (gross floor area not exceeding 15,000m²) at the development site to the satisfaction of the Secretary for Education or of the TPB;
- (k) the design and disposition of building blocks for the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (l) the design and provision of an emergency vehicular access, water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (m) the submission and implementation of a revised development programme indicating the timing and phasing of the comprehensive development to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the approved MLP, together with the set of approval conditions, will be certified by the Chairman of the Board and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) the approval of the application does not imply that any proposal on building design elements to 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 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 Board may be required;

- (c) to note the comments of the Chief Estate Surveyor/Railway Development, LandsD that for the proposed amendment regarding the location of all above ground car parking spaces to the basement levels, the applicant should comply with Special Conditions (SC)(46) under land grant regarding the quality and sustainable built environment (QBE) requirement for the car parking exemption and the applicant should seek BD's advice on whether the proposed amendment complies with the QBE requirement on GFA concession. For the proposed amendment regarding the updated schedule on completion for the post secondary college (structural shell and external façade) from year 2015/2016 to year 2020, the applicant should complete the structural shell and the external façade of the post secondary college together with eight motor vehicle parking spaces and five motor cycle parking spaces on or before 31.3.2020 under SC(22)(a)(ii) under land grant. The applicant also should comply with all requirements set out in the Special Conditions and the right of the Government to approve or reject plans, including but not limited to the general building plans, the landscape master plan, would not be prejudiced;
- (d) to note the comments of the Commissioner for Transport that there are two pedestrian entrances at Tsuen Nam Road connecting to the retail centre. The proposed development would generate additional pedestrian flow/circulation which would impose traffic impact to the nearby bicycle track, footpath and bicycle parking facilities. The applicant should assess the traffic impact and formulate mitigation measures as necessary in the revised Traffic Impact Assessment for further consideration;

- (e) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by the BD. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (f) to note the comments of the Secretary for Education that he may suggest changes to the revised scheme/layout of the post secondary college at a later stage, subject to the comments of the concerned government departments;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that more street tree planting shall be provided as per the endorsed Planning Brief;
- (h) to note the comments of the Chief Building Surveyor/New Territories East (2) & Rail, BD that the new design parameters under the proposed amendments would likely necessitate an extensive revision of the approved General Building Plans (GBP), which should constitute a major revision of plans under the Buildings Ordinance (BO) pursuant to Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-55. Accordingly, the legislations and policies prevailing at the time of submission of such GBP should be applicable. In case GFA concessions under the BO for green/amenity features and non-mandatory / non-essential plant rooms and services are entailed in the proposed development, the Sustainable Building Design (SBD) Guidelines as promulgated vide PNAP APP-151 and APP-152 should be complied with. As the GBP for the proposed development have not been submitted, it is premature to advise if the current scheme has achieved full compliance with SBD Guidelines. The applicant's attention should be drawn to the discussions and decisions of the Building Committee I (BCI) 1 4/2013 on 29.1.2013 and BCI 1 20/2015 on 9.6.2015 in response to the enquiries submitted by the Authorised Person (AP) appointed by the applicant to seek BD's agreement on some deviations

from the SBD Guidelines. Further to BCI 1 20/2015, the AP is still required to submit further information for BD's consideration. The applicant should be reminded that the BCI's decisions were based on the details provided by the AP and any deviations from/changes to such details may render the decisions null and void. Besides, the railway station and covered railway tracks, the public transport terminus/interchange, the bicycle parking spaces and post-secondary college and any covered floor spaces (e.g. the proposed covered walkway system) should be accountable for GFA calculation under the BO unless exempted. Detailed comments will be provided during the GBP submissions to the BA;

- (i) to note the comments of the Chief Architect/Advisory & Statutory Compliance, Architectural Services Department that the changes in the provision of private car parking space and bicycle parking spaces should be in accordance with the Hong Kong Planning Standards and Guidelines. The applicant should ensure that the proposed planting species could be properly maintained under shading as some of the proposed landscape areas are under cover, in particular to the G/F open area along the Ma On Shan line viaduct. The applicant is advised to review whether the number of basement storeys could be reduced by adjusting the extent of basement since the increase in basement storeys may reduce its efficiency for accommodating the associated required staircases and building services, etc.;
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that since there are two DN300 WSD sludge pipes across the subject site, a Water Works Reserve is to be created to protect the twin sludge pipes and that since the site is closed to the existing DN600 fresh water mains and the proposed DN600 fresh water mains along Che Kung Miu Road, the proposed development should not affect the existing mains and the construction of the proposed mains; and
- (k) to note the comments of the Director of Leisure and Cultural Services and the District Officer (Sha Tin), Home Affairs Department that since there is

strong demand for a small library from the locals and in view of the central location of the site with good accessibility, there is a need to provide a small library within the proposed development to serve the local community. The applicant should liaise with the relevant departments and explore the possibility to provide a small library within the proposed development or other alternatives to meet the public need.”

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/543 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1335 S.D in D.D. 10, Ng Tung Chai, Tai Po
(RNTPC Paper No. A/NE-LT/543)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application as there were active agricultural activities in the vicinity of the site which had high potential for agricultural rehabilitation. The Director of Environmental Protection and the Chief Engineer/Construction, Water Supplies Department objected to the application as the site fell within the upper indirect Water Gathering Ground (WGG);

- (d) during the first three weeks of the statutory publication period, a comment objecting to the application from Designing Hong Kong Limited was received. The objection was made on grounds that the proposed development was not in line with the planning intention of the “Agriculture” zone, no impact assessment had been conducted and land was available in the “Village Type Development” (“V”) zone for Small House development; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The site fell within “Agriculture” (“AGR”) zone, the planning intention of which was primarily to retain and safeguard good quality agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The proposed development was not in line with the planning intention. There were active agricultural activities in the vicinity of the site which had high potential for agricultural rehabilitation. The site was located outside the southern fringe of Ng Tung Chai and about 65m away from the village cluster. Approval of the application might set an undesirable precedent and encourage more village house developments to intrude into the “AGR” zone, resulting in an extension of village development well beyond the existing “V” zone boundary, and irreversibly altering the landscape character. The site fell within the upper indirect WGG. The applicant failed to demonstrate the feasibility of connecting the proposed Small House to the planned public sewerage system which was located at about 80m away from the site. The application was considered not in line with the Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House Development in the New Territories (the Interim Criteria) in that the applicant failed to demonstrate that the proposed NTEH would be able to be connected to the planned sewerage system and would not have adverse impact on the water quality in the area. Moreover, land was still available within the “V” zone of Ng Tung Chai. It was more appropriate to concentrate the proposed Small House

development within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services. The similar applications were approved with conditions mainly on the grounds of general compliance with the Interim Criteria and there was a general shortage of land for Small House development in the “V” zone at the time of consideration. The remaining similar applications were rejected mainly on the grounds that there was no general shortage/the applicants had failed to demonstrate that there was a general shortage of land in meeting the demand for Small House development in the “V” zone and the proposed developments were not in line with the planning intention of the “AGR” zone. The current application, which might cause adverse impact on the water quality within the WGG, did not warrant the same consideration of the approved applications. Regarding the opposing public comment, the planning assessment and comments of relevant government departments were relevant.

95. Members had no question on the application.

Deliberation Session

96. 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 which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification provided in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small

House in New Territories in that the proposed development located within the Water Gathering Ground (WGG) would not be able to be connected to the existing or planned sewerage system in the area. The applicant fails to demonstrate that the proposed development located within WGG would not cause adverse impact on the water quality in the area; and

- (c) land is still available within the “Village Type Development” (“V”) zone of Ng Tung Chai which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

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

Agenda Item 19

Section 16 Application

[Open Meeting]

A/NE-LT/544 Proposed Temporary Private Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Agriculture” and “Village Type Development” zones, Lot 701 RP (Part) in D.D. 19, She Shan Tsuen, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/544)

97. The Committee noted that the applicant requested on 19.8.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of the Transport Department on the proposed vehicular access. This was the first time that the applicant requested for deferment of the application.

98. 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/NE-LYT/576 Renewal of Planning Approval for Temporary Retail Shop (Building Materials and Metalwares) for a Period of 3 Years in "Agriculture" and "Village Type Development" zones, Lots 578 RP(Part), 579 RP(Part), 580 RP in D.D.83 and adjoining Government Land, Kwan Tei, Fanling
(RNTPC Paper No. A/NE-LYT/576)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary retail shop (building materials and metalwares) under Application No. A/NE-LYT/490 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received. A North District Council member supported the application as it would bring convenience to villagers. The Chairman of Fanling District Rural Committee stated that he had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The development scheme submitted under the current renewal application was identical to the previously approved scheme. While the development under application was not in line with the planning intentions of the “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones, approval of the application on a temporary basis for another 3 years would not frustrate the long-term planning intention of both the “AGR” and “V” zones. The development was considered not incompatible with the surrounding land uses which were mixed uses comprising open storage, warehouse, vehicle repair workshop and domestic structures. The application generally complied with the Town Planning Board Guidelines No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development as government departments consulted had no objection to or no adverse comment on the application and all the approval conditions for the last application had been complied with.

100. Members had no question on the application.

Deliberation Session

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 19.9.2015 to 18.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night time operation between 9:00 p.m. and 7:00 a.m. is allowed on the

site during the planning approval period;

- (b) the setback of the eastern and northern boundary of the site to provide clearance of 3.5m from the crest of the Kwan Tei River embankment to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the existing drainage facilities implemented under Application No. A/NE-LYT/490 on the site shall be maintained properly at all times during the planning approval period;
- (d) the environmental mitigation measures implemented under Application No. A/NE-LYT/490 on the site shall be maintained properly at all times during the planning approval period;
- (e) the existing trees and landscape plantings implemented under Application No. A/NE-LYT/490 on the site shall be maintained properly at all times during the planning approval period;
- (f) the vehicular access, car parking and loading/unloading spaces and manoeuvring paths implemented under Application No. A/NE-LYT/490 on the site shall be maintained properly at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.12.2015;
- (h) the submission of proposals for fire service installations and water supplies for fire-fighting within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.3.2016;
- (i) in relation to (h) above, the provision of fire service installations and water

supplies for fire-fighting within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.6.2016;

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

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

- “(a) the permission is given to the uses under application. It does not condone any other uses which currently exists on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such uses not covered by the permission;
- (b) to note the comments of the District Lands Officer/North, Lands Department (LandsD) as follows:
 - (i) the actual occupation area is larger than the site. Some portions of the adjoining Lots 577 and 581 S.I in D.D. 83 have also been occupied. Moreover, there are unauthorised structures erected on the lots concerned, the adjoining government land concerned and the adjoining Lots 577 and 581 S.I in D.D. 83 without prior approval from his office. The total built-over area of the aforesaid structures is larger than both the maximum permitted site coverage stipulated in Short Term Waiver (STW) No. 1110 and the one mentioned in the planning application. The said structures are not acceptable under the concerned Lease and STW No. 1110. In addition, the government land concerned has already been occupied. His office

may take enforcement actions against the irregularities; and

- (ii) the owners of the lots shall be advised to apply to his office for modification of STW No. 1110 to regularise the irregularities and cover all the actual occupation area including Lots 577 and 581 S.I in D.D 83 and a Short Term Tenancy (STT) for the occupied Government land, which will be considered by Government in its landlord's capacity. It is noted that the applications for STW/STT, if received, will be processed by his office without prejudice to the aforesaid enforcement actions. Further, there is no guarantee that the applications for STW/STT will be approved. If the STW/STT are approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office;
- (c) to note the comments of the Director of Fire Services as follows:
- (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the proposed site, fire service installations (FSIs) will need to be installed;
 - (ii) in such circumstances, except where building plan is circulated to the Centralised Processing System of Buildings Department (BD), the applicant is required to send the relevant plans to his department incorporated with the proposed FSIs for approval. In doing so, the applicant should note that:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout

plans; and

- (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of the aforesaid plans. The applicant will need to subsequently provide such FSIs according to the approved proposal;
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
 - (ii) the site is located within the flooding pumping gathering ground;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department as follows:
 - (i) the applicant is reminded that the development and the drainage facilities implemented on-site shall not obstruct overland flow/surface runoff and any existing drainage facilities;
 - (ii) the applicant shall make sure that rain water falling on the site shall be collected by a drainage system and conveyed to a proper discharge point(s). The applicant shall maintain such system properly and rectify the system if it is found to be inadequate or ineffective during operation at this own cost. The applicant shall also be liable for and shall indemnify Government against claims and demands arising out of damage or nuisance caused by a failure

of the system; and

- (iii) 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 for the proposed development;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, BD as follows:
- (i) if the existing structure(s) (including temporary structure (s) are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application; and
 - (ii) for Unauthorised Building Works (UBW) erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;
- (g) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the existing access connecting the site and Sha Tau Kok Road is not maintained by HyD; and
- (h) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimise the potential environmental impacts on the adjacent area."

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/516 Proposed Temporary Cold Store (Storage of Vegetables, Fruits and Food) for a Period of 3 Years in “Open Storage” zone and an area shown as ‘Road’, Lots 887, 890 S.A RP, 890 RP and 890 S.B in D.D. 77 and adjoining Government Land, Ping Che, New Territories
(RNTPC Paper No. A/NE-TKL/516)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary cold store for storage of vegetables, fruit and food for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site and environmental nuisance was expected, the closest one was located less than 10m to the west of the site;
- (d) during the first three weeks of the statutory publication period, one supporting public comment from a North District Council member was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. Part of the site fell within an area zoned “Open Storage” (“OS”) in which the subject use was a Column 1 use. The remaining part of the site fell

within an area shown as 'Road' for the proposed Road 5. The Project Manager (New Territories East), Civil Engineering and Development Department advised that there was at present no development programme for Road 5. Approval of the application on a temporary basis for a period of three years would not frustrate the implementation programme of Road 5 and the future development in the area. The application generally complied with the Town Planning Board Guidelines No. 13E on 'Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance' (TPB PG-No. 13E) in that the proposed temporary cold store use was considered not incompatible with the surrounding land uses, and the development was unlikely to cause significant adverse traffic, drainage and landscape impacts on the surrounding area. DEP did not support the application as there were some domestic structures in the vicinity of the site. However, no substantiated environmental complaint concerning the site had been received in the past three years. To address DEP's concern, approval conditions restricting the operation hours and prohibiting operation on Sundays and public holidays were recommended. The site was the subject of a previous planning approval for temporary warehouse for storage of furniture approved by the Committee in 2013. The applicant, being the same applicant as the current application but for a different use, had complied with all the approval conditions stipulated by the Board and its planning permission was valid until 22.11.2016. A total of eight similar applications involving four sites falling partly within areas shown as 'Road' were approved by the Committee between 2002 and 2014. The circumstances of those similar cases were similar to the current application. There had not been any major change in planning circumstances for the area since the approval of these similar applications.

104. Members had no question on the application.

Deliberation Session

105. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years until 4.9.2018, 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 Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the boundary fence on the site shall be maintained at all times during the planning approval period;
- (d) no medium/heavy goods vehicles 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;
- (e) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a 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 4.12.2015;
- (h) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2016;
- (i) in relation to (h) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of planning

approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2016;

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

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

“(a) to note the comments of the District Lands Officer/North, Lands Department (LandsD) that:

- (i) the actual occupation area is larger than the site. It is noted that there are unauthorised structures erected on the lots concerned, the adjoining government land concerned and the adjoining Lot 885 in D.D. 77 without prior approval of his office. The aforesaid structures are not acceptable under the concerned lease. Moreover, the government land concerned has already been unauthorisedly occupied. His office will take lease enforcement and land control actions against the irregularities;
- (ii) it is noted from the site plan provided by the applicant that the proposed vehicular access would be routed through Lots 1552 S.A RP and 1552 S.A ss.1 RP in D.D. 77 and government land. Necessary consent from the owners of these lots may be required; and
- (iii) the owners of the lots concerned shall demolish the unauthorised structures erected on the lots concerned according to the orders

issued by the Building Authority under s.24(1) of the Buildings Ordinance (BO) (Cap. 123) to their satisfaction before applying to his office for a Short Term Waiver (STW) covering all the actual occupation area including Lot 885 in D.D. 77 and a Short Term Tenancy (STT) for the occupied government Land, which will be considered by Government in its landlord's capacity. However, the applications for STW/STT, if received, will be processed by his office without prejudice to the aforesaid lease enforcement and land control actions. Further, there is no guarantee that the applications for STW/STT will be approved. If the STW/STT are approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office;

- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Ping Che Road to the site is not maintained by HyD;
- (c) to note the comments of the Director of Fire Services that:
 - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will need to be installed. In such circumstances, except where building plan is circulated to the Centralised Processing System of Buildings Department (BD), the applicant is required to send the relevant layout plans to Fire Services Department incorporated with the proposed FSIs for approval. In preparing the submission, the applicant should note that:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and

- (b) the locations of the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans; and
 - (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicant will need to subsequently provide such FSIs according to the approved proposal;
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that:
 - (i) the existing water mains adjacent to the site will be affected which may need to be diverted outside the site boundary of the proposed development to lie in government land. A strip of land of 1.5m in width shall be provided for the diversion of the existing water mains. The applicant shall bear the cost of any necessary diversion works affected by the proposed development and submit all the relevant proposals to WSD for consideration and agreement before the works commence; and
 - (ii) the site is located within the flood pumping gathering ground;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, BD that:
 - (i) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the BO and should not be designated for any approved use under the captioned application;
 - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise they

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

- (iii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
 - (iv) if the proposed use under application is subject to the licence, the applicant should be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - (v) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively;
 - (vi) if the site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage; and
 - (vii) detailed comments under the BO will be provided at the building plan submission stage;
- (f) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignments drawings, where applicable) to find out whether there is any underground cable (and/or overhead line)

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

- (i) for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
- (g) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
- (i) the temporary cold store must be granted with a valid food licence issued by the DFEH. In this connection, the applicant should refer to the Food Business Regulation made under Section 56 of the Public Health and Municipal Services Ordinance, Cap. 132;
 - (ii) the operation of the temporary cold store must not cause any environmental nuisance to the surroundings; and

- (iii) the refuse generated by the temporary cold store are regarded as trade refuse. The management or owner of the site is responsible for its removal and disposal at their expenses; and
- (h) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances.”

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/517 Temporary Warehouse (Storage of Cables) with Ancillary Workshop for a Period of 3 Years in “Open Storage” zone and an area shown as ‘Road’, Lot 1552 S.A ss.3 (Part) in D.D. 77, Ping Che, New Territories
(RNTPC Paper No. A/NE-TKL/517)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of cables with ancillary workshop for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site and environmental nuisance was expected;

- (d) during the first three weeks of the statutory publication period, two public comments were received. One comment was received from a North District Council member who had not provided any specific comment. The other public comment was submitted by a group of local residents who raised objection to the application mainly on grounds that the development would worsen the local traffic conditions, and cause road/pedestrian safety problems;

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. Part of the site fell within an area zoned “Open Storage” (“OS”) in which the subject use was a Column 1 use. The remaining part of the site fell within an area shown as ‘Road’ for the proposed Road 5. The Project Manager (New Territories East), Civil Engineering and Development Department advised that there was at present no development programme for Road 5. Approval of the application on a temporary basis for a period of three years would not frustrate the implementation programme of Road 5 and the future development in the area. The application generally complied with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that the proposed development was considered not incompatible with the surrounding land uses and the development was unlikely to cause significant adverse traffic, drainage and landscape impacts on the surrounding area. DEP did not support the application as there were some domestic structures in the vicinity of the site. However, no substantiated environmental complaint concerning the site had been received in the past three years. To address DEP’s concern, approval conditions restricting the operation hours and prohibiting operation on Sundays and public holidays were recommended. The site was the subject of two previous planning applications for similar temporary warehouses which were approved with conditions by the Committee in 2010 and 2014 respectively. All the approval conditions stipulated to the last approved application had been complied with, except

the condition relating to the provision of fire services installations proposal, and the planning permission was valid until 11.7.2017. Nevertheless, as the applicant intended to extend the covered area for warehouse and ancillary workshop uses, a fresh planning application was submitted. As compared with the last approved application, the development scheme submitted under the current application remained largely the same in terms of site layout and major development parameters. A total of eight similar applications involving four sites in the vicinity of the site for warehouse uses partly within areas shown as 'Road' were approved by the Committee between 2002 and 2013. The circumstances of those similar cases were similar to the current application. There had not been any major material change in planning circumstances for the area since the approval of these similar applications. Regarding the public comment objecting to the application, the planning assessments and relevant departmental comments were relevant.

108. Members had no question on the application.

Deliberation Session

109. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:30 p.m. and 8:30 a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the peripheral fencing shall be maintained at all times during the planning approval period;

- (d) no medium/heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) the existing trees and landscape plantings on site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on site shall be maintained at all times during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.12.2015;
- (h) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2016;
- (i) in relation to (h) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2016;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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
- (k) if any of the above planning conditions (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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to note the comments of the District Lands Officer/North, Lands Department (LandsD) that:
- (i) there are unauthorised structures erected on the lot under application without prior approval of his office. The total built-over area of the aforesaid structures is larger than the one mentioned in the planning application. The aforesaid structures are not acceptable under the concerned New Grant and his office will take lease enforcement actions against the irregularities;
 - (ii) from the site plan as provided by the applicant that the proposed vehicular access would be routed through Lots No. 1552 S.A ss.7 RP, 1552 S.A RP and 1552 SA ss.1 RP in D.D. 77 and government land, necessary consent from the owners of Lots No. 1552 S.A ss.7 RP, 1552 S.A RP and 1552 SA ss.1 RP in D.D. 77 may be required; and
 - (iii) the owner of the lot concerned shall apply to his office for a Short Term Waiver (STW), which will be considered by Government in its landlord’s capacity. However, it should be noted that the application for STW, if received, will be processed by his office without prejudice to the aforesaid lease enforcement actions. Further, there is no guarantee that the application for STW will be approved. If the STW is approved, its commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by his office;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Ping Che

Road to the site is not maintained by HyD;

- (d) to note the comments of the Director of Fire Services that:
 - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will need to be installed. In such circumstances, except where building plan is circulated to the Centralised Processing System of Buildings Department (BD), the tenant is required to send the relevant layout plans to Fire Services Department incorporated with the proposed FSIs for approval. In preparing the submission, the applicant should note that:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the location of the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans; and
 - (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicant will need to subsequently provide such FSIs according to the approved proposal;
- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that:
 - (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's

standards; and

- (ii) the site is located within the flood pumping gathering ground;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, BD that:
- (i) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
 - (iv) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively;
 - (v) if the site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage;

and

- (vi) detailed comments under the BO will be provided at the building plan submission stage;

- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignments drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
 - (i) for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary;

 - (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and

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

- (h) to follow the environmental mitigation measures as set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and

Open Storage Sites' issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances.”

Agenda Item 23

Section 16 Application

[Open Meeting]

A/NE-TKL/518 Temporary Social Welfare Facility (Residential Home for People with Disabilities) for a Period of 3 Years in “Agriculture” zone, Lot 1267 in D.D. 84 and adjoining Government Land, Tai Po Tin, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/518)

111. The Committee noted that the applicant requested on 14.8.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of the Environmental Protection Department and the Transport Department. This was the first time that the applicant requested for deferment of the application.

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

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

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 24

Section 12A Application

[Open Meeting]

Y/NE-KTS/6 Application for Amendment to the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/14, to rezone the application site from “Comprehensive Development Area”, “Recreation”, “Government, Institution or Community” and an area shown as ‘Road’ to “Comprehensive Development Area (1)”, Lots 884 RP, 887 S.C RP (Part), 888, 889 (Part), 891, 892, 893, 894, 895, 896, 897 RP (Part), 898 RP, 899, 900, 901 S.A RP, 901 RP, 929 S.C RP (Part), 930 RP, 931 (Part), 934 (Part), 935 S.A (Part) and 936 RP (Part) in D.D. 92 and Adjoining Government Land, Sheung Shui, New Territories
(RNTPC Paper No. Y/NE-KTS/6)

113. The Secretary reported that the application was submitted by Base One Limited, a subsidiary of Sun Hung Kai Properties Limited (SHK), with Environ Hong Kong Limited (Environ) and MVA Hong Kong Limited (MVA) as two of the consultants of the applicant. The following Members had declared interests in the item:

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

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

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

Dr W.K. Yau - being the operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK

114. Members noted that Mr Ivan C. S. Fu and Dr W.K. Yau had tendered apologies for being unable to attend the meeting, and Ms Janice W.M. Lai and Ms Christina M. Lee had left the meeting.

115. The Committee noted that the applicant requested on 26.8.2015 for deferment of the consideration of the application for two months so as 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.

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

[Ms Erin S.L. Yeung, 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 Items 25 to 28

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- A/FSS/237 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Green Belt” zones, Lots 3984 S.A ss.2, 3984 S.B, 3985 S.A ss.3 and 3985 S.F in D.D. 51, Wo Hop Shek Village, Fanling
- A/FSS/238 Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone, Lots 3984 RP and 3985 S.E in D.D. 51, Wo Hop Shek Village, Fanling
- A/FSS/239 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Green Belt” zones, Lots 3985 S.D and 3986 S.D in D.D. 51, Wo Hop Shek Village, Fanling
- A/FSS/240 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Green Belt” zones, Lots 3985 S.C and 3986 S.C in D.D. 51, Wo Hop Shek Village, Fanling
(RNTPC Paper No. A/FSS/237 to 240)
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117. The Committee noted that the four applications for Small Houses, submitted by the same representative of the applicants, were similar in nature and the sites were located in close proximity to one another and within the same “Green Belt” (“GB”) zone while Applications No. A/FSS/237, 239 and 240 also fell within the same “Village Type Development” zone. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

118. With the aid of a PowerPoint presentation, Ms Erin S.L. Yeung, STP/FSYLE, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;

- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. Concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, a total of 14 public comments were received. The comments were summarised as follows:

Supporting Comment and Comment without specific opinion

- (i) a North District Council member supported the four applications. The Chairman of the Fanling District Rural Committee indicated that he had no specific opinion on applications No. A/FSS/237, 238 and 240;

Opposing Comments

- (ii) Designing Hong Kong Limited objected to all the applications mainly on the grounds that the proposed Small House developments were incompatible with the planning intention of the “GB” zone and character of the area; and no impact assessment had been conducted;
- (iii) the Chairman of the Sheung Shui District Rural Committee objected to application No. A/FSS/238 on the grounds that the road leading to the site was narrow and adverse traffic impact was anticipated;
- (iv) comment from a villager of Wo Hop Shek Village with 24 signatures objected to application No. A/FSS/239 on the grounds that the development of Small House would lead to environmental

degradation; and

- (v) an individual objected to application No. A/FSS/239 on the grounds that the proposed Small House development would aggravate flooding problem in Wo Hop Shek Village, increase the traffic flow which would cause danger to the villagers and affect the Fung Shui of the village;

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper. The applications generally complied with the Town Planning Board Guidelines No. 10 for “Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 10) as the sites were paved and in close proximity to the existing village, and disturbance on existing landscape resources was not anticipated. The sites and the footprints of the proposed Small Houses fell entirely within the village ‘environs’ of Wo Hop Shek Village and Wo Hing Tsuen. There were 11 similar Small House applications to the immediate south of the application sites which were approved with conditions by the Committee between 2007 and 2012. The proposed Small Houses were located close to the village cluster of Wo Hop Shek Village, and would allow a more orderly development pattern for efficient provision of infrastructure and services. The proposed Small Houses were not incompatible with the surrounding land uses which were predominantly rural in nature with village houses and domestic structures in adjacent areas. Regarding the public comments, the concerned departments had no objection to or no adverse comment on the applications.

119. In response to a Member’s question, Ms Erin S.L. Yeung, STP/FSYLE, said that the site had been used for car parking since 2002.

Deliberation Session

120. After deliberation, the TPB decided to approve the applications, on the terms of

the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 4.9.2019, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions :

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

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

- “(a) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards; and

- (ii) the site is located within the flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department;
- (d) 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; and
- (e) to note the comments of the Director of Environmental Protection that the site is located outside Water Gathering Ground and without public sewerage in the vicinity, the use of properly designed, constructed and maintained septic tank and soakaway (ST/SA) system to handle sewage from the Small House is considered acceptable. The requirements as stipulated in the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC) PN 5/93 should be followed for the design, construction and maintenance of the ST/SA system.”

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

Agenda Item 29

Section 16 Application

[Open Meeting]

A/NE-KTS/404

Proposed Petrol Filling Station with Ancillary Facilities including Office, Shop and Services, Public Toilet, Public Car Park and Excavation of Land in “Green Belt” zone and an area shown as ‘Road’, Lots 3350 S.B ss.1 S.A (Part), 3351 S.B ss.1 (Part) and 3351 S.B ss.2 (Part) in D.D. 91 and Adjoining Government Land, Fan Kam Road, Fanling, New Territories
(RNTPC Paper No. A/NE-KTS/404)

122. The Committee noted that the applicant requested on 21.8.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of the Transport Department, Environmental Protection Department and Urban Design and Landscape Section, Planning Department. This was the first time that the applicant requested for deferment of the application.

123. 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 30

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/464A)

124. The Secretary reported that the application was submitted by Ease Gold Development Limited, a subsidiary of Sun Hung Kai Properties Limited (SHK), with AECOM Asia Company Limited (AECOM), Environ Hong Kong Limited (Environ) and Urbis Limited (Urbis) as three of the consultants of the applicant. The following Members had declared interests in the item:

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

125. Members noted that Mr Ivan C. S. Fu had tendered apologies for being unable to attend the meeting, and Ms Janice W.M. Lai and Ms Christina M. Lee had left the meeting. As the interest of Professor S.C. Wong was indirect, he should be allowed to stay in the

meeting.

126. The Committee noted that the applicant requested on 25.8.2015 for deferment of the consideration of the application for two months in order to allow time to address the comments of the Urban Design & Landscape Section, Planning Department, Transport Department and Drainage Services Department. This was the second time that the applicant requested for deferment of the application.

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

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/476 Temporary Storage of Fertiliser for a Period of 3 Years in "Other Specified Uses" annotated "Railway Reserve" zone, Lots 423 R.P. and 428 R.P. in D.D. 107 and Adjoining Government Land, Fung Kat Heung, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/476)

Presentation and Question Sessions

128. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of fertiliser for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The site fell within the administrative route protection boundary of the Northern Link (NOL). As the exact alignment and development programme of the NOL had yet to be finalized, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Other Specified Uses” annotated “Railway Reserve” (“OU(Railway Reserve)”) zone. The development was considered not incompatible with the surrounding land uses predominated by open storage/storage yards, warehouses, workshop, scattered residential structures/dwellings, and vacant/unused land. Previous and similar applications for various temporary open storage uses were approved with conditions by the Committee within the same “OU (Railway Reserve)” zone taking into account that they were located in Category 2 areas and the applications were generally in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E). As the site was located near those similar applications, approval of the subject application was in line with the Committee’s previous decisions. DEP did not support

the application as there were sensitive receivers in the vicinity of the site. However, no local objection was received during the statutory public inspection period and DEP had not received any substantiated environmental complaint about the site in the past 3 years. To address DEP's concern and mitigate any potential environmental impacts, approval conditions restricting the operation hours and workshop activities and use of heavy vehicles, as well as the requirement on provision of boundary fencing were recommended.

129. Members had no question on the application.

Deliberation Session

130. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;

- (f) the provision of boundary fencing on the site within 6 months from the date of the planning approval to the satisfaction to the Director of Planning or the TPB by 4.3.2016;
- (g) the implementation of the accepted landscape proposal within 6 months from the date of the planning approval to the satisfaction to the Director of Planning or the TPB by 4.3.2016;
- (h) the submission of drainage proposal within 6 months from the date of the planning approval to the satisfaction to the Director of Drainage Services or the TPB by 4.3.2016;
- (i) in relation to (h) above, the implementation of drainage proposal within 9 months from the date of the planning approval to the satisfaction to the Director of Drainage Services or the TPB by 4.6.2016;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2016;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2016;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and

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

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

- “(a) prior planning permission should have been obtained before commencing the storage use at the site;
- (b) the site should be kept in a clean and tidy condition at all time;
- (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 Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. No permission has been given for occupation of government land (GL) included in the site. Attention is drawn to the fact that the act of occupation of GL without Government’s prior approval should not be encouraged. Part of the site falls within 400kV Overhead Powerlines from Yuen Long Substation Kwu Ling Boarder. The site is accessible to Fung Kat Heung Road via GL. His office does not provide maintenance works for the GL nor guarantee right-of-way. The lot owners concerned will need to apply to LandsD to permit excessive/additional structures to be erected or regularise any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (d) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of

the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers of goods vehicles 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 Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department that the site falls within the administrative route protection boundary of the Northern Link (NOL). Although the programme and the alignment of the proposed NOL are still under review, those areas within the railway protection boundary may be required to be vacated at the time for the construction of the proposed NOL;
- (f) to adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that there are existing trees within or adjoining the site. The applicant should adopt the appropriate measures to avoid disturbance of these existing trees during operation;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service

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

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD, they are unauthorised under the BO and should not be designated for any use under the application. Before any new building works (including containers and site offices 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 works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (j) to note the comments of the Director of Electrical and Mechanical Services that 400kV overhead lines (OHL) are running above the site. A minimum vertical clearance of 7.6m between the top of any structure and the lowest point of the OHL conductors must be maintained, and a minimum safety clearance of 5.5m from the OHL conductors in all directions shall be maintained. The contractor should agree with China Light and Power Limited (CLPL) on the safety precautions required for carrying out any works in the vicinity of the 400kV overhead lines. In any time during and after construction, CLPL shall be allowed to get access to the 50 meters working corridor area of the concerned 400kV overhead lines for carrying

out any operation, maintenance and repair work as necessary. 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. As regards the electric and magnetic fields arising from the 400kV overhead lines, the applicant and his contractors should be warned of possible undue interference to some electronic equipment in the vicinity. There is a high pressure town gas pipeline running along San Tam Road which is in the vicinity of the proposed development. The project proponent should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipe routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipes/gas installations if any excavation works is required during the design and construction stages of the development. The project proponent shall also note the requirements of the Electrical and Mechanical Services Department’s Code of Practice on Avoiding Danger from Gas Pipes.”

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/672 Temporary Site Office, Car Park and Open Storage of Precast Units Related to the Central - Wan Chai Bypass - Tunnel (Slip Road 8 Section) Construction for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 509 (Part), 510, 514 (Part) and 515 RP (Part) in D.D. 106, Kam Po Road, Pat Heung, Yuen Long

Presentation and Question Sessions

132. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary site office, car park and open storage of precast units related to the Central-Wan Chai Bypass - Tunnel (slip road 8 section) construction for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection did not support the application as there were sensitive receivers in the vicinity of the site, and environmental nuisance was expected.
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which was intended for the preservation of the character of the rural area. The proposed development, which would involve open storage and car parking uses, was considered not compatible with the surrounding land uses which were mixed with residential structures/dwellings, agricultural land, warehouses, unused land, orchard, organic farm and a ruin. While there were warehouses located to the immediate north of the site, they were “existing use” which was tolerated under the Town Planning Ordinance. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The current application did not comply with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that there was no previous approval for open storage use granted at the site and that existing and approved open storage use should be contained

within the Category 3 areas and further proliferation of such use was not acceptable. DEP did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. The site was involved in six previous applications, three of which for temporary public vehicle park uses were approved with conditions by the Committee, while the other three applications for temporary car park and/or open storage/site office uses were rejected by the Committee. The last application for the same applied use submitted by the same applicant was rejected by the Committee on 2.1.2015 for the reasons that the proposed development was not in line with the planning intention of the “OU(RU)” zone; the application did not comply with TPB PG-No.13E; and the approval of the application would set an undesirable precedent. Since the rejection of the last application, there had been no major change in planning circumstances. Although similar applications for open storage uses within the “OU(RU)” zone were approved, they were located along the eastern boundary of the “OU(RU)” zone or along Kam Sheung Road and that the proposed developments were not incompatible with the surrounding areas and they were all subject to previous approvals for open storage/workshop-related uses. The subject site was generally of rural character, and hence did not warrant the same considerations to the similar applications. Approval of the application would set an undesirable precedent for similar uses to proliferate in this part of the “OU(RU)” zone. The cumulative effect of approving such application would result in a general degradation of the rural character of the area.

133. Members had no question on the application.

Deliberation Session

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

“(a) the development is not in line with the planning intention of the “Other

Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which is for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the application does not comply with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that the development is not compatible with the rural character of the site and its surrounding areas with residential dwellings and agricultural activities, there is no previous planning approval for open storage use granted at the site and there is adverse comment from the relevant department; and
- (c) the approval of the application would set an undesirable precedent for similar applications within this part of the “OU(RU)” zone. The cumulative effect of approving such application would result in a general degradation of the rural character of the area.”

Agenda Items 33 and 34

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/673 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 1184 S.B in D.D. 113, Tai Wo Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/673)

A/YL-KTS/674 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 1184 S.A in D.D. 113, Tai Wo Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/674)

135. The Committee noted that the two applications for Small Houses were similar in nature and the sites were located in close proximity to one another within the same “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

136. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as there were active agricultural activities in the vicinity of the sites and the sites had high potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, two public comments on each of the applications were received. Designing Hong Kong Limited objected to the applications mainly on grounds that the proposed developments were not in line with the planning intention of the “AGR” zone; there was adequate land within the “V” zone for Small House development; approval of the applications would set an undesirable precedent for similar applications in the area; no traffic or environmental

impact assessments had been submitted; similar applications near the site were previously rejected. Another opposing comment requested the Board to reject the applications as the rejection reasons and planning circumstances under the latest previous applications should still be valid; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments made in paragraph 12 of the Papers. The sites had high potential for agricultural rehabilitation and active agricultural activities could be found in the vicinity. There was no strong planning justification in the submissions for a departure from the planning intention of the “AGR” zone. According to the latest estimate by PlanD, there was sufficient land within the “V” zone to meet the outstanding Small House applications, though it could not fully meet the 10-year Small House demand forecast. 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 infrastructure and services. The last Small House applications at the sites were rejected by the Committee and there was no major change in planning circumstances that warranted a departure from the Committee's previous decisions. Four similar Applications were recently rejected by the Committee. The 18 approved applications mentioned by the applicants were granted by the Committee before the first promulgation of the Interim Criteria, except application No. A/YL-KTS/325 which was approved with conditions by the Committee in 2004 on sympathetic consideration as the same scheme for Small House development had previously been approved, and should only be regarded as a special case. The current applications were different from the approved applications quoted by the applicants in terms of planning circumstances and considerations.

137. Members had no question on the applications.

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

- “(a) the proposed Small House development is not in line with the planning intention of the “Agriculture” 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) land is still available within the “Village Type Development” zone of Tai Wo and Cheung Po where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 35

Section 16 Application

[Open Meeting]

A/YL-SK/208 Proposed Temporary Asphalt Plant for a Period of 3 Years in
“Industrial (Group D)” zone, Lots 607 S.A (Part), 607 S.B (Part), 607
S.C (Part), 607 S.E (Part), 607 S.F, 607 S.G (Part), 607 S.H (Part), 607
S.I (Part), 607 S.J (Part), 607 S.K (Part) and 607 S.L (Part) in D.D.
114, Sheung Tsuen, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/208A)

139. The Committee noted that the applicant requested on 27.8.2015 for deferment of the consideration of the application for two months in order to allow time for preparing the

additional assessments required by the Environmental Protection Department and Drainage Services Department. This was the second time that the applicant requested for deferment of the application.

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

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/209 Proposed School Extension (Pat Heung Central Primary School) in
"Village Type Development" zone, Lots 348 S.A, 350 , 357 & 359 S.A
in D.D. 112, 199, Lin Fa Tei, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-SK/209)

Presentation and Question Sessions

141. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed school extension (Pat Heung Central Primary School);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application from the landscape perspective as it was very likely that the proposed development would affect some of the existing trees. The proposed treatment to the existing trees was missing in the proposal and the applicant failed to demonstrate if the adverse landscape impact could be mitigated;
- (d) during the first three weeks of the statutory publication periods, two public comments were received. A Yuen Long District Council member supported the application as the proposed school extension could address the problem of inadequate school places and improve the existing school environment. A local resident raised concerns on the potential flooding and traffic congestion problems to be caused by the proposed development, and suggested that the vehicles should access the school by Shek Kong Airfield Road in future; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed school extension was not in conflict with the planning intention of “Village Type Development” zone as the site had already been used for school purpose, the proposed annex building was intended to facilitate the future development of the existing Pat Heung Central Primary School, and the additional school places created from the proposed extension building could also meet the demand of school places from the local villages. The scale of the proposed development was considered not excessive and not incompatible with the surrounding areas. It would unlikely cause any significant traffic, visual, drainage, environmental and heritage impacts on the surrounding areas. Regarding CTP/UD&L, PlanD’s concern on potential impact on the existing trees, an approval condition requiring the submission and implementation of landscape and

tree preservation proposals was suggested. Regarding the public comments, relevant government departments had no objection to or no adverse comment on the application.

142. Members had no question on the application.

Deliberation Session

143. 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 4.9.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the provision of water supplies for fire-fighting and fire service installations prior to the commencement of the development to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that 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 prior approval of the Government. The site is accessible to Kam Sheung Road via private land

and government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The private land of Lots 359 S.A and 369 S.A in D.D. 112 are covered by a Short Term Waiver to permit structures for the purpose of “School”. Part of the site falls within Shui Lau Tin Site of Archaeological Interest. The lot owners concerned will need to apply to his office to permit additional/excessive structures to be erected or regularize any irregularities on-site. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (c) to note the comments of the Director of Environmental Protection that the proposed school extension may be subject to noise impact from the operation of the Shek Kong Airfield. The applicant should follow the Class Assessment Document for Standard Schools in providing suitable mitigation measures to minimize any environmental impacts as far as practicable;
- (d) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should make reference to the Guidelines on Tree Transplanting from the Greening, Landscape and Tree Management Section of Development Bureau and consider whether tree transplanting will be the most appropriate option for the affected trees;

- (f) to note the comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department that as shown in the floor plan at Drawing A-2 of the Paper, the proposed library, art room, etc. are north-west facing. In view of the importance of natural lighting for the proposed uses, it is advised that appropriate orientation of these activity rooms and solar control devices should be considered to reduce solar heat gain and glare as far as practicable. As noted from the section and elevation plan at Drawing A-3 of the Paper, a 4.8m floor-to-floor height is proposed for the uses such as classrooms, library and the associated facilities which appear excessive. Physical segregation between manoeuvring area of the vehicles, i.e. school bus and the playground/inner courtyard should be provided. The applicant should be advised that crossing between pedestrian and vehicular circulation should be avoided, in particular to the primary school users. The applicant is advised to consider the flooding measures between the building and the adjoining ground level and indicate such measures on the proposal. The applicant should consider accommodating the street fire hydrant tank at underground level to allow more on-grade landscape area for the primary school users;

- (g) 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;

- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that there are some mature trees within the site. The applicant should preserve these existing trees during construction and operation as far as possible;

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

relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the site, 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;

- (j) to note the comments of the Director of Leisure and Cultural Services that the proposed extension blocks are in close proximity to a Grade 2 historic building, Tung Yik School (now named as Pat Heung Central Primary School). The Antiquities and Monuments Office (AMO) has no adverse comment on the application given that the proposed development would not cause any damage to the historic building. To protect the Grade 2 historic building, appropriate precautionary measures shall be in place during the course of works. Since the subject site is situated in the close vicinity of the Shui Lau Tin Site of Archaeological Interest, the applicant is required to inform AMO immediately in case of discovery of antiquities or supposed antiquities in the subject site during the course of excavation works;
- (k) to note the comments of the Secretary of Security that since the site is in close proximity to the Shek Kong Airfield runway, consideration should be given to the noise impact from the aircraft flying activities; and
- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that 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 respectively.”

Agenda Item 37

Section 16 Application

[Open Meeting]

A/YL-SK/210

Proposed Utility Installation for Private Project (Electricity Transformer Room) in “Village Type Development” zone, Lots 692 S.B (Part), 692 S.C (Part), 692 S.D, 692 RP (Part) in D.D. 112, Lin Fa Tei, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-SK/210)

145. The Committee noted that the applicant requested on 14.8.2015 for deferment of the consideration of the application for two months in order to allow time to address the comments of relevant departments. This was the first time that the applicant requested for deferment of the application.

146. 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 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed religious institution (with ancillary shrines, elderly centres and canteen);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Major departmental comments were highlighted below:
 - (i) the Commissioner for Transport (C for T) did not support the application as there was no information/assessment in the submission regarding the number of visitors to the proposed facilities and how those visitors would be arriving at the site. The nature of the application would attract crowds of people during the festival dates. The proposed provision of two visitor parking spaces and loading/unloading bays was insufficient and the parking layout was in conflict with the overall layout of the proposed development. There was also no maneuvering area for turning.

The inadequate parking arrangement would lead to illegal parking on the sub-standard local access, the traffic on the road would be completely blocked;

- (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation with water supply and road access;
 - (iii) the Director Environmental Protection (DEP) had reservation on the sewerage aspect of the proposal as the applicant had not provided information on disposal arrangement and estimated number of users;
 - (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. The site was currently occupied by structures for fish farming with existing trees found near the eastern boundary and southern portion of the site. The applicant had not submitted a tree survey plan and conceptual landscape design, the impact on existing trees and the feasibility of the landscape and tree preservation proposal could not be fully ascertained. There was a general presumption against development in the “Green Belt” (“GB”) zone and the site was adjacent to a “Conservation Area” (“CA”) zone. Approval of the application would set an undesirable precedent attracting more non-compatible uses encroaching onto the “GB” zone that would further deteriorate the landscape quality of the green belt and undermine the intactness of the “GB” zone; and
- (d) during the first three weeks of the statutory publication period, one comment from the San Tin Rural Committee (STRC) objecting to the application was received. The grounds of the objection were that the site fell within the boundary of an indigenous village and the rights of indigenous villagers would be affected; the local road serving the nearby village/the site was already congested, and would not be able to accommodate additional traffic during special festivals; and the proposal

would affect the feng shui of the village. STRC had also submitted the same objection to the District Office (Yuen Long), Home Affairs Department; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within the zone. The proposed development did not comply with the Town Planning Board Guidelines No. 10 for “Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 10). The surrounding areas were generally rural in character. The site abutted a densely vegetated hillside which was zoned “CA” on the Ngau Tam Mei OZP, and the proposed structures might be in conflict with the existing trees within the site. As the applicant had not submitted a tree survey plan and conceptual landscape design, the impact on existing trees and the feasibility of the landscape and tree preservation proposal could not be fully ascertained. DAFC did not support the application from the agricultural point of view as the site had high potential for agricultural rehabilitation. No technical assessments on traffic, drainage, sewerage and environmental aspects had been submitted to demonstrate that the proposed development would not have adverse impacts on the surrounding areas. There was no information/assessment in the submission regarding the number of visitors to the proposed facilities and how those visitors would be arriving at the site. The provision of visitor parking spaces and loading/unloading bays proposed by the applicant was insufficient and was in conflict with the overall layout of the proposed development. There was also no information in the submission on the sewage disposal arrangement. There was no information to prove that the applicant was a bona fide religious organisation. The similar application for a temple development was rejected by the Committee/Board in 2005 mainly on grounds that the

proposed development was not in line with the planning intention of the “GB” zoning, and there was no strong justification provided to justify a departure from the planning intention; there was insufficient information to demonstrate that the development would not have adverse traffic impact on the nearby road network; and approval of the application would set an undesirable precedent for applications for other developments within the “GB” zone. Regarding the comment of the STRC, there was no indigenous village in the vicinity of the site.

148. Members had no question on the application.

Deliberation Session

149. 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 “Green Belt” (“GB”) zoning which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. No strong planning justification has been provided in the submission to justify a departure from the planning intention;
- (b) the applicant fails to demonstrate that the proposed development would not have adverse traffic, drainage, sewerage, environmental and landscape impacts on the surrounding areas; and
- (c) the approval of the application will set an undesirable precedent for applications for other developments within the “GB” zone, the cumulative effect of which will result in a general degradation of the environment of the “GB” zone.”

Agenda Item 39

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/319A)

150. The Committee noted that the applicant requested on 26.8.2015 for deferment of the consideration of the application for two months in order to allow more time to complete the necessary assessments to address the environmental and traffic issues. This was the second time that the applicant requested for deferment of the application.

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

Agenda Item 40

Section 16 Application

[Open Meeting]

A/YL-ST/471 Temporary Public Vehicle Park (Excluding Container Vehicles) for a Period of 3 Years in “Village Type Development” zone, Lots 3048 S.B, 3048 RP, 3049 RP, 3050 RP in D.D. 102 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/471)

152. The Committee noted that the applicant requested on 14.8.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of responses to comments from the District Lands Officer/Yuen Long, Lands Department. This was the first time that the applicant requested for deferment of the application.

153. 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 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/472 Renewal of Planning Approval for Temporary Public Vehicle Park
(Excluding Container Vehicle) for a Period of 3 Years in “Village Type
Development” zone, Lot 3405 in D.D. 102 and Adjoining Government
Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/472)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary public vehicle park (excluding container vehicle) under application No. A/YL-ST/422 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, the temporary public vehicle park under application could satisfy some of the local parking demand arising from the local villagers and the general public.

There was no Small House application at the concerned lot. The use of the site for temporary public vehicle park on a temporary basis would not frustrate the long-term planning intention of the subject “V” zone. The applied use was not incompatible with the surrounding land uses, which comprised mainly vehicle parks and village houses. The current application for renewal of the permission under Application No. A/YL-ST/422 was in line with the Town Planning Board Guidelines No. 34B on “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34B) and the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E). To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting the type of vehicles and activity on-site, and requiring maintenance of the existing trees and existing drainage on the site were recommended.

155. Members had no question on the application.

Deliberation Session

156. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 24.10.2015 to 23.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;

- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (e) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;
- (f) the existing tree planting within the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of as-built drainage plans and photographic records of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.1.2016;
- (i) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.4.2016;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.7.2016;

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

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the application site and the access to the site;
- (b) the planning permission is given to the development/use(s) and structures under application. It does not condone any other development/use(s) and structure(s) which currently occur(s) on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use(s) and remove such structure(s) not covered by the permission;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises a private lot known as Lot No. 3405 in D.D. 102 which is held under the New Grant No. 2474 for private residential purpose and adjacent government land (GL). His office reserves the right of any appropriate action to be taken against the lot owner under the lease of the lot, in the event of any breach of the lease conditions and any irregularities found at the lot. No permission is given for occupation of GL (about 551m² 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 temporary use of the lot as a public vehicle park or regularise any irregularity on site. The applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including the payment of premium or fee, as may be imposed by LandsD;

- (d) to note the comments of the Commissioner for Transport that the site is connected to an unknown local access road which is not managed by Transport Department (TD). The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Castle Peak Road – San Tin should be commented by TD. If the proposed run-in is agreed by TD, the applicant should construct a run in/out at the access point at the Castle Peak Road – San Tin in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. HyD is not and shall not be responsible for the maintenance of any access connecting the site and 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;
- (f) to note the comments of the Director of Fire Services that in consideration

of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised that: (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the 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 containers and open sheds as temporary buildings) are to be carried out on the site, prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that all the drainage facilities should be

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

- (i) to note the comments of the Commissioner of Police that there shall be no activities associated with General Merchandise Operator whatsoever to be allowed on site and only vehicles may park on site and no containers or any lorry of storage be allowed on site at any time; and
- (j) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area.”

Agenda Items 42 and 43

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/473 Proposed House (New Territories Exempted House - Small House) in
“Village Type Development” and “Green Belt” zones, Lot 453 S.E in
D.D. 99, Chau Tau, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/473)

A/YL-ST/474 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Green Belt” zones, Lot 453 S.D in D.D. 99, Chau Tau, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/474)

158. The Committee noted that the two applications for Small Houses were similar in nature and the sites were located in close proximity to each other within the same “Village Type Development” (“V”) and “Green Belt” (“GB”) zones. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

159. Mr K.T. Ng, STP/FSYLE, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix IV of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites were surrounded by active agricultural activities with road access and water sources. The sites were covered by some fruit trees and weeds and possessed high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications as approval of the applications would set undesirable precedents for similar applications within the “GB” zone;
- (d) during the first three weeks of the statutory publication period, four public comments on each of the applications were received from the Kadoorie

Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and an individual. The commenters objected to the applications mainly on the grounds that the use under applications was not in line with the planning intention of “GB” zone and the Town Planning Board Guidelines No. 10 on “Application for Development within “Green Belt” zone” (TPB PG-No. 10); approval of the applications would set undesirable precedents for similar applications in the area; the use under the applications was not compatible with the surrounding agricultural use; and no impact assessments were included in the applications; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments set out in paragraph 13 of the Papers. The proposed developments were not in line with the planning intention of the “GB” zone and no strong planning justification had been given in the submissions for a departure from the planning intention of the “GB” zone. According to the latest estimate, the land available within the “V” zone of Chau Tau Tsuen and Poon Uk Tsuen was sufficient to meet the outstanding Small House applications. 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 infrastructure and services. The proposed developments did not comply with the TPB PG-No. 10 as they would involve extensive clearance of vegetation adversely affecting the landscape character of the surrounding areas. DAFC did not support the applications from agricultural development point of view as the sites possessed high potential for agricultural rehabilitation. Approval of the applications would set an undesirable precedent for other similar applications within the “GB” zone and encourage further expansion of village type development in the green belt. The cumulative effect of approving such applications would lead to general deterioration of the landscape quality of the green belt and undermine the intactness of the “GB” zone. Although the sites formed part of a previous application for two NTEH/Small House developments, it was approved by the Committee in 1996 before the first

promulgation of the Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House Development in the New Territories (Interim Criteria) in 2000. The previous planning permission lapsed in 1998. A total of 6 similar applications were all rejected by the Committee between 2001 and 2007. Regarding the public comments, the above assessments were relevant.

160. Members had no question on the applications.

Deliberation Session

161. After deliberation, the Committee decided to reject the applications. Members then went through the reasons for rejection as stated in paragraph 14.1 of the Papers and considered that they were appropriate. The reasons for each of the applications were :

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which is to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for “Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 10) in that the proposed development would involve extensive clearance of existing natural vegetation that could adversely affect the landscape character of the surrounding areas;
- (c) land is still available within the “Village Type Development” (“V”) zone of Chau Tau Tsuen and Poon Uk Tsuen where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing

village cluster within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services; and

- (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the natural environment in the area.”

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/475 Temporary Vehicle Park for Goods Vehicles and Container Vehicles and Tyre Repair Area with Ancillary Canteen and Site Office for a Period of 3 Years in “Residential (Group D)” zone, Lots 56 RP, 165 RP, 166 RP, 167 S.B RP in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/475)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because the use under application

involved movement of goods vehicles and container vehicles, and there were residential dwellings within 100m from the boundary of the site. Environmental nuisance was expected.

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “Residential (Group D)” (“R(D)”) zone as there was no immediate development proposal for the site. The applied use was not incompatible with the surrounding land uses which comprised mainly open storage yards, vehicle parks, shop and services (sale of vehicle parts and accessories) and vehicle repair workshops. The application was in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that the site fell within the Category 2 areas where previous planning approvals for the same applied use had been granted since 2006. All approval conditions of the last approved application had been complied with. DEP did not support the application as there were residential dwellings within 100m from the boundary of the site. However, there was no environmental complaint related to the site in the past 3 years. To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting the operation hours and requiring maintenance of existing trees, drainage facilities, paving and boundary fencing were recommended. Approval of the current application was in line with the previous decisions of the Committee.

163. Members had no question on the application.

Deliberation Session

164. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the setting back of the boundary of the site to avoid encroachment onto the works limit of project PWP Item No. 7259RS cycle tracks connecting North West New Territories with North East New Territories – Tuen Mun to Sheung Shui Section (Remaining) as and when required by the Government to the satisfaction of the Director of Civil Engineering and Development or of the TPB;
- (b) no vehicles without valid licences issued under the Road Traffic Ordinance are allowed to be parked/stored on the site during the planning approval period;
- (c) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no operation between 7:00 a.m. and 11:00 a.m., and between 6:00 p.m. and 11:00 p.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (e) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;
- (f) the existing trees within the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of as-built drainage plans and photographic records of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the

TPB by 4.12.2015;

- (i) 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 4.3.2016;
- (j) in relation to (i) 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 4.6.2016;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issues relating to the temporary development with the concerned owner(s) of the site;
- (b) the permission is given to the development/uses under application. It does not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove the structures not covered by the permission;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval of the Government. No permission is given for occupation of government land (GL) (about 690m² subject to verification) included in the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Shek Wu Wai Road through a local track on GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owners concerned will need to apply to his Office to permit the structures to be erected or regularise any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by 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 comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Shek Wu Wai Road should be commented by the Commissioner for 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 Shek Wu Wai Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. HyD is not and shall not be responsible for the maintenance of any access connecting the site and Shek Wu Wai Road. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;

- (e) to note the comments of the Director of Agriculture, Fisheries and

Conservation that the applicant should adopt good site practices and necessary measures to avoid causing water pollution to the nearby watercourse;

- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised that: (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorised under the BO and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under

the BO. If the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that all the drainage facilities should be maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during the planning approval period. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by DSD is currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection shall be obtained. The applicant is reminded that the drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult DLO/YL, LandsD regarding all the drainage works outside the site boundary in order to ensure the unobstructed discharge from the site in future;
- (i) to note the comments of the Commissioner of Police that the site should not be used for parallel trading activities;
- (j) to note the comments of the Director of Food and Environmental Hygiene that no Food and Environmental Hygiene Department's facilities will be affected. The works shall not cause any environmental nuisance to the surrounding and a proper food licence issued by his Department is necessary if any class of food business is open for public; and

- (k) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise potential environmental impacts on the surrounding area.”

[The Chairman thanked Ms Erin S.L. Yeung, Mr Kepler S.Y. Yuen and Mr K.T. Ng, STPs/FSYLE, for their attendance to answer Members’ enquiries. Ms Yeung, Mr Yuen and Mr Ng left the meeting at this point.]

Tuen Mun and Yuen Long West District

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

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/479 Proposed Shop and Services (Real Estate Agency) in “Other Specified Uses” annotated “Business” zone, Workshop Unit 161 on G/F, Hang Wai Industrial Centre, No. 6 Kin Tai Street, Tuen Mun, New Territories
(RNTPC Paper No. A/TM/479)

Presentation and Question Sessions

166. 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) the proposed shop and services (real estate agency);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 397 public comments from individuals were received. All comments objected to the application mainly on grounds that the proposed use would reduce the number of industrial premises, resulting in an increase in the price of the premises; and the surrounding units were for industrial uses which would be in conflict with the proposed commercial uses in terms of safety; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was considered in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone and was not incompatible with the other uses in the subject building. The proposed development was also in line with the Town Planning Board Guidelines No. 22D on ‘Development within “Other Specified Uses (Business)” Zone’ (TPB PG-No. 22D) in that the aggregate commercial floor area at the G/F of the subject building comprising the shop and service use under the current application would not exceed the maximum permissible limit of 460m². Unlike the five similar applications which were recently rejected on grounds of unacceptable means of escape, separate means of escape was available for the premises of the current application because it fronted directly onto Kin Tai Street. The Director of Fire Services had no in-principle objection to the application subject to fire service installations being provided. In view of the nature of operation and small scale of the applied use, no significant adverse traffic, environmental and infrastructural impacts on the surrounding areas were anticipated. Regarding the public comments, comments from relevant

government departments and the planning assessments above were relevant.

167. Members had no question on the application.

Deliberation Session

168. 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 4.9.2017, 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 safety measures including the provision of a separate means of escape for and provision of fire service installations in the application premises to the satisfaction of the Director of Fire Services or of the TPB before operation of the applied use; and
- (b) if the above planning condition is not complied with before the operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

169. 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 (LandsD) that the proposed ‘Shop and Services (Real Estate Agency)’ use does not comply with the user restrictions of the lease conditions. The applicants will need to apply to LandsD for a temporary waiver for the proposal. The proposal will only be considered upon their receipt of formal application from the applicants. There is no guarantee that the application, if received by LandsD, will be approved and he reserves his comment on such. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and

conditions as the Government shall deem fit to do so, including, among others, charging of waiver fee and administrative fee;

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

- (c) to note the comments of the Director of Fire Services that all fire service installation (FSI) shall be provided in accordance to “Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises” (the Guidance Note) if the application is approved. The FSI(s) and equipments should be provided to his satisfaction. For the cases involving building works and requiring approval of General Building Plans (GBP), the Fire Services Department (FSD)’s requirement will be formulated upon GBP submission and the procedures stated above for compliance with the BO should apply. For cases where no building works are involved, a submission should be made by the applicants, preferably through a FSI contractor or an AP, to FSD via the relevant District Planning Office of Planning Department. FSD’s requirement will be formulated upon receipt of the layout plans according to the Guidance Note.”

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/745 Proposed Shop and Services in “Industrial” zone, Lots 1278 RP, 1284 S.A and 2024 in D.D.121 and Adjoining Government Land, 9 Ping Tong Street East, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/745A)

170. The Secretary reported that MVA Hong Kong Limited (MVA) was one of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest in the item as he had current business dealings with MVA. The Committee noted that Mr Fu had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director-General of Trade and Industry (DG of TI) had reservation on the application as the 2014 Area Assessments of the Industrial Land in the Territory (2014 Area Assessments) had already revealed that the total industrial stock in Hong Kong would not be able to meet the future demand for industrial uses, there was concern over the further depletion of industrial land if the subject application was approved;
- (d) during the first three weeks of the statutory publication periods, a total of three public comments were received. While a member of the public

objected to the application on grounds of adverse traffic impact. The Hong Kong and China Gas Company Limited (HKCGS) commented that a risk assessment was required to evaluate the risk and to determine the necessary mitigation measures given that the proposed development was in close vicinity to an existing high pressure pipeline and that the applicant should consult and maintain close liaison with HKCGS in the design stage. The remaining commenter opined that resources should instead be invested into other industries such as creative/manufacturing industries; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The 2014 Area Assessments revealed that there was a decline in the vacancy rate of the industrial buildings in the subject “Industrial” (“I”) zone, with the current vacancy rate at 0.1% based on the survey conducted in 2013-2014. In view of the very low vacancy rate and its high usage for industrial uses (about 95% of gross floor area occupied for warehouse/storage and manufacturing/workshop uses), the 2014 Area Assessments recommended that the subject “I” zone be retained as far as possible. The proposed conversion of the existing industrial building was not in line with the planning intention of the “I” zone. No strong planning justification had been given in the submission for a departure from the planning intention. The application was not in line with the Town Planning Board Guidelines No. 25D on “Use/Development within “Industrial” Zone” (TPB PG-No. 25D) in that the applicant had not demonstrated that there was a genuine need for the proposed use under application. There was no similar application within the same “I” zone, and the approval of the application would set an undesirable precedent for similar applications within “I” zone. The cumulative effect of approving such similar applications would result in a loss of industrial floor space in the area. Regarding the public comments, the planning considerations above were relevant.

172. In response to a Member's query, Ms Bonita K.K. Ho, STP/TMYLW, said that the high pressure town gas transmission pipeline mentioned in a public comment was an

underground installation running along Yuen Long Highway. Since it was located in close proximity to the proposed development, the submission of a risk assessment was hence required.

Deliberation Session

173. 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 planning intention of the “Industrial” (“I”) zone is primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. The site is located in San Hei Tsuen Industrial Area in Tong Yan San Tsuen which is an active industrial area and should be retained for industrial use. No strong planning justification has been given 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 for wholesale conversion of existing buildings within “I” zone. The cumulative effect of approving such similar applications would result in a loss of industrial floor space in the area.”

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/751 Temporary Open Storage and Warehouse for Storage of Furniture, Exhibition Materials, Construction Materials/Machinery and Household Detergent for a Period of 3 Years in “Undetermined” zone, Lots 1198 S.A and S.C to S.G (Part), 1202 RP (Part), 1210 S.F RP (Part), 1225 (Part), 1226 (Part), 1238 (Part), 1239 (Part), 1252 (Part) and 1253 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/751)

174. The Committee noted that replacement pages 14 and 15 to include an additional advisory clause (a) were tabled at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage and warehouse for storage of furniture, exhibition materials, construction materials/machinery and household detergent for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, a total of four public comments were received. The commenters raised concerns on

the potential fire hazards associated with the storage items at the site as well as on the impacts generated by the development on the local road network; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use but was designated with this zoning mainly due to concerns of the capacity of Kung Um Road. Although the use of the area was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the Study had yet to be completed and approval of the application on a temporary basis would not frustrate the long-term use of the area. The use under application was not incompatible with the surrounding developments comprising similar uses. The application was generally in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses, and the concerns of relevant government departments were technical in nature which could be addressed through the implementation of approval conditions. Although DEP did not support the application as there were sensitive receivers in the vicinity and environmental nuisance was expected, there had been no environmental complaint against the site in the past 3 years. To address DEP’s concerns, relevant approval conditions to minimise possible environmental impacts were recommended.

176. Members had no question on the application.

Deliberation Session

177. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.9.2018, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no plastic waste, electronic waste and used electrical appliances, as proposed by the applicant, are allowed to be stored on the site at any time during the planning approval period;
- (d) no repairing, dismantling and workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, are allowed to park/store on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) all existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of records of the existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.12.2015;

- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.10.2015;
- (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 4.3.2016;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2016;
- (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;
- (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; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the planning permission is given to the developments/uses under application. It does not condone any other development/use (i.e. workshop) which currently exists on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use not covered by the permission;

- (b) to resolve any land issues relating to the development with the concerned owner(s) at 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 structures are allowed to be erected without the prior approval of the Government. Lots No. 1225, 1238, 1239, 1252 and 1253 all in D.D.119 are covered by Short Term Waivers (STWs) Nos. 3266, 3267, 3268, 3269 and 3280 respectively which permit the structures erected thereon for the purpose of warehouse for storage of furniture, construction materials/machinery and household detergent and ancillary use. The STW holders will need to apply to his office for modification of the STW conditions to regularise any irregularities on site. Besides, the lot owner(s) of the lots without STW will need to apply to his office to permit the structures to be erected or regularise any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on both government land (GL) and private land extended from Kung Um Road. His office does not provide any maintenance work for the GL involved nor guarantee any right-of-way;

- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Kung Um Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. Sufficient space should be provided within the site for manoeuvring of vehicles and no parking is allowed on public road;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His Department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (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 and the location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The attached Good Practice Guidelines for Open Storage (Appendix V of the Paper) should also be adhered to. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. The applicant is also reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. 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 approved use under the captioned

application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with 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 Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 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 shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures: (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary; (ii) prior to establishing any structure within the site, the applicant and/or his contactors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and (iii) the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines

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

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/487 Proposed Eating Place in “Residential (Group B) 2” zone, Shops 12B, 25 and 26A, G/F, Tak Cheung Building, No. 1 Hung Shui Kiu Main Street, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/487)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed eating place;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was to make use of the existing shops for eating place use and would not affect the existing domestic part of the building.

It could also provide restaurant services to the residential neighbourhood and was not incompatible with the restaurants and shops on the G/F of the same building and the surrounding land uses. Relevant government departments had no objection to or no adverse comment on the application. The concern of the Director of Fire Services on fire safety could be addressed through imposing an approval condition.

180. Members had no question on the application.

Deliberation Session

181. 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 4.9.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

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

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

“(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that according to the lease conditions, the grantee shall have no right of ingress or egress to or from the lot for the passage of motor vehicles;

(b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the proposed eating place is subject to the issue of a licence, the applicant is reminded that any proposed building works 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;

- (c) 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 or referral from the licensing authority; and
- (d) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that if the operator intends to operate a food business in the territory, such as General Restaurant/Light Refreshment Restaurant, a licence should be obtained from the DFEH in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). The application for a licence, if acceptable by the Food and Environmental Hygiene Department (FEHD), will be referred to relevant government departments, such as BD, the Fire Services Department, Planning Department, LandsD (if necessary) for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements. Depending on the mode of the operation of food business, the guide to application of different types of licences is available vide FEHD website: http://www.fehd.hksarg/tc_chi/licensing/guide.html.”

Agenda Item 49

Section 16 Application

[Open Meeting]

A/YL-PS/488

Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) and Car Testing Centre (Private Cars and Light Goods Vehicles) with Ancillary Office for a Period of 3 Years in “Government, Institution or Community” and “Residential (Group B) 1” and “Village Type Development” zones, Lots 31 RP and 32 RP in D.D. 121, Ping Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/488)

183. The Committee noted that the applicant requested on 28.8.2015 for deferment of the consideration of the application for one month in order to allow time to address the

departmental comments on the justification for the operation hours of the proposed development. This was the first time that the applicant requested for deferment of the application.

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

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/961 Temporary Storage of Construction Materials and Containers, Logistics Centre and Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots 1802 S.B RP (Part), 1807 (Part), 1826, 1827 S.A, 1827 S.B (Part), 1828 (Part), 1829 (Part), 1830 (Part), 1831 (Part), 1835 (Part), 1836 (Part), 1837, 1838, 1839 (Part) 1843 (Part) and 1844 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/961A)

185. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in D.D.125, Ha Tsuen. Members noted that Ms Lai had already left the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary storage of construction materials and containers, logistics centre and ancillary workshop for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along the access road (Ping Ha Road) and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although the site fell within Hung Shui Kiu New Development Area, the development programme was still being formulated. The current application seeking a temporary permission to use the site for temporary logistics centre and warehouse for storage of construction materials and containers with ancillary workshop for a period of 3 years would not jeopardise the long term development of the area. The proposed development was considered not incompatible with the surrounding uses in the subject “Undetermined” (“U”) zone. The development was also in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that there was no adverse comment from concerned government departments. DEP did not support the application because there were sensitive receivers along the access road of Ping Ha Road and environmental nuisance was expected. However, there was no environmental complaint against the site in the past 3 years. To mitigate any potential environmental impacts, relevant approval

conditions had been recommended. The Committee had approved 17 previous applications involving the site for various open storage and workshop uses since 1996, the approval of the current application was in line with the Committee's previous decisions.

187. Members had no question on the application.

Deliberation Session

188. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation from 8:00 p.m. to 8:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (d) the implementation of the proposed drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.3.2016;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the implementation of the accepted tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2016;

- (g) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2016;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2016;
- (i) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2016;
- (j) if any of the above planning conditions (a), (b), (c) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (d), (f), (g), (h) or (i) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) the site should be kept in a clean and tidy condition at all times;

- (d) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority's 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;

- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land under site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from the Government. The site is accessible to Ping Ha Road through a local track on other private lots and a pavement on government land (GL). His office provides no maintenance works to the GL involved and does not guarantee right-of-way. The Short Term Waiver (STW) holder would need to apply to his Office for modification of the STW conditions. Besides, the lots owner(s) of the lots without STW will need to apply to his Office to permit the structures to be erected or regularise any irregularities on site. Such application(s) will be considered by the LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others, the payment of premium or fees, as may be imposed by LandsD;

- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and adjacent areas. The existing ditch outside the site that the applicant proposed to have final discharge to is not a public drain maintained by his Division but a private installation in private land. The applicant should seek consent from relevant lot owners;

- (g) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department to minimise any potential environmental nuisance;
- (h) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under Transport Department's purview. The land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (i) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Ping Ha Road should be commented and approved by the Transport Department. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (j) to note comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the BO and should not be

designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For the 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 application site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (1) to note the comments of the Chief Town Planner/Studies and Research, Planning Department that according to the Recommended Outline Development Plan for the Hung Shui Kiu New Development Area (HSK NDA) promulgated for public consultation in June 2015, the application site falls within an area zoned "Residential Zone 2", "Residential Zone 2 (with commercial)", "Local Open Space" and "Road". Depending on the development programme of the HSK NDA which is being formulated, further extension of the planning permission should be subject to review of the concerned bureaux and departments."

Agenda Item 51

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/969 Temporary Open Storage of Containers with Ancillary Logistics Uses and Site Office for a Period of 3 Years in “Recreation” and “Open Storage” zones, Lots 545 (Part), 546 S.A (Part), 546 S.B (Part), 547 (Part), 548 (Part), 550 (Part), 551 (Part), 552 (Part), 574 (part), 575 (Part), 576 (Part), 577 (Part), 578 (Part), 579 (Part), 580, 581, 582, 583, 584, 585, 586 (Part), 587 (Part), 588 (Part), 589 (Part), 590 (Part), 591 (Part), 592, 593, 594, 597, 615 (Part), 616 (Part), 617 (Part) and 618 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/969)

190. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in D.D.125, Ha Tsuen. Members noted that Ms Lai had already left the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of containers with ancillary logistics uses and site office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive users along the Ha Tsuen Road and environmental nuisance was expected;

- (d) no public comment was received during the first three weeks of the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The majority of the site was zoned “Recreation”. However, there was not yet any programme/known intention to implement the zoned use. Whilst the site fell within the Hung Shui Kiu New Development Area, the development programme was being formulated. Approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area. The surrounding area had already been occupied by a number of logistics centres, workshops, open storage yards of containers, construction materials and recycling materials. The applied use was not incompatible with the surrounding land uses. The development was also in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that there was no adverse comment from concerned Government departments. While DEP did not support the application as there were sensitive receivers along Ha Tsuen Road, there was no environmental complaint against the site over the past 3 years. To address DEP’s concern and mitigate any potential environmental impacts, relevant approval conditions had been recommended. The last previous planning application submitted by the same applicant for similar open storage use was approved by the Committee in 2013 for a period of 3 years with conditions. The permission was subsequently revoked in 2014 due to non-compliance with approval condition. In that regard, shorter compliance periods were recommended to monitor the fulfilment of approval conditions.

192. Members had no question on the application.

Deliberation Session

193. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years until 4.9.2018, 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 8:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) in relation (a) above, no operation on Saturdays between 2:00 p.m. and 6:00 p.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) the stacking height of containers stored on the site shall not exceed 7 units during the planning approval period;
- (e) no cutting, dismantling, cleaning, repairing, compacting, vehicle repair and workshop activity, is allowed on site at any time during the planning approval period ;
- (f) no left turn of container vehicles into Ha Tsuen Road eastbound, as proposed by the applicant, upon leaving the site during the planning approval period;
- (g) the erection of a ‘Turn Right’ traffic sign at the junction of the access road with Ha Tsuen Road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB during the planning approval period;
- (h) no vehicle is allowed to queue back to public road or reverse onto/from the public road at all times during the planning approval period;
- (i) the existing drainage facilities on the site shall be maintained at all times

during the planning approval period;

- (j) the submission of a condition record of existing drainage facilities within 3 months from the date of planning approval to the satisfaction of Director of Drainage Services or of the TPB by 4.12.2015;
- (k) the implementation of the accepted tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.12.2015;
- (l) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.10.2015;
- (m) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 4.12.2015;
- (n) in relation to (m) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 4.3.2016;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (j), (k), (l), (m) or (n) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) 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.”

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

- “(a) prior planning permission should have been obtained before continuing the development on-site;
- (b) shorter compliance periods are granted to monitor the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site is situated on Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. No permission is given for occupation of government land (GL) (about 2,108m²) (subject to verification) included in the site. The act of occupation of GL without government’s prior approval is not encouraged. The site is accessible to Ha Tsuen Road through a local track on both private lots and GL. His office provides no maintenance works for this track nor guarantees right-of-way. The site does not fall within Airfield Height Restriction Area. The lot owners concerned will need to apply to his office to permit the structures to be erected or regularise any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it would be subject to such terms and conditions, including

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

- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimise any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport, Transport Department, that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under Transport Department's purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant is advised to submit a valid fire certificate (FS251) to his department for approval. Furthermore, should the applicant wish to apply for exemption from the provision of FSI as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (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 a New Territories Exempted House), they are unauthorized under the BO and should not be designated

for any approved use under the application. Before any new building works (including containers/open shed as temporary buildings) are to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For the 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. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (i) to note the comments of the Chief Town Planner/Studies and Research, Planning Department that according to the Recommended Outline Development Plan for the Hung Shui Kiu New Development Area (HSK NDA) promulgated for public consultation in June 2015, the application site falls within an area zoned "Other Specified Uses (Logistics Facilities)", "Other Specified Uses (Port Back-up, Storage and Workshop Uses)" and "Road". Depending on the development programme of the HSK NDA which is being formulated, further extension of the planning permission should be subject to review of the concerned bureaux and departments."

Agenda Item 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/970 Proposed Temporary Logistics Centre for a Period of 3 Years in
“Comprehensive Development Area” zone, Lots 2438 S.A RP (Part),
2447 (Part), 2455 S.B ss.1 S.A (Part), 2455 S.B ss.1 S.C (Part), 2455
S.B ss.1 RP (Part), 2958 (Part), 2961 S.A ss.1 (Part), 2961 S.A RP
(Part) and 2961 RP (Part) in D.D. 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/970)

195. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in D.D.125, Ha Tsuen. Members noted that Ms Lai had already left the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary logistics centre for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access road and environmental nuisance is expected;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments set out in paragraph 12 of the Paper. The proposed use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone. However, there was not yet any programme/known intention to implement the zoned use. Whilst the site fell within the Hung Shui Kiu New Development Area, the development programme was still being formulated. The approval of the application on a temporary basis for three years would not jeopardise the long-term development of the area. The applied uses were not incompatible with the surrounding uses within the subject “CDA” zone which was predominately occupied for open storage yards and logistics centre. The development under application was in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) as there was no adverse comment from concerned government departments. While DEP did not support the application as there were sensitive receivers in the vicinity of the site, there was no environmental complaint against the site over the past three years. To address DEP’s concerns and to mitigate any potential environmental impacts, relevant approval conditions had been recommended. The Committee had approved five previous applications for various open storage uses at the site since 1999. Since granting of the last planning permission in 2009, there had been no material change in the planning circumstances. The Committee had also approved three similar applications within the same “CDA” zone since the promulgation of TPB PG-No. 13E in 2008. The approval of the subject application was in line with the Committee’s previous decisions

197. Members had no question on the application.

Deliberation Session

198. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, recycling, cleaning, dismantling works and workshop activity, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no vehicle is allowed to queue back to public road or reverse onto/from the public road at all times during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of existing drainage facilities within 3 months from the date of planning approval to the satisfaction of Director of Drainage Services or of the TPB by 4.12.2015;
- (g) the submission of the tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2016;
- (h) in relation to (g) above, the implementation of the accepted tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2016;
- (i) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2016;

- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2016;
- (k) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2016;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the planning permission is given to the development/use and structures under application. It does not condone any other development/use(s) which currently exists on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses not covered by the permission;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note that the erection of fence walls and external mesh fences on private

land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority's (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;

- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site is situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure is allowed to be erected without prior approval from the Government. The site is accessible to Lau Fau Shan Road through government land (GL) and private land. His office provides no maintenance works to the GL involved and do not guarantee right-of-way. The Lot owners will need to apply to his office to permit the structure to be erected or regularised on private land. 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 would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimise any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport that sufficient space should be provided within the application site for manoeuvring of vehicles. The local track leading to the subject site is not under the Transport Department's purview. The land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West,

Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains and his department shall not be responsible for the maintenance of any access connecting the site and Lau Fau Shan Road;

- (h) to note the detailed comments of the Director of Fire Services that in consideration of the design/nature of the structures, fire services installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of FSI as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Town Planner/ Urban Design and Landscape, Planning Department (PlanD) that there is inadequate information in the planning statement submitted to ascertain a regular tree maintenance programme. Furthermore, mitigation measure to prevent damage to the trees from the vehicles should be proposed;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including containers/open storage sheds as temporary building) are to be carried out on the application site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in

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

- (k) to note the comments of the Chief Town Planner/Studies and Research, PlanD that according to the Recommended Outline Development Plan for the Hung Shui Kiu New Development Area (HSK NDA) promulgated for public consultation in June 2015, the application site falls within an area zoned "Education" and "Road". Depending on the development programme of the HSK NDA which is being formulated, further extension of the planning permission should be subject to review of the concerned bureaux and departments; and

- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans and the relevant drawings obtained, for the application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground 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 53

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/971 Temporary Warehouse for Storage of Machinery, Spare Parts and Construction Material with Ancillary Office and Parking of Vehicle for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 51 (Part), 57 (Part), 58 (Part), 60, 61, 62, 63 (Part), 64, 65, 66 (Part), 67 (Part), 144 (Part), 146 (Part) in D.D. 125 and Lots 3220 (Part), 3221 S.A (Part), 3221 S.B (Part), 3222 (Part), 3223 (Part), 3224 (Part), 3225 S.A (Part), 3225 S.B (Part), 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3234 (Part) and 3235 (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/971)

200. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in D.D.125, Ha Tsuen. Members noted that Ms Lai had already left the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of machinery, spare parts and construction material with ancillary office and parking of vehicle for a

period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity of the site and along the access road and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment from two village representatives and a local villager of Fung Kong Tsuen was received. The commenters objected to the application mainly on grounds that the site formation works of the site had caused serious flooding during heavy rainfall which threatened their lives and properties; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The applied use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone. However, there was not yet any programme/known intention to implement the zoned uses. Whilst the site fell within Hung Shui Kiu New Development Area, the development programme was still being formulated. Approval of the application on a temporary basis of 3 years would not jeopardise the long term development of the area. The applied use was not incompatible with the surrounding uses within the subject “CDA” zone which was predominantly occupied for open storage yards, logistics centres, warehouse and vehicle parks. DEP did not support the application because there were sensitive users nearby and along the access road. However, there was no substantiated environmental complaint against the site over the past 3 years. To mitigate any potential environmental impacts, relevant approval conditions had been recommended. Since the granting of the previous planning approval in 2014, there had been no material change in the planning circumstances. The Committee had also approved similar applications in the vicinity of the site for various

warehouse uses within the same “CDA” zone. Approval of the subject application was in line with the Committee’s previous decisions. Regarding the public comment on the flooding of the area, the Drainage Services Department had no adverse comment on the application. Approval conditions had also been recommended to require the applicant to address the drainage aspect.

202. Members had no question on the application.

Deliberation Session

203. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation from 9:00 p.m. to 7:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) the existing fencing on site should be maintained at all times during the planning approval period;
- (e) no vehicle is allowed to queue back to public road or reverse onto/from the public road at all times during the planning approval period;
- (f) the submission of a 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 4.3.2016;

- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2016;
- (h) in relation to (g) above, the implemented drainage facilities should be maintained at all times during the planning approval period;
- (i) the implementation of the accepted tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2016;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2016;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2016;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (i), (j) or (k) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB.”

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

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

- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises government land (GL) and Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from the Government. No permission is given for occupation of GL (about 170m² subject to verification) included in the site. Attention is drawn to the fact that the act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible to Ping Ha Road through numerous private lots. In this regard, his Office does not guarantee any right-of-way. The lot owner would need to apply to his Office to permit structures to be erected or regularise any irregularities on private land. The applicant has to either exclude the GL portion from the site or apply for a formal approval to the actual occupation of GL portion. Such application would be considered by LandsD acting in the capacity of the landlord at its sole discretion and no guarantee that such application including granting of GL will be approved. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;

- (c) to follow the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ issued by the Environmental Protection Department to minimise any potential environmental nuisance;

- (d) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under Transport Department’s (TD) purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be

clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Ping Ha Road should be commented and approved by TD. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and the Ping Ha Road;

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

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For the 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 application site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department (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; and
- (i) to note the comments of the Chief Town Planner/Studies and Research,

PlanD that according to the Recommended Outline Development Plan for the Hung Shui Kiu New Development Area (HSK NDA) promulgated for public consultation in June 2015, the application site falls within an area zoned “Government”, “Education”, “Local Open Space”, “Amenity Area” and “Road”. Depending on the development programme of the HSK NDA which is being formulated, further extension of the planning permission should be subject to review of the concerned bureaux and departments.”

Agenda Item 54

Section 16 Application

[Open Meeting]

A/YL-LFS/278 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Green Belt” zone, Lots 626, 710 and 712 in D.D. 129 and adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/278)

205. The Committee noted that the applicant requested on 31.8.2015 for deferment of the consideration of the application for one month in order to allow time to address the comments of the Director of Agriculture, Fisheries and Conservation, and the Chief Engineer/Mainland North, Drainage Services Department. This was the first time that the applicant requested for deferment of the application.

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

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

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

Agenda Item 55

Any Other Business

207. There being no other business, the meeting closed at 6:45 p.m..