

TOWN PLANNING BOARD

**Minutes of 442nd Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 3.6.2011**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C. W. Lau

Mr. Timothy K.W. Ma

Dr. C.P. Lau

Ms. Anita W.T. Ma

Chief Traffic Engineer/New Territories West,
Transport Department
Mr. T.K. Choi

Principle Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr. H.M. Wong

Assistant Director/New Territories,
Lands Department
Ms. Anita K.F. Lam

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Mr. Rock C.N. Chen

Dr. W.K. Lo

Mr. Stephen M.W. Yip

Dr. W.K. Yau

Professor Edwin H.W. Chan

Assistant Director (2), Home Affairs Department
Mr. Andrew Y.T. Tsang

In Attendance

Assistant Director of Planning/Board
Mr. C.T. Ling

Chief Town Planner/Town Planning Board (Atg.)
Ms. Donna Y.P. Tam

Town Planner/Town Planning Board
Ms. Polly O.F. Yip

Agenda Item 1

Confirmation of the Draft Minutes of the 441st RNTPC Meeting held on 20.5.2011

[Open Meeting]

1. The draft minutes of the 441st RNTPC meeting held on 20.5.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

Approval of Draft Outline Zoning Plans

2. The Secretary reported that on 3.5.2011, the Chief Executive in Council approved the following three draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) :

- (a) The Peak OZP (to be renumbered as S/H14/11);
- (b) Aberdeen & Ap Lei Chau OZP (to be renumbered as S/H15/27); and
- (c) Tuen Mun OZP (to be renumbered as S/TM/28).

3. The Secretary said that the approval of the three OZPs was notified in the Gazette on 20.5.2011.

Sai Kung and Islands District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/SK-CWBN/16 Proposed Three Houses
(New Territories Exempted Houses – Small Houses)
in “Green Belt” zone,
Lots 416 S.A ss.1, 416 S.B, 416 S.C ss.1, 416 S.C RP, 416 RP,
417 S.A RP, 417 S.A ss.1, 417 S.A ss.2 S.A, 417 S.A ss.2 RP and
417 S.B and Adjoining Government Land in D.D. 238,
Ng Fai Tin, Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBN/16)

4. The Committee noted that on 31.5.2011, the applicants requested for a deferment of the consideration of the application for one month in order to allow time for the applicants to prepare further submission to address departmental comments or concerns.

5. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of additional information from the applicants. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of additional information from the applicants. The Committee also agreed to advise the applicants 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.

[Ms. Anita K.F. Lam and Mr. H.M. Wong arrived to join the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting]

A/SK-HC/193 Proposed Temporary Agricultural Use, Barbecue Site and Educational Use for a Period of 3 Years in “Green Belt” zone, Various Lots in D.D. 247 and Adjoining Government Land, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/193)

6. The Committee noted that on 16.5.2011, the applicant requested for a deferment of the consideration of the application for two months in order to allow sufficient time for the applicant to prepare responses to departmental comments.

7. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional 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 additional information from the applicant. 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.

Sha Tin, Tai Po and North District

[Ms. Doris S.Y. Ting, Mr. Anthony K.O. Luk, Mr. David Y.M. Ng and Ms. Lisa L.S. Cheng, Senior Town Planners/Shu Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting]

A/NE-LYT/441 Proposed Minor Relaxation of Plot Ratio and Building Height Restrictions for Permitted House Development in “Residential (Group C)” zone, Lots 897 RP and 916 S.B RP in D.D. 83 and Adjoining Government Land, Kwan Tei South, Fanling (RNTPC Paper No. A/NE-LYT/441)

8. The Committee noted that on 30.5.2011, the applicants requested for a deferment of the consideration of the application for one month in order to allow time for the applicants to provide supplementary information and further justifications to respond to departmental comments.

9. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of additional information from the applicants. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of additional information from the applicants. The Committee also agreed to advise the applicants 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 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/68 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 234 S.A in D.D. 46, Loi Tung, Sha Tau Kok, Fanling
(RNTPC Paper No. A/NE-MUP/68)

Presentation and Question Sessions

10. Ms. Doris S.Y. Ting, 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 – the District Lands Officer/North, Lands Department (DLO/N, LandsD) objected to the application because more than 50% of the application site fell outside the village ‘environs’ (‘VE’) of Loi Tung Village and the “Village Type Development (‘V’)” zone. He also advised that another Small House application on the subject lot was rejected by his office on 19.10.2010 as more than 50% of the application site fell outside the ‘VE’ and the ‘V’ zone. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as agricultural life in the vicinity of the site was active and the site had high potential for rehabilitation of agricultural activities;
- (d) one public comment from a member of the North District Council (NDC) was received during the statutory publication period. He supported the application as it could facilitate the local residents. Besides, the District

Officer (North) advised that the Chairman of Sha Tau Kok District Rural Committee and the concerned member of the NDC had no comment on the application while the Village Representatives of Loi Tung Village did not express any comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper which were summarised below :
 - (i) the application did not comply with the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' ('Interim Criteria') in that majority of the footprint of the proposed Small House fell outside the 'VE' and the "V" zone of Loi Tung Village. Moreover, DLO/N, LandsD objected to the application as more than 50% of the application site fell outside the 'VE' of Loi Tung Tsuen and the "V" zone. There were no exceptional circumstances which warranted a sympathetic consideration of the application;
 - (ii) the proposed Small House was not in line with the planning intention of the "AGR" zone and there was no strong justification in the submission for a departure from the planning intention. DAFC did not support the application on the grounds that agricultural life in the vicinity of the site was active and the site had high potential for rehabilitation of agricultural activities;
 - (iii) although the applicant claimed that two applications for Small House developments in the vicinity of the site at Lots 258 and 259 in D.D. 46 were approved by the Committee, the concerned applications (No. A/NE-MUP/45 and 46 as indicated on Plan A-1 of the Paper) were approved based on the considerations that the sites fell entirely within the 'VE' of Loi Tung Village and the applications met the 'Interim Criteria'. Concerned government departments had no objection to or adverse comments on the applications. Although there was a

similar application (No. A/NE-MUP/38), the site of which fell outside both the 'VE' and the "V" zone of Loi Tung Village, was approved by the Committee, it was approved under exceptional circumstances that the site had a building status under the lease and sympathetic consideration was given; and

- (iv) although there was one public comment supporting the application, the proposed Small House did not meet the 'Interim Criteria' and approval of the application would set an undesirable precedent for other similar applications within the "AGR" zone, the cumulative impact would result in a general degradation of the environment.

11. Members had no question on the application.

Deliberation Session

12. A Member enquired in what circumstances would an application be considered as 'exceptional' and sympathetic consideration would be given to the application. In response, Ms Doris S.Y. Ting said that according to the 'Interim Criteria', an application site which had a building status under the lease (generally known as 'building lot') would be considered under 'exceptional circumstances'. However, the current application site was an agricultural lot which did not warrant sympathetic consideration.

13. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 of the Paper and considered that they were appropriate. The reasons were :

- (a) the application did not comply with the 'Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories' in that majority of the footprint of the proposed Small House fell outside both the village 'environs' and "Village Type Development" zone of Loi Tung Village; and

- (b) approval of the application, which did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’, would set an undesirable precedent for other similar applications within the “Agriculture” zone, the cumulative impact of which would result in a general degradation of the environment.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/748 Shop and Services (Retail Shop) in “Industrial” zone,
Workshop C1, LG/F, Valiant Industrial Centre,
Nos. 2-12 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/748)

Presentation and Question Sessions

14. Mr. Anthony K.O. Luk, 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 shop);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the

assessments made in paragraph 11 of the Paper which were summarised below :

- (i) the application premises was accessible from Au Pui Wan Street. The proposed retail shop on the lower ground floor 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 had been approved for other units on the lower ground floor of the subject industrial building (as indicated on Plan A-2 of the Paper) and its vicinity;
- (ii) the subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor. The approved aggregate commercial floor area of 'Shop and Services' use on the ground floor and lower ground floor of the subject building was 254.34m². If the application premises (20m²) and the premises under Application No. A/ST/750 (22.5m²) were included, the aggregate commercial floor area would be 296.84m², which was within the maximum permissible limit of 460m²;
- (iii) the application generally complied with the Town Planning Board Guidelines No. 25D for 'Use/Development within "Industrial" zone' and relevant government departments consulted had no objection to or adverse comments on the application. No public comment had been received against the application; and
- (iv) a temporary approval of three years was recommended in order not to jeopardize the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

15. Members had no question on the application.

Deliberation Session

16. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.6.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 3.12.2011;
- (b) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 3.3.2012; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee 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 would not be jeopardized;
- (c) to note the comments of the District Lands Officer/Shu Tin, Lands Department (LandsD) that the existing use of the shop and services (retail shop) at the subject premises was not permitted under the lease. The owner of the premises should apply to LandsD for a temporary waiver to permit the applied use. Such application, if received, would be considered

by LandsD acting in its capacity as the landlord at its sole discretion and any approval given would be subject to such terms and conditions including, inter alia, payment of waiver fee and administration fee as might be imposed by LandsD;

- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls and floors having a fire resisting period of not less than two hours; and
- (e) to note the comments of the Director of Fire Services that fire service installations (FSIs) and equipment should be provided to the satisfaction of his department. Detailed fire service requirements should be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application. The applicant should also refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for information on the steps required to be followed in order to comply with the approval condition on the provision of FSIs.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/749 Shop and Services (Fast Food Shop) in “Industrial” zone,
Workshop C2, LG/F, Valiant Industrial Centre,
Nos. 2-12 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/749)

Presentation and Question Sessions

18. Mr. Anthony K.O. Luk, 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 (fast food shop);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 11 of the Paper which were summarised below :
 - (i) the application premises had a separate access at Au Pui Wan Street. The proposed fast food shop on the lower ground floor 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 had been approved for other units on the lower ground floor of the subject industrial building (as indicated on Plan A-2 of the Paper) and its vicinity;
 - (ii) the subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor. According to the Town Planning Board Guidelines No. 25D for 'Use/Development within "Industrial" zone', the limit on

aggregate commercial floor space on fire safety concerns did not apply to fast food counter which was sited at street level without seating accommodation and licensed as food factory;

- (iii) the application generally complied with the Town Planning Board Guidelines No. 25D and relevant government departments consulted had no objection to or adverse comments on the application. No public comment had been received against the application; and
- (iv) a temporary approval of three years was recommended in order not to jeopardize the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

19. Members had no question on the application.

Deliberation Session

20. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.6.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 3.12.2011;
- (b) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 3.3.2012; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

21. The Committee also agreed to advise the applicant of the following :
- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
 - (b) a temporary approval of three years was given in order to allow the Committee 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 would not be jeopardized;
 - (c) to note the comments of the District Lands Officer/Shia Tin, Lands Department (LandsD) that the existing use of the subject shop and services (fast food shop) at the subject premises was not permitted under the lease. The owner of the premises should apply to LandsD for a temporary waiver to permit the applied use. Such application, if received, would be considered by LandsD acting in its capacity as the landlord at its sole discretion and any approval given would be subject to such terms and conditions including, inter alia, payment of waiver fee and administration fee as might be imposed by LandsD;
 - (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls and floors having a fire resisting period of not less than two hours. Building safety requirements would be formulated upon receipt of food premises licence application, where appropriate;
 - (e) to note the comments of the Commissioner for Transport that adequate space should be provided inside the shop for queuing of its customers and the queue should not be obstructing pedestrian flows on public footpath outside the shop;

- (f) to note the comments of the Director of Fire Services that fire service installations (FSIs) should be provided to the satisfaction of his department. Detailed fire service requirements should be formulated upon receipt of formal submission of general building plans. The proposed ‘fast food shop’ should be licensed as ‘food factory’. The applicant should also refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for information on the steps required to be followed in order to comply with the approval condition on the provision of FSIs; and
- (g) to note the comments of the Director of Food and Environmental Hygiene that the applicant should apply to the Food and Environmental Hygiene Department for a Food Factory Licence for conducting the proposed food business. In addition, a restaurant licence was required if seating accommodation was provided for customers for consumption of food on the premises.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/750 Temporary Shop and Services (Retail Shop)
for a Period of 2 Years in “Industrial” zone,
Workshop B1 (B2), LG/F, Valiant Industrial Centre,
Nos. 2-12 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/750)

Presentation and Question Sessions

22. Mr. Anthony K.O. Luk, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary shop and service (retail shop) for a period of two years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of two years based on the assessments made in paragraph 11 of the Paper which were summarised below :
 - (i) the application premises had a separate access at Au Pui Wan Street. The proposed retail shop on the lower ground floor 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 had been approved for other units on the lower ground floor of the subject industrial building (as indicated on Plan A-2 of the Paper) and its vicinity;
 - (ii) the subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor. The approved aggregate commercial floor area of 'Shop and Services' use on the ground floor and lower ground floor of the subject building was 254.34m². If the application premises (22.5m²) and the premises under Application No. A/ST/748 (20m²) were included, the aggregate commercial floor area would be 296.84m², which was within the maximum permissible limit of 460m²;
 - (iii) the application generally complied with the Town Planning Board Guidelines No. 25D for 'Use/Development within "Industrial" zone'

and relevant government departments consulted had no objection to or adverse comments on the application. No public comment had been received against the application; and

- (iv) as the applicant applied for a temporary use for a period of two years, approval of the application would not jeopardize the long term planning intention of industrial use for the subject premises.

23. Members had no question on the application.

Deliberation Session

24. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 3.6.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 3.12.2011;
- (b) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 3.3.2012; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

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

- (b) to note the comments of the District Lands Officer/Shia Tin, Lands Department (LandsD) that the existing use of the shop and services (retail shop) at the subject premises was not permitted under the lease. The owner of the premises should apply to LandsD for a temporary waiver to permit the applied use. Such application, if received, would be considered by LandsD acting in its capacity as the landlord at its sole discretion and any approval given would be subject to such terms and conditions including, inter alia, payment of waiver fee and administration fee as might be imposed by LandsD;

- (c) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls and floors having a fire resisting period of not less than two hours; and

- (d) to note the comments of the Director of Fire Services that fire service installations (FSIs) and equipment should be provided to the satisfaction of his department and detailed fire service requirements should be formulated upon receipt of formal submission of general building plans. Additional hose reel should be provided for the remaining portion of Workshop B1 to the satisfaction of his department and a means of escape completely separated from the industrial portion should be available for the area under application. The applicant should also refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for information on the steps required to be followed in order to comply with the approval condition on the provision of FSIs.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-HH/7 Proposed House (New Territories Exempted House – Small House)
in an area shown as ‘Unspecified Use’,
Lot 453 in D.D. 283, Hoi Ha Village, Sai Kung North
(RNTPC Paper No. A/DPA/NE-HH/7)

Presentation and Question Sessions

26. Members noted that two replacement pages for Pages 9 and 10 of the Paper had been tabled at the meeting. Mr. David Y.M. Ng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application –
 - (i) the subject Small House application was first received by the Lands Department (LandsD) in April 1997. The subject Small House, which fell within the village ‘environs’ (‘VE’) of Hoi Ha Village, had already obtained the Certificates of Exemption (C of E) in September 2009 before the draft Hoi Ha Development Permission Area Plan (DPA) No. DPA/NE-HH/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance) on 30.9.2010. Construction works of the Small House had already commenced. The site fell within an area designated as “Unspecified Use” on the draft Hoi Ha DPA Plan. As the Small House was not in existence immediately before the first publication of the draft DPA Plan, planning permission from the Town Planning Board (the Board) was required; and
 - (ii) during the two-month plan exhibition period, a total of 18 representations were received. Among them, one representation proposed to rezone an area including the subject application site to

“Village Type Development” (“V”). There was another representation objected to the “Unspecified Use” designation and suggested that the whole area be designated as Country Park. After giving consideration to the representations on 8.4.2011, the Board decided not to uphold the representations including the two subject representations. The draft DPA Plan together with all the representations not upheld by the Board would be submitted to the Chief Executive in Council (CE in C) under section 8 of the Ordinance for final decision. If decision was made by CE in C to uphold the representation to designate the whole area as Country Park under the Country Parks Ordinance (Cap. 208), all uses and developments, including Small House development, would require consent from the Country and Marine Parks Authority. Despite there were outstanding adverse representations related to the subject application site, the subject Small House had already obtained C of E and hence should warranted special consideration. The application was therefore submitted to the Board for consideration;

- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) advised that the application site was covered by Private Treaty Grant and C of E of the site had been issued and all were still valid. According to the current policy of LandsD, the grantee had the right to commence the construction works. Besides, according to LandsD’s record, there were eight outstanding Small House applications for Hoi Ha Village and the 10-year Small House demand forecast for this village was 85 (equivalent to 2.13ha). The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the proposed Small House fell within the ‘VE’ outside the Country Park area and he had no adverse comments on the application. The Director of Environmental Protection (DEP) commented that the application site was located outside the water gathering ground and the proposed Small House would unlikely

cause significant adverse environmental impacts in view of its small scale. Other concerned government departments had no objection to or adverse comments on the application;

(d) during the statutory publication period, four public comments were received and the views were summarised as below :

- (i) Kadoorie Farm & Botanic Garden Corporation raised concern that the site was located next to the Hoi Ha Wan Marine Park and domestic sewage and grey water from the Small House might be disposed to the Marine Park and degraded the water quality. To avoid undermining the value of the Marine Park, detailed environmental, drainage and sewage impact assessments should be conducted. They also strongly recommended that all the area outside the existing Hoi Ha Village should be zoned as “Conservation Area” to protect the coral community and forest habitat from Small House developments or unauthorized land uses within the DPA;
- (ii) Designing Hong Kong Limited commented that there should be a sustainable layout plan to guide the future development of the village so that issues concerning public hygiene, urban design, drainage and waterworks, street lighting, refuse collection facilities, public spaces and amenities, access and roads, parking facilities, etc. could be addressed. The lack of sewerage facilities would affect the land and water quality. Any planning applications should be deferred until the DPA Plan was replaced by an Outline Zoning Plan (OZP); and
- (iii) a member of the public objected to the application on the ground the disposal of sewage would adversely affect the foreshore area. The proposed Small House was located close to other dwellings and the village was overcrowded. Another member of the public raised concern on the insufficient provision of car parking spaces and residents should be allowed to park on Hoi Ha Road until such time when adequate car parking facilities were provided for the residents;

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 which were summarised below :
 - (i) the application complied with the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' in that the proposed Small House was located entirely within the 'VE' of Hoi Ha Village and it was compatible with surrounding village houses. According to LandsD's record, there was also a demand for Small House developments in Hoi Ha Village. DLO/TP, LandsD also advised that the C of E of the site had been issued and according to the policy of LandsD, the grantee had the right to commence the construction works;
 - (ii) as the proposed Small House fell within the 'VE' outside the Country Park area, DAFC had no adverse comments on the application. DEP also advised that the application would unlikely cause significant adverse environmental impacts in view of its small scale. Moreover, no traffic and infrastructural problems were identified; and
 - (iii) although there were public comments against the applications due to the lack of a sustainable village layout, supporting facilities, infrastructural and transport provisions, the concerned government departments had no objection to or adverse comments on the application. Regarding the comment on deferring the considerations of all planning applications until the OZP had been prepared, the intention of the DPA Plan was not to prohibit development but rather to establish planning control of the area pending detailed analysis and studies to establish land uses in the course of preparing the OZP. Applications for development in this period could be considered on a case-by-case basis, having regard to the relevant guidelines and departmental comments.

27. Members had no question on the application.

Deliberation Session

28. A Member enquired whether the building works of the Small House were commenced before the gazette of the draft DPA Plan in September 2010. In response, Mr. David Y.M. Ng said that the applicant had obtained the C of E in September 2009 and the building works were commenced after the gazette of the draft DPA Plan. Another Member raised concern on whether the applicant would need to obtain planning permission in such circumstances. In response, the Chairman said that the Small House was not physically existed before the gazette of the draft DPA Plan, it could not be regarded as an 'existing use'. Planning permission from the Board was therefore required. The Secretary drew Members' attention that although the applicant had already obtained the C of E under the lease, in considering the application, the Committee should consider whether the site was suitable for Small House development from planning perspective. Members noted and generally considered that the Small House development was compatible with surrounding village environment in terms of its location and scale.

29. 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) 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.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there were no existing DSD maintained

public stormwater drains available for connection in the area. The development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems. For works to be undertaken outside the lot boundary, the applicant should consult the District Lands Officer/Tai Po, Lands Department (LandsD) and sought the consent from the relevant lot owners before commencement of the drainage works. Public sewerage connection was not available for the site. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank;

- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (c) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the following measures :
 - (i) prior to establishing any structure within the site, the applicant or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and

- (ii) the applicant or his contractors should observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines;

- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that any development at the area must not cause any damage or pollution to the water body and the environment of the marine park, nor cause any adverse impacts to the habitat and marine lives therein. In particular, the proposed Small House must not have any sewage/drainage directing into the Marine Park;

- (e) to note the comments of the Commissioner for Transport that the nearby village access was not under the management of the Transport Department. The land status of the village access should be checked with the lands authority. The management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly; and

- (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 might need to extend his 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 with the private lots to WSD's standards. The water mains in the vicinity of the site could not provide with the standard pedestral hydrant.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/422 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 653 S.B in D.D. 8, Ma Po Mei Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/422)

Presentation and Question Sessions

31. Ms. Lisa L.S. Cheng, 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 were detailed in paragraph 9 and appendix IV of the Paper and highlighted below :
 - (i) the Chief Engineer/Project Manager, Drainage Services Department (CE/PM, DSD) advised that there was no existing public sewerage system connection for the proposed Small House and the planned public sewers under the Project 4332DS, ‘Lam Tsuen Valley Sewerage’ would be laid to the north of the site (as indicated in Plan A-2 of the Paper). The applicant theoretically could extend his sewer via other private lots/government land to the proposed public sewers at the north by himself for sewage discharge;
 - (ii) the Director of Environmental Protection (DEP) did not support the application as the sewerage discharge from the proposed Small House would have the potential to cause water pollution to Water

Gathering Ground (WGG). Besides, the site might not be able to be connected to the planned sewerage system in the area; and

- (iii) the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the site was located within the upper indirect WGG and might not be able to be connected to the planned public sewerage system. As sewer connectivity was in question, it was considered that the application did not comply with the criterion (i) of the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' ('Interim Criteria');
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised below :
 - (i) although the land available within the "Village Type Development" ("V") zone of Ma Po Mei and Tai Mong Che villages could not fully meet the future Small House demand of the villages, the application did not comply with the 'Interim Criteria' in that the proposed Small House was located within the WGG and might not be able to be connected to the planned public sewerage system in the area. According to CE/PM, DSD, there was no existing public sewerage system connection for the proposed Small House and the planned public sewers under the project 4332DS, 'Lam Tsuen Valley Sewerage' would be laid to the north of the site (as indicated in Plan A-2 of the Paper). Although CE/PM, DSD advised that the applicant theoretically could extend his sewer via other private lots/ government land to the proposed public sewers at the north by himself for sewage discharge, there was no information in the

submission to demonstrate that the proposed Small House would be able to be connected to the planned sewerage system in the area. As such, both DEP and CE/Dev(2), WSD did not support the application; and

- (ii) the applicant claimed that two Small Houses in the vicinity of the site (House No. 6 at Lot 1816 and House 6B as indicated in Plan A-2) were owned by his family. House No. 6 was in existence before the Lam Tsuen Outline Zoning Plan came into effect on 31.8.1990 and could be regarded as an 'existing use'. It was permitted to continue on the site until there was a change of use or the building was redeveloped. House No. 6B was approved by the Committee under Application No. A/DPA/NE-LT/29 on 19.11.1993 based on the considerations that the proposed Small House was compatible with the surrounding land uses and was considered environmentally acceptable. Besides, another similar application (No. A/NE-LT/268) for Small House development to the northeast of the site was approved by the Committee on 7.12.2001 because the 'Interim Criteria' prevailing at that time could be met. Since the 'Interim Criteria' was revised on 23.8.2002 by incorporating criterion (i) which required that the application site within the WGG should be able to be connected to the existing or planned sewerage system in the area, all Small House applications that would not be able to be connected to the planned sewerage system had been rejected. As there was no information in the submission to demonstrate that the proposed Small House would be able to be connected to the planned sewerage system in the area, the subject application should not warrant an exception.

32. Members had no question on the application.

Deliberation Session

33. After deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 12 of the Paper and considered that it was appropriate. The reason was :

- the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories’ in that the proposed Small House within the upper indirect Water Gathering Ground (WGG) might not be able to be connected to the planned public sewers in the area. The applicant failed to demonstrate in the submission that the proposed development located within the WGG would not cause adverse impact on the water quality in the area.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/423 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 231 S.H in D.D. 8, Tai Mong Che Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/423)

Presentation and Question Sessions

34. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

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

[Ms. Anna S.Y. Kwong and Dr. C.P. Lau arrived to join the meeting at this point.]

- (c) departmental comments were detailed in paragraph 9 and appendix IV of the Paper and highlighted below :
 - (i) the Chief Engineer/Project Manager, Drainage Services Department (CE/PM, DSD) advised that there was no existing public sewerage system connection for the proposed Small House and the planned public sewers under the Project 4332DS, 'Lam Tsuen Valley Sewerage' would be laid in the "Village Type Development" ("V") zone to the northeast (as indicated in Plan A-2 of the Paper). The applicant theoretically could fill up the site and extend his sewer via other private lots/government land to the proposed public sewers at the northeast by himself for sewage discharge;
 - (ii) the Director of Environmental Protection (DEP) did not support the application as the sewerage discharge from the proposed Small House would have the potential to cause water pollution to Water Gathering Ground (WGG). Besides, the site might not be able to be connected to the planned sewerage system in the area;
 - (iii) the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the site was located within the upper indirect WGG and was less than 30m from the nearest stream. It might not be able to be connected to the planned public sewerage system. As sewer connectivity was in question, it was considered that the application did not comply with the criterion (i) of the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' ('Interim Criteria');
 - (iv) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site had high potential of rehabilitation for agricultural activities; and

- (v) the Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning perspective as adverse impact on landscape resources was anticipated. The site was mostly covered with vegetation and the footprint of the proposed Small House would unavoidably have direct impacts on existing trees. There was no tree survey or preservation proposal in the submission to demonstrate that the proposed house would not have significant direct impacts on these existing trees. Approval of the application would set an undesirable precedent for similar Small House applications in the subject “Agriculture” (“AGR”) zone, which encouraged urban sprawl/village developments in the rural landscape setting and further degraded the landscape quality of the area;

- (d) one public comment from an indigenous villager of Tai Yeung Che Village (also known as Tai Mong Che Village) was received during the statutory publication period. He objected to the application on the ground that the site was located within an area not for Small House development; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised below :
 - (i) although the land available within the “V” zone of Ma Po Mei and Tai Mong Che Villages could not fully meet the future Small House demand of the villages, the application did not comply with the ‘Interim Criteria’ in that the proposed Small House was located within the WWG and might not be able to be connected to the planned public sewerage system in the area. According to CE/PM, DSD, there was no existing public sewerage system connection for the proposed Small House and the planned public sewers under the project 4332DS, ‘Lam Tsuen Valley Sewerage’ would be laid in the

“V” zone to the northeast (as indicated in Plan A-2 of the Paper). Although CE/PM, DSD advised that the applicant theoretically could fill up the site and extend his sewer via other private lots/government land to the proposed public sewers at the northeast by himself for sewage discharge, there was no information in the submission to demonstrate that the proposed Small House would be able to be connected to the planned sewerage system in the area. As such, both DEP and CE/Dev(2), WSD did not support the application;

- (ii) the site was covered with vegetation and the proposed Small House would unavoidably have direct impacts on existing trees. CTP/UD&L, PlanD objected to the application from the landscape planning perspective as adverse impact on landscape resources was anticipated and there was no tree survey or preservation proposal in the submission to demonstrate that the proposed development would not have significant impacts on the existing trees. Approval of the application would set an undesirable precedent for similar Small House applications in the subject “AGR” zone, which encouraged urban sprawl/village developments in the rural landscape setting and further degrades the landscape quality of the area. DAFC also did not support the application from agricultural point of view as the site had high potential of rehabilitation for agricultural activities; and

- (iii) the applicant claimed that six Small Houses (as indicated in Plan A-2 of the Paper) in the vicinity of the site were approved by the Committee. Four Small Houses at Lots 245 S.A, 245 S.B, 245 S.C and 245 RP were approved by the Committee under Application No. A/DPA/NE-LT/15 on 18.6.1993 and two Small Houses at Lots 1865 and 1866 were approved by the Committee under Applications No. A/NE-LT/181 and 182 on 2.5.1999. These applications were approved before the promulgation of the ‘Interim Criteria’ and the proposed Small Houses were considered compatible with the surrounding environment. Since the ‘Interim Criteria’ was revised

on 23.8.2002 by incorporating criterion (i) which required that the application site within the WGG should be able to be connected to the existing or planned sewerage system in the area, five more Small Houses were approved by the Committee under Applications No. A/NE-LT/383, 398 and 410 (as indicated in Plan A-2 of the Paper) as these proposed Small Houses could be able to be connected to the planned sewerage system in the area. All Small House applications that would not be able to be connected to the planned sewerage system had been rejected. As there was no information in the submission to demonstrate that the proposed Small House would be able to be connected to the public sewerage system in the area, the subject application should not warrant an exception.

35. Members had no question on the application.

Deliberation Session

36. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development did not comply with the 'Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories' in that the proposed Small House within the upper indirect Water Gathering Ground (WGG) might not be able to be connected to the planned public sewers in the area. The applicant failed to demonstrate in the submission that the proposed development located within the WGG would not cause adverse impact on the water quality in the area; and
- (b) the proposed development would affect the existing trees on the application site. The applicant failed to demonstrate in the submission that the proposed development would not have adverse impact on the existing trees located within the site.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/303 Proposed Columbarium
in “Government, Institution or Community” zone,
Soka Gakkai International of Hong Kong Cultural and Recreational
Centre, Tai Po Town Lot 127 (Part), 33 Shan Nam Road, Tai Po
(RNTPC Paper No. A/NE-TK/303)

Presentation and Question Sessions

37. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed columbarium –
 - (i) the applicant sought planning permission to use the application site for the development of a 2-storey columbarium building to accommodate 6,000 double-urn niches (or 12,000 urns). The site, with an area of about 722m², was located within a larger site (about 4.35ha) occupied by the Hong Kong Soka Gakka International (HKSGI) Cultural and Recreation Centre;
 - (ii) the proposed columbarium would only be used by HKSGI members for storage of ash with no cremation facilities on site. Their memorial ceremonies were always held in the form of sutra reading and no burning of joss sticks and offerings would be involved. Most of the activities would be held during daytime; and
 - (iii) during the Ching Ming and Chung Yeung Festivals, ‘dedicated coaches only’ traffic arrangement would be operated, i.e. members

were only allowed to take the 'dedicated coaches' arranged by the HKSGI to enter and leave the Centre. Private mode of transport and walk-ins would not be allowed except for the disabled. A maximum of 500 tickets/visitors per hour with specified coach and ceremony time slots would be issued to control the number of attendants. There would be on-site control guards to supervise and oversee the traffic arrangement. According to the applicant, this 'dedicated coaches only' arrangement had already been in operation for their Buddhist training courses every Sunday for many years;

(c) the departmental comments were detailed in paragraph 9 of the Paper and highlighted below :

- (i) the Commissioner for Transport (C for T) advised that he could not offer support to the application at this stage. He considered that it was impracticable and unenforceable to restrict visitors (HKSGI's members and their relatives/friends) to use dedicated coaches to enter and leave the Centre. There was no mechanism to ensure that the proposed 'ticketing system to allow only 500 visitors per hour to take coaches for entry into the Centre' would be strictly followed. The applicant failed to explain clearly how the proposed dedicated coaches could adequately serve the surge of visitors and demand arising from the proposed 6,000 double-urn niches (or 12,000 urns) during the festival days, and to address the concerns raised by some of the Tai Po District Council (TPDC) members regarding the traffic congestion at Ting Kok Road and Shan Liu Road on special occasions such as Ching Ming and Chung Yeung Festivals. Moreover, there was no traffic arrangement proposed to alleviate the traffic impacts in front of the Soka (Kowloon) Centre. The coaches, queuing at the very busy Boundary Street for passenger boarding, would cause significant traffic impact to the area; and
- (ii) the Commissioner of Police (C of P) had no in-principle objection to the proposed columbarium. However, the proposed columbarium

might attract the discontent of the local villagers. The development would drain resources of the Police as it would very likely bring along more traffic along Ting Kok Road and had implications in crowd management during Ching Ming and Chung Yeung Festivals;

- (d) during the first statutory inspection period, a total of 140 public comments were received. Out of the 140 public comments, two of them from the Village Representations (VRs) were attached with about 1,278 signatures of the villagers. During the second statutory inspection period, a total of 70 public comments were received. All of the 210 public comments were against the applications. The commenters included the TPDC, the Tai Po Rural Committee (TPRC), a TPDC member (Mr. Lo Sam Shing), the Rural Committee/Village Council, VRs and the local villagers/residents of Ting Kok, Lo Tsz Tin, Shan Liu, Tai Mei Tuk, Lung Mei and Lai Pek Shan, Owners and Residents Committee of Elle Villas, Elle Villas (Phase V) Mutual Aid Committee, Segor Ltd. and members of the general public. They objected to the application mainly on the following grounds :
- (i) the proposed columbarium was located close to the existing village dwellings and it would impose adverse traffic, environmental, visual, ecological, fung shui, public security impacts on the surrounding area;
 - (ii) the operation of the columbarium would become a nuisance and generate adverse psychological impacts on the local residents and affect their tranquil living environment;
 - (iii) it would cause traffic chaos during Ching Ming and Chung Yeung Festivals;
 - (iv) the local villagers worried that the applicant would increase the number of niches in future. Approval of the application would set an undesirable precedent leading to general degradation of the ecological environment in the surrounding area;

- (v) Ting Kok was popular for recreational and tourism activities. With the future development of Lung Mei beach and spa resort hotel, the proposed columbarium was considered as an incompatible use in the area; and
 - (vi) before the Government had formulated the policy on columbarium use, approval of the application would undermine the integrity of the overall planning resulting in piecemeal development and undesirable precedent;
- (e) the Planning Department (PlanD) also received objection letters and signatures similar to those of the public comments mentioned in (d) above;
- (f) the District Officer (Tai Po) advised that the villagers of six villages in Ting Kok Heung (i.e. Ting Kok, Lo Tsz Tin, Shan Liu, Tai Mei Tuk, Lung Mei and Lai Pek Shan) held a join meeting on 25.4.2010 to discuss the application. The participants staged a demonstration with banners along Shan Nam Road to voice their strong opposition to the proposed development and collect signatures from villagers against the proposed development for submission to the Town Planning Board (the Board). Objection letters and signatures, which were similar to the public comments, were received from the local villagers. In view of the strong local sentiment and sensitivity of the application, he advised that the local views should be taken into consideration by the Board; and
- (g) the TPDC wrote to the Board on 16.8.2010 requesting the Board to defer making a decision on the application and the applicant should conduct local consultation and collect the views of the TPDC members. The TPDC also wrote to the Board on 16.11.2010 stating that the TPDC passed a motion on 2.11.2010 objecting to the application. Besides, the TPRC and the TPDC member (Mr. Lo Sam Shing) had made written responses on 20.4.2011 and 9.5.2011 respectively to the further information submitted by the applicant on 7.4.2011 (Appendix Id of the Paper). The TPRC stated that the

minutes of local consultation meeting conducted by the applicant on 4.3.2011 had not truly reflected their views on the application. The TPDC member reiterated the concerns of the local residents of Ting Kok, Shan Liu and Elle Villas on the application and maintained his objection to the application; and

- (h) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised below :

the proposed 2-storey columbarium building which formed part of the HKSGI Centre was considered not incompatible with the existing government, institution or community facilities within the religious compound, and the proposed use would not be in conflict with the existing religious use on the site. However, the applicant failed to demonstrate that the proposed transport arrangement was practicable and enforceable and the proposed columbarium would not cause adverse traffic impact on the nearby road network, especially during Ching Ming Festival and Chung Yeung Festival. As advised by C for T, it was impracticable and unenforceable to restrict visitors (HKSGI's members and their relatives/friends) to use dedicated coaches to enter and leave the Centre as proposed by the applicant. There was no mechanism to ensure that the proposed 'ticketing system to allow only 500 visitors per hour to take coaches for entry into the Centre' would be strictly followed. Moreover, the applicant failed to explain clearly how the proposed dedicated coaches could adequately serve the surge of visitors and demand arising from the proposed 6,000 double-urn niches (or 12,000 urns) during the festival days, and to address the concerns raised by some of the TPDC members regarding traffic impact/congestion at Ting Kok Road and Shan Liu Road on special occasions such as Ching Ming and Chung Yeung Festivals. In this regard, C of P pointed out that the proposed columbarium would very likely bring along more traffic along Ting Kok Road and had implications in crowd management during Ching Ming and Chung Yeung Festivals. As such, the proposed columbarium was considered not sustainable in

terms of the capacities of existing and planned infrastructure and does not comply with the Town Planning Board Guidelines No. 16 for ‘Application for Development/Redevelopment within “G/IC” zone for uses other than G/IC Uses’.

38. A Member said that the main concern of the application was the lack of a practicable and enforceable traffic arrangement. He noted from the applicant’s responses to the comments from the Transport Department (TD) (Appendix Ic of the Paper) that the ‘dedicated coaches only’ arrangement had been used on every Sunday for a number of years and had been proven to be enforceable. Moreover, the HKSGI was willing to include terms in the sales contract of the niches to restrict the use of ‘dedicated coaches’ as the only means of transportation. He enquired whether such arrangement could address the concern of TD. In response, Mr. T.K. Choi said that according to the applicant, at present there were about 500 visitors using the ‘dedicated coaches’ every Sunday within a single peak hour. However, with the provision of 6,000 double-urn niches (or 12,000 urns) in the proposed columbarium, there would be thousands of visitors during Ching Ming and Chung Yeung Festivals and the applicant failed to demonstrate how the proposed ‘dedicated coaches’ could adequately meet the increase in traffic demand. It was also impracticable and unenforceable to restrict visitors (HKSGI’s members and their relatives/friends) under the sales contract to use ‘dedicated coaches’ to reach the Centre. Besides, there was no traffic arrangement proposed to alleviate the traffic impacts generated from the passengers boarding at the Soka (Kowloon) Centre.

39. Another Member said that there was an imminent need for columbarium to meet the demand. The surge of visitors would only be occurred in special occasions such as Ching Ming and Chung Yeung Festivals. The traffic arrangement and crowd management issues were not insurmountable and could be resolved through a better mechanism/traffic management. One other Member shared the same view.

Deliberation Session

40. Members generally considered that the site was compatible with the surrounding land uses and suitable for columbarium use. A Member said that the applicant could be suggested to reduce the number of niches so as to alleviate the associated traffic impact.

Another Member noted that during the weekly gathering of the HKSGI's members, the queuing of both HKSGI's members and coaches in front of the Soka (Kowloon) Centre had led to congestion in the area. Some other Members opined that the matter could be resolved by provision of more pick-up points in different locations and appropriate approval condition or advisory clause could be imposed to monitor the situation.

41. A Member said that it was necessary to increase the provision of columbarium facilities in the territory to meet the demand. The proposed columbarium within the existing religious institution was considered acceptable. As there would not be any burning of joss stick and offerings, the operation of the proposed columbarium would not cause any adverse environmental impact. However, it was noted that there were strong objections from the TPDC, TPRC and the local villagers to the application. The local consultation work undertaken by the applicant might not be sufficient.

42. The Chairman noted that Members generally had sympathetic consideration on the application. However, there was insufficient information in the submission to demonstrate that the proposed traffic arrangement was practicable and enforceable and such issue could not be resolved simply through the imposition of approval condition or advisory clause.

43. After further deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 12 of the Paper and considered that it was appropriate. The reason was :

- the applicant failed to demonstrate that the proposed transport arrangement was practicable and enforceable and the proposed columbarium would not cause adverse traffic impact on the nearby road network, especially during Ching Ming Festival and Chung Yeung Festival.

[Mr. Timothy K.W. Ma and Dr. C.P. Lau left the meeting temporarily at this point.]

Agenda Items 14 & 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/494 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” and “Village Type Development” zones,
Government Land in D.D. 26, Wong Yue Tan, Tai Po
(RNTPC Paper No. A/TP/494 and 496)

A/TP/496 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” and “Village Type Development” zones,
Government Land in D.D. 26, Wong Yue Tan, Tai Po
(RNTPC Paper No. A/TP/494 and 496)

Presentation and Question Sessions

44. The Committee noted that the two applications were grouped together under one RNTPC Paper as they were for the same use and the sites were located next to each other within the same “Green Belt” and “Village Type Development” (“V”) zones. The Committee agreed that the two applications could be considered together.

45. Ms. Lisa L.S. Cheng, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the application site;
- (c) departmental comments – The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the applications from the landscape planning point of view as approval of the applications would set an undesirable precedent for similar Small House applications to proliferate in the “GB” zone and along the edge of the

woodland on the slope to the south of the site, resulting in urban sprawl and degradation of landscape quality. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that the proposed Small House developments were located below steep natural hillside and met the alert criteria which required a Natural Terrain Hazard Study (NTHS). He would tender in-principle objection to the proposed developments unless the applicant was prepared to undertake a NTHS and to provide suitable mitigation measures as necessary;

[Mr. B.W. Chan left the meeting at the point.]

- (d) three public comments were received during the statutory publication period. The Hong Kong Bird Watching Society objected to the application as majority of the sites were located within the “GB” zone and the proposed developments would affect the mature trees nearby the sites. The Kadoorie Farm and Botanic Garden Corporation raised concern that the slope cutting and site excavation during the construction of the Small Houses would affect the nearby forest and degrade the natural landscape. A member of the public commented that the Small House developments in Wong Yue Tan Village would generate adverse impacts to the nearby wetland and marshes in Shuen Wan; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments as set out in paragraph 12 of the Paper which were summarised as below :
 - (i) although the proposed Small House developments were not in line with the planning intention of the “GB” zone, they met the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that the footprints of the proposed Small Houses fell entirely within the village ‘environs’ (‘VE’) of Wong Yue Tan Village and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Wong Yue Tan Village;

- (ii) although CTP/UD&L objected to the applications as approval of the applications would set an undesirable precedent for similar Small House applications in the “GB” zone and along the edge of the woodland on the slope to the south, DAFC had no comment on the applications. The applicants had provided information in the submission (Appendix Ia of the Paper) indicating that the nearest tree (at about 3m away) from the proposed Small Houses would be retained and no tree felling would be required for the subject applications. Regarding the concern of H(GEO), CEDD, approval conditions on submission of a NTHS study and implementation of the associated mitigation measures could be imposed to require the applicant to undertake the NTHS and provide suitable mitigation measures where necessary. Other concerned government departments have no objection or adverse comment on the applications;

- (iii) two similar applications (No. A/TP/445 and A/TP/449 as indicated in Plan A-2) in the vicinity of the sites within the same “GB” zone were approved by the Committee in June and August 2010 based on similar considerations that the applications generally complied with the ‘Interim Criteria’, the proposed Small Houses would unlikely cause significant adverse environmental, drainage and traffic impacts and there was a general shortage of land in meeting the demand for Small House Development in the “V” zone. The subject applications should warrant the same consideration; and

- (iv) although there were three public comments expressing concerns on the possible adverse impacts of the Small House developments on the existing trees and natural environment of the surrounding areas, DAFC had no adverse comments on the applications.

46. Members had no question on the application.

Deliberation Session

47. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 3.6.2015, 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. The permissions were subject to the following conditions :

- (a) 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;
- (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 of a Natural Terrain Hazard Study and the implementation of the mitigation measures identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that the site was not covered by any Modification of Tenancy and Building Licence. If application for Small House was approved by LandsD acting in its capacity as the landlord at its sole discretion, the approval would be subject to such terms and conditions as might be imposed by LandsD;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) as below :
 - (i) no existing public stormwater drain maintained by DSD was available for connection in the area. The proposed development

should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;

- (ii) the applicant should note that the site was located within the flood fringe and was subject to overland flow and inundation during heavy rainfall; and
 - (iii) the site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that as trimming of trees might still be required for the proposed Small House development, the applicant should minimize impact to the trees on site;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend his 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;
- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application

referred by LandsD;

- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the applicant should note that the access lying to the north of the site was not maintained by HyD;
- (g) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department as below :
 - (i) the applicant should submit a Geotechnical Planning Review Report (GPRR) to assess the natural terrain hazard of the proposed development as addressed in the GEO Advice Note (Appendix VI of the Paper), which set out the essential contents of a GPRR. Depending on the findings of the GPRR, a Natural Terrain Hazard Study and mitigation measures found necessary might have to be undertaken as part of the proposed development; and
 - (ii) the applicant should make necessary submission to the District Lands Officer to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in the Practice Note for Authorized Persons APP-56. If such exemptions were not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/497 Proposed House (Private Garden Ancillary to House)
in “Green Belt” zone,
Government Land adjoining Lot 400 in D.D. 34,
Block B, Rainbow Height, Kon Hang, Tai Po
(RNTPC Paper No. A/TP/497)

Presentation and Question Sessions

49. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed private garden ancillary to a house;
- (c) departmental comments – the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning perspective in that there was a general presumption against development within the “Green Belt” (“GB”) zone. Approval of the application would encourage similar development encroaching onto the predominantly rural area and further deteriorate the landscape quality;
- (d) one public comment was received during the statutory publication period. The Designing Hong Kong Limited objected to the application due to the lack of information regarding compensation for affected trees and shrubs; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper

which were summarised below :

- (i) the private garden ancillary to the house involved unauthorized occupation of government land. The conversion of the subject site into a private garden for private enjoyment was not in line with the planning intention of “GB” zone with a general presumption against development. No strong planning justification had been provided in the submission for a departure from the planning intention; and
- (ii) there were other residential developments having similar circumstances that were located adjacent to the site within the same “GB” zone. Approval of the application would undermine the planning intention of the “GB” zone and set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such proposals would further deteriorate the landscape quality of the area and result in a general degradation of the environment. As such, CTP/UD&L, PlanD had reservation on the application.

50. Members had no question on the application.

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

Deliberation Session

51. The Chairman said that the application site seemed to be surrounded by slopes and was not accessible by the general public. Judging from its size and isolated location, it might not be suitable for public use. In response, Ms. Lisa L.S. Cheng said that the proposed private garden to the house would unlikely cause adverse impact to the nearby residential uses. However, the areas in the vicinity were mostly government land, residential dwellings or structures in Short Term Tenancies and similar circumstances would likely be occurred. Approval of the application would have a precedent effect for other similar applications in the area. The Chairman asked whether LandsD had taken any action against the unauthorised occupation of government land. In response, Ms. Anita K.F. Lam

said that LandsD would consider taking necessary enforcement action.

[Mr. Timothy K.W. Ma returned to join the meeting at this point and Professor Paul K.S. Lam left the meeting temporarily at this point.]

52. A Member said that the proposed private garden with proper planting and landscaping might not be in conflict with the “GB” zone. The Secretary drew Members’ attention that in considering the application, the planning intention of the “GB” zone was an important consideration. There was a general presumption against development under the “GB” zone. Moreover, the current application involved the conversion of government land into a private garden for private enjoyment and approval of the application would have a precedent effect. Members noted and agreed.

53. The Secretary also said that since there were residential dwellings and hard-paved platforms in the subject “GB” zone, suitability of the existing “GB” zoning might need to be reviewed. The Chairman asked District Planning Officer to conduct a review on the subject “GB” zone.

54. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development was not in line with the planning intention of “Green Belt” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. The applicants failed to provide strong planning justifications in the submission for a departure from this planning intention; and
- (b) approval of the application would set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative effect of approving such proposals would result in a general degradation of the environment in the area.

[The Chairman thanked Ms. Doris S.Y. Ting, Mr. Anthony K.O. Luk, Mr. David Y.M. Ng and Ms. Lisa L.S. Cheng, STPs/STN, for their attendance to answer Members' enquires. Ms. Ting, Mr. Luk, Mr. Ng and Ms. Cheng left the meeting at this point.]

Tuen Mun and Yuen Long District

[Ms. S.H. Lam, Mr. Ernest C.M. Fung and Mr. Kepler S.Y. Yuen, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/180 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” and “Village Type Development” zones,
Government Land in D.D. 115, Tung Tau Tsuen, Yuen Long
(RNTPC Paper No. A/YL/180)

Presentation and Question Sessions

55. Ms. S.H. Lam, STP/TMYL, 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 – the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape point of view. The site was located on the

edge of an existing woodland and a village road and a majority of the site (99.5%) fell within an area zoned “Green Belt” (“GB”). The proposed Small House was not in line with the planning intention of the “GB” zone with a general presumption against development. Moreover, it was not compatible with the surrounding lush vegetated environment. She noted in a site inspection that site formation work was in progress which had damaged the natural topography and left an unattractive scar on the existing landscape. As the site would be entirely occupied by the proposed Small House, landscape mitigation measures could not be implemented on site to mitigate the landscape impacts. Approval of the application would set an undesirable precedent for similar Small House application in the area resulting in a further degradation of the landscape quality;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised as below :
 - (i) the proposed Small House development at the site was not in line with the planning intention of “GB” zone which was to define the limits of urban development areas by natural features. There is a general presumption against development within this zone. No strong planning justifications have been provided in the submission for a departure from this planning intention;
 - (ii) according to the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone’, applications for new development in “GB” zone would only be considered in exceptional circumstances and must be justified with very strong planning grounds. No strong planning justifications had been provided in the submission that warrants an exceptional

consideration;

- (iii) CTP/UD&L, PlanD objected to the application from landscape planning point of view in that the proposed Small House was not compatible with surrounding lush vegetated environment. The proposed Small House development involved site formation works, cutting or filling of the slope. She noted in a site inspection that the site formation works was in progress which had damaged the natural topography. As the site would be entirely occupied by the proposed Small House, there was little opportunity to mitigate the adverse landscape impacts. The application did not comply with the Town Planning Board Guidelines No. 10 for 'Application for Development within "GB" zone' in that the proposed development was considered not compatible with the existing landscape character of the surrounding areas and would affect the existing natural landscape. Moreover, the site was government land and no application had been received by the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) for Small House development or site formation works. The destruction of existing landscape to create a 'fait accompli' should not be tolerated; and

- (iv) approval of the application would set an undesirable precedent for similar applications in the "GB" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment. Although an application (No. A/YL/175 as indicated in Plan A-2 of the Paper) for Small House development to the immediate southwest of the site was approved by the Committee, it could not be regarded as a precedent as less than 50% of the site fell within the "GB" zone and there was a previous planning approval for Small House development at that site.

56. A Member noted from a photo in Plan A-4 of the Paper that the proposed Small House was located near to a village road which cut across the “GB” zone. Moreover, the construction of the Small House was in progress and it seemed that tree felling had been undertaken. This Member wondered why the village road was built along the fringe of the “GB” zone. In response, Ms. S.H. Lam said that in the Outline Zoning Plan, “Road” was always permitted in all zones. As there was not enough space within Tung Tau Tsuen, the village road was built along the fringe to serve the local villagers.

57. The same Member also noted from Plan A-2 of the Paper that there was a ‘hypothetical boundary of 300 feet’ of Tung Tau Tsuen. She enquired whether Tung Tau Tsuen had its own village ‘environ’ (‘VE’). In response, Ms. S.H. Lam said that Tung Tau Tsuen did not have a ‘VE’ boundary. However, in drawing up the boundary for “Village Type Development” zone in the area, it was noted that the ‘hypothetical boundary of 300 feet’ of Tung Tau Tsuen covered a large portion of a vegetated knoll. This natural feature was included as part of a larger “GB” zone.

[Professor Paul K.S. Lam returned to join the meeting at this point.]

Deliberation Session

58. The Chairman asked whether the applicant had obtained the approval from LandsD for the construction of the Small House. In response, Ms. Anita K.F. Lam said that she did not have information. However, as the site fell within the ‘hypothetic boundary of 300 feet’ of Tung Tau Tsuen, applications for Small House development would be processed by LandsD. A Member raised concern on whether the application warranted a special consideration in this circumstances. The Chairman said that although the Small House application could be processed by LandsD, Members should note that the site was a piece of the government land fell almost entirely within the “GB” zone and the approach of ‘destroy first and build later’ should not be encouraged. Members generally considered that the proposed Small House was not in line with the planning intention of “GB” zone with a general presumption against development and there was no special merit in the application to warrant a special consideration.

59. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone, which was to define the limits of urban development areas by natural features. No strong planning justifications had been provided in the submission to justify a departure from the planning intention;
- (b) the application did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone’ in that no strong planning justifications had been provided in the submission to warrant an exceptional consideration, the proposed development was considered incompatible with the existing landscape character of the surrounding areas and there was little opportunity to mitigate the adverse landscape impacts as the site would be completely occupied by the proposed development; and
- (c) approval of the application would set an undesirable precedent for other similar applications in the “GB” zone. The cumulative effect of approving such similar applications would result in general degradation of the natural environment.

[Ms. Anna S.Y. Kwong and Ms. Anita W.T. Ma left the meeting temporarily at this point.]

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/346 Proposed Temporary Open Storage of Construction Materials
for a Period of 3 Years in “Recreation” zone,
Lots 202 RP (Part), 203 (Part), 204 (Part), 205 (Part), 206 (Part),
207 (Part), 209 (Part) and 214 (Part) in D.D. 126 and
Adjoining Government Land, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/346)

Presentation and Question Sessions

60. Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials for a period of 3 years;
- (c) departmental comments – 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. No environmental complaint regarding the site was received in the past three years;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper which were summarised below :

- (i) although the planning intention of the “Recreation” (“REC”) zone was primarily for recreational developments for the use of the public, there was currently no known recreational proposal on the site. The proposed open storage use was only temporary in nature and would not frustrate the long-term planning intention of the “REC” zone;
- (ii) the application was in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that a previous application (No. A/YL-PS/311) on a larger site for temporary open storage of new vehicles was approved by the Committee, which would be valid until 19.3.2013. According to the applicant, the construction materials to be stored on the site were neither bulky nor large-sized and light goods vehicles would be used for the delivery. Significant adverse impacts were not expected. Concerned government departments including the Commissioner for Transport, the Chief Engineer/Mainland North, Drainage Services Department and the Chief Town Planner/Urban Design and Landscape, Planning Department had no objection to the application; and
- (iii) the proposed open storage use was not incompatible with the surrounding land uses which were mainly open storage yards of new vehicles, recycling materials, building materials and machinery. Although DEP did not support the application as there were sensitive uses in the vicinity of the site, the structure at the northwest of the site was a staff quarter of the adjacent open storage yard and the nearest village house in Ha Mei San Tsuen was located at about 45m to the south. Moreover, the village settlements of Ha Mei San Tsuen were separated from the site by the raised Ha Mei San Tsuen Road (as indicated in Plan A-2 of the Paper). Besides, no environmental complaint regarding the site was received in the past three years. To address DEP’s concern, approval conditions restricting the operation hours, types of vehicles to be parked/

operated on the site, workshop activities and vehicular route were recommended to minimise the potential environmental impacts.

61. Members had no question on the application.

Deliberation Session

62. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.6.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no handling (including loading, unloading, storage, open storage, repairing and dismantling) of electrical appliances including computer parts and television sets was allowed on the site at any time during the planning approval period;
- (d) no cutting, dismantling or other workshop activities were allowed on the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container vehicles, container tractors and trailers, as defined under the Road Traffic Ordinance, and coaches was allowed to be parked/operated on the site at any time during the planning approval period;
- (f) the delivery route to and from the site via Tin Wah Road, as proposed by the applicant, should be adhered to at all times during the planning approval period;

- (g) the provision of a waterworks reserve within 1.5m from the centreline of the affected water mains within the site at all times during the planning approval period;
- (h) the existing landscape planting on the site should be maintained at all times during the approval period;
- (i) the existing drainage facilities on the site should be maintained at all times during the approval period;
- (j) the submission of the condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.12.2011;
- (k) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.12.2011;
- (l) in relation to (k) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.3.2012;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) 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.

63. 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 was accessible to Tin Wah Road via a local track on government land (GL) and other private land. His office provided no maintenance works for the GL and did not guarantee right-of-way. The applicant was required to obtain approval from his office for erection of any structure. The occupier would need to apply to his office for occupation of the GL involved or regularization of any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (c) to adopt environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimise any possible environmental nuisances;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site 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 that his department should not be responsible for the maintenance of any access connecting the site and Tin Wah Road;

- (f) to note the comments of the Director of Fire Services on the requirements in formulating fire service installations (FSIs) proposal as below :
 - (i) the applicant was advised to submit relevant layout plans incorporated the proposed FSIs for his approval. For open storage site, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. The layout should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should also be clearly marked on the layout plans; and
 - (ii) should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed in the above, the applicant was required to provide justifications for his consideration. In the event of doubt, the applicant could seek advice from the New Project Division of his department;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all proposed building works, if any, were subject to compliance with the Buildings Ordinance (BO). An authorised person must be appointed to co-ordinate all building works in accordance with the BO. The granting of planning approval should not be construed as an acceptance of any unauthorised building works on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised building works in the future; and
- (h) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that no structure should be erected over the waterworks reserve and such area should not be used for storage or car parking purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under

it which the Water Authority might require or authorise. No tree/shrubs should be planted within the waterworks reserve.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/730 Proposed Temporary Open Storage of Construction Materials
for a Period of 3 Years in “Agriculture” zone,
Lots No. 386, 387, 389, 390, 391, 392, 396 S.A RP, 396 S.B RP,
397 (Part), 398 S.A (Part), 398 RP (Part) and 432 (Part) in D.D. 128
and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/730)

Presentation and Question Sessions

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

- (a) background to the application;

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

- (b) the proposed temporary open storage of construction materials for a period of three years;
- (c) departmental comments were detailed in paragraph 10 of the Paper and highlighted below :
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from nature conservation and agricultural points of view. The applied use was not in line with the planning intention of the “Agriculture” (“AGR”). The site had high

potential for agricultural rehabilitation and there were agricultural practices which did not entail the use of agricultural chemicals/fertilizers or require large transportation vehicles. The proposed open storage use would lead to the loss in wetland habitat and might cause potential ecological impact on the wetland-dependent species in the area;

- (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning perspective. The proposed open storage use was incompatible with the surrounding landscape character and it would incur removal of existing mature trees and cause adverse impacts to the existing landscape character and resources;
 - (iii) the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and along Deep Bay Road and the nearest sensitive use is located at about 20m from the site. Environmental nuisance was expected;
 - (iv) the Commissioner for Transport (C for T) considered that approval of similar applications in the area would induce cumulative adverse traffic impact on the nearby road network; and
 - (v) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that there was no supporting assessment or calculation in the submission but only a brief statement indicating that the proposed development would not have adverse drainage impact. As the area of the site was substantial, a Drainage Impact Assessment (DIA) was required;
- (d) public comments –
- (i) during the first statutory publication period, three public comments objecting to the application were received. A Yuen Long District

Council (YLDC) member commented that the access road to the site was narrow and unsuitable for heavy vehicular traffic which would cause potential danger. The proposed open storage use would seriously damage the environment of the area. The Designing Hong Kong Limited (DHKL) considered that the proposed open storage use was a blight on the environment. It was not in line with the planning intention of the “AGR” zone and paving/structure on the site would permanently transform the soil. Approval of the application would set a bad example and induce further degradation of the rural environment. The Hong Kong Bird Watching Society Limited raised concern that the proposed development would pollute the topsoil and the nearby fishponds which were of considerable ecological value. The applicant had not provided any information to demonstrate that the proposed development would not cause negative impacts on biodiversity, water, drainage and visual properties. As unauthorized filling with construction and demolition wastes was found on part of the site, approval of the application would encourage ‘destroy first, development later’; and

- (ii) during the second statutory publication period, two public comments were received. The same YLDC member objected to the application on the same traffic grounds. Besides, the proposed development involved pond filling and he considered that the fishponds in Yuen Long should be conserved. DHKL objected to the application on the same grounds.
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as set out in paragraph 12 of the Paper which were summarised as below :
- (i) the proposed open storage use was not in line with the planning intention of the “AGR” zone. In this regard, DAFC did not support the application in that the site had high potential for agricultural rehabilitation. The proposed open storage use would also lead to

the loss in wetland habitat and might cause potential ecological impact on the wetland-dependent species in the area. The applicant had not provided any strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis;

- (ii) the application did not meet the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' as no previous approval for open storage use has been granted for the site, there were adverse departmental comments and there was no information in the submission to demonstrate that the applied use would not have adverse landscape, environmental, ecological, traffic and drainage impacts on the surrounding areas;
- (iii) the applied use was incompatible with the rural neighbourhood and the nearby residential dwellings. As such, CTP/UD&L, PlanD objected to the application from the landscape planning perspective. Besides, DEP did not support the application as there are sensitive uses in the vicinity of the site and along Deep Bay Road. The nearest sensitive use was located at about 20m from the site and environmental nuisance was expected. Although the applicant claimed that there were two open storage yards located to the immediate north of the site (as indicated in Plan A-2 of the Paper), one open storage yard was a suspected UD while the other was an 'existing use' tolerated under the Town Planning Ordinance;
- (iv) the applicant argued that agricultural activities at the site would cause more environmental impacts than the applied use due to the use of agricultural chemicals/fertilizers and larger vehicles for transportation. In this regard, DAFC advised that there were agricultural practices which did not entail the use of agricultural chemicals/fertilizers or require large transportation vehicles;

- (v) the site was accessible via the single-lane-two-way Deep Bay Road, C for T raised concerns on the cumulative adverse traffic impact of approving such similar applications; and
- (vi) the Committee/the Board had not approved any application for temporary storage/open storage uses within the subject “AGR” zone. Approval of the application would set an undesirable precedent and encourage other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

65. Members had no question on the application.

Deliberation Session

66. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13 of the Paper and considered that they were appropriate. The reasons were :

- (a) the development was not in line with the planning intention of the “Agriculture” zone which was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification in the submission to merit a departure from such planning intention, even on a temporary basis;
- (b) the development was not compatible with the rural neighbourhood and the surrounding residential dwellings;
- (c) the development was not in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that no previous approval had been granted for the site, there were adverse departmental comments on the traffic, ecological, drainage, landscape and

environmental aspects, and the development would have adverse traffic, ecological, drainage, landscape and environmental impacts on the surrounding areas. No technical assessment had been included in the submission to address such adverse impacts; and

- (d) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone, the cumulative effect of which would result in a general degradation of the environment of the “AGR” zone.

Agenda Item 20

Section 16 Application

[Open Meeting]

A/YL-HT/732 Temporary Public Vehicle Park (excluding Container Vehicle)
with Ancillary Warehouse (excluding Dangerous Goods)
for a Period of 3 Years
in “Residential (Group C)” and “Residential (Group D)” zones,
Lots 1024 S.A RP (Part), 1080 (Part), 1084 (Part), 1085 (Part),
1086 (Part), 1087 (Part), 1088 (Part), 1089 (Part), 1090 (Part),
1091 (Part), 1092 (Part) and 1104 (Part) in D.D. 124,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/732)

67. The Committee noted that on 25.5.2011, the applicant requested for a deferment of the consideration of the application for one month in order to allow time for the applicant to prepare further information to address departmental comments.

68. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional 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 additional information from the applicant. 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 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/218 Public Vehicle Park (excluding Container Vehicle)
 in “Recreation” zone,
 Lot 2206 RP (Part) in D.D. 129, Lau Fau Shan, Yuen Long
 (RNTPC Paper No. A/YL-LFS/218)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public vehicle park (excluding container vehicle);
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and along Deep Bay Road. The nearest residential dwelling was located at less than 50m from the site. Environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective. She considered that the proposed permanent use would reduce the provision of recreation area within the district. The applicant had not submitted any landscape proposal to mitigate the landscape impact caused by the proposed development. Besides, the Commissioner for Transport (C for T) considered that approval of similar applications in the area would induce cumulative adverse traffic impact on

the nearby road network;

- (d) two public comments objecting to the application were received during the statutory publication period. A local resident raised concern that the proposed development would aggravate the traffic conditions of the area. There were a lot of vehicle parks in the vicinity of the site with over 50% vacancy rate. He suspected that the operator would use the site for other uses like repair workshop, selling of cement, parking of tractors, etc. He also queried the lack of action from the Government on the numerous unauthorized vehicle parks, repair workshops and storage yards in the area. The Designing Hong Kong Limited commented that there were adequate parking facilities in the area. The proposed development was a blight on the environment. A holistic approach was required to oversee the provision of parking spaces and over-provision would reduce the cost of car use thereby promoting car use and ownership; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as set out in paragraph 11 of the Paper which were summarised as below :
 - (i) according to the applicant, the proposed public vehicle park was intended to provide parking spaces for vehicles transporting live fish to the nearby seafood street as well as vehicles for tourists visiting the area. While the intention to provide such parking spaces was not unreasonable, it was considered that such a facility, if to be provided on a permanent basis, should be properly planned. The applicant had not submitted any layout of the proposed vehicle park or technical proposals in support of the application;
 - (ii) DEP did not support the application as there were sensitive uses in the vicinity of the site and along Deep Bay Road and environmental nuisance was expected. Although there were other vehicle parks in the vicinity of the site, they were either 'existing uses' tolerated under the Ordinance or suspected unauthorised developments which

would be subject to enforcement action by the Planning Authority;

- (iii) CTP/UD&L, PlanD had reservation from the landscape planning perspective in that the proposed permanent use would reduce the amount of recreation area in the district and the applicant had not submitted any landscape proposal to mitigate the landscape impact caused by the proposed development;
- (iv) the Committee had rejected four similar applications (No. A/YL-LFS/5, 16, 79 and 85 as indicated in Plan A-1) involving parking uses either on a temporary or permanent basis within the “REC” zone. There had been no material change in the planning circumstances and rejection of the application was in line with the Committee’s previous decisions; and
- (v) although the site was located near the Lau Fau Shan round-about and the proposed development was not in a large scale, approval of the application on a permanent basis in the absence of a comprehensive plan for parking provisions in the area would set an undesirable precedent for similar applications along Deep Bay Road. In this regard, C for T raised concern on the cumulative adverse traffic impact of approving such similar applications.

70. Members had no question on the application.

Deliberation Session

71. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 of the Paper and considered that they were appropriate. The reasons were :

- (a) the applicant failed to demonstrate how the proposed development could support the recreational uses in the vicinity of the application site and that the adverse environmental, landscape and drainage impacts could be

adequately addressed; and

- (b) the approval of the application would set an undesirable precedent for similar applications within the “Recreation” zone. The cumulative impact of approving such applications would overload the capacity of Deep Bay Road.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/532 Renewal of Planning Approval for Temporary ‘Vehicle Repair Workshop’ Use under Application No. A/YL-TYST/393 for a Period of 3 Years in “Undetermined” zone, Lot 2357 S.B RP in D.D. 120, Tin Lung Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/532)

Presentation and Question Sessions

72. Mr. Kepler S.Y. Yuen, STP/TMYL, 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 ‘vehicle repair workshop’ use under Application No. A/YL-TYST/393, which would be valid until 6.6.2011, for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were residential structures to the south and in the vicinity of the site and environmental nuisance was expected. However, no environmental complaint concerning the site were received in the past three years;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

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

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for another three years based on the assessments set out in paragraph 12 of the paper which were summarized below :
 - (i) the temporary use was considered not incompatible with the surrounding land uses which were mixed with open storage yards and warehouses. Since there was no known programme for permanent development, approval of the application on a temporary basis would not frustrate the long-term use of the area;
 - (ii) the application for renewal of planning approval was generally in line with the Town Planning Board Guidelines No. 34B for 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use on Development' in that there had been no material change in planning circumstances since the granting of previous temporary approval under Application No. A/YL-TYST/393, all the conditions of the previous approval had been complied with and no complaint had been received on the use at the site during the previous approval period;
 - (iii) although DEP did not support the application as there were residential uses located to the south and in the vicinity of the site, the development was small in scale and was separated from the residential dwellings by other uses. To address DEP's concerns, approval condition restricting the operation hours was recommended

and the applicant could be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to alleviate any potential environmental impact; and

- (iv) other government departments had no adverse comment on the application. To address the concerns of the Chief Town Planner/ Urban Design and Landscape, PlanD, the Chief Engineer/Mainland North, Drainage Services Department and the Director of Fire Services, appropriate approval conditions were recommended to require the applicant to maintain the existing landscape planting and drainage facilities on site, submit a record of the existing drainage facilities, and submit and implement the fire service installations proposal.

73. Members had no question on the application.

Deliberation Session

74. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 7.6.2011 to 6.6.2014, 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 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) the existing landscape planting on the application site should be maintained at all times during the planning approval period;

- (d) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (e) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.12.2011;
- (f) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.12.2011;
- (g) in relation to (f) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.3.2012;
- (h) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) 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.

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owner would need to apply to his office

to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal village track on government land (GL) extended from Kung Um Road. His office provided no maintenance works for this track nor guarantees right-of-way. Moreover, part of the GL had been granted with Government Land Allocation for an active sewerage project, namely “Yuen Long and Kam Tin Sewage Treatment, Stage 2B-2T (Yuen Long South Branch Sewers)”, by the Drainage Services Department;

- (b) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site 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;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (d) to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (e) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structure, fire service installations (FSIs) were anticipated to be required. The applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal for the proposed structure, the applicant was advised to make reference to the

following requirements :

- (i) for other open storage, open shed or enclosed structure with total floor area less than 230 m² with access for emergency vehicles to reach 30m traveling distance to structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans; and
 - (ii) should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his department for consideration.
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that containers used as storage and toilet were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission of any proposed new works, including any temporary structure, for approval under the Buildings Ordinance was required. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and
- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The applicant and his contractors should observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity

Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines.

[Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/534 Temporary Warehouse for Storage of Furniture
for a Period of 3 Years in “Undetermined” zone,
Lots 1547 and 1548 in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/534)

Presentation and Question Sessions

76. Mr. Kepler S.Y. Yuen, STP/TMYL, 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 furniture for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were of residential uses to the south and in the vicinity of the site and environmental nuisance was expected. However, no environmental complaint concerning the site was received in the past three years;
- (d) one public comment from a Yuen Long District Council (YLDC) member was received during the statutory publication period. He commented that the revocation of the previous planning approval (No. A/YL-TYST/391) reflected the applicant’s insincerity to comply with the approval conditions

and hence the current application should be rejected; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper which were summarised below :
 - (i) the temporary use was not in conflict with the planning intention of the “U” zone and it was not incompatible with the surrounding areas which were mixed with warehouses, open storage yards and workshops. Since there was no known programme for permanent development in the “U” zone, approval of the application on a temporary basis would not frustrate the long-term use of the area;
 - (ii) although DEP did not support the application as there were residential uses located to the south and in the vicinity of the site, the development was for storage purpose mainly in an enclosed warehouse structure and there had not been any environmental complaint in the past three years. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting open storage, workshop activities and the use of heavy goods vehicles were recommended. The applicant would also be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to alleviate the potential environmental impact. Other government departments consulted have no adverse comment on the application; and
 - (iii) regarding the public comment on the revocation of the previous planning approval under Application No. A/YL-TYST/391, the applicant had already complied with the landscape and drainage conditions. The applicant had also submitted the fire service installations (FSIs) proposal but the Director of Fire Services considered the proposal not satisfactory. In the current application, the applicant had submitted a FSIs proposal to demonstrate his

efforts to address the fire safety issue. If the application was approved by the Committee, shorter compliance periods were recommended to monitor the progress on compliance with the approval conditions. Moreover, sympathetic consideration might not be given to any further application if planning permission was revoked again due to non-compliance with approval conditions.

77. Members had no question on the application.

Deliberation Session

78. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.6.2014, 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 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no open storage, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;
- (d) no workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to enter/exit the application site at any time during the planning approval period;

- (f) the existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities implemented under Application No. A/YL-TYST/391 on the application site should be maintained at all times during the planning approval period;
- (h) the submission of a record 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 3.9.2011;
- (i) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.9.2011;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.12.2011;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods were given to monitor the progress on compliance with approval conditions;
- (c) sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that Letter of Approval (L of A) Ref. MT/LM 13768 was granted to permit erection of agricultural structures on Lot 1547 in D.D. 119. Non-agricultural use of these structures would cause a breach of the terms of the L of A. Nevertheless, applications for Short Term Waiver at Lots 1547 and 1548 in D.D. 119 had been received. Such applications would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such applications were approved, they would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal track on government land (GL) extended from Kung Um Road. His office provided no maintenance works for this track nor guarantees right-of-way. Moreover, part of the GL had been granted with Government Land Allocation for an active sewerage project, namely 'Yuen Long and Kam Tin Sewage Treatment, Stage 2B-2T (Yuen Long South Branch Sewers)', to the Drainage Services Department;
- (f) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance

responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (g) to the note comments of the Chief Highway Engineer/New Territories West, Highways Department that his department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (h) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation that good site practices should be adopted and necessary measures should be implemented to avoid causing disturbance and water pollution to the nearby watercourses;
- (j) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Besides, clarification should be made in the fire service installations proposal on whether foam plastics were contained in the furniture being stored. The category of goods, and the configuration and height of storage, should be specified to justify the hazard group for the sprinkler system. A 4.5kg carbon dioxide fire extinguisher should be provided in the fire safety pumps enclosure and a 4.5kg carbon dioxide fire extinguisher should be provided near the sprinkler pumps. Clarification should also be made on the type of construction of the porch for loading/unloading;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the unauthorized structures on site were liable to action under section 24 of the Buildings Ordinance (BO) and should be removed. The granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO

and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations 19(3) at the building plan submission stage; and

- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The applicant and his contractors should observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines.

[The Chairman thanked Ms. S.H. Lam, Mr. Ernest C.M. Fung and Mr. Kepler S.Y. Yuen, STPs/TMYL, for their attendance to answer Members' enquires. Ms. Lam, Mr. Fung and Mr. Yuen left the meeting at this point.]

Agenda Item 24

Any Other Business

80. There being no other business, the meeting was closed at 4:16 p.m..