

TOWN PLANNING BOARD

Minutes of 444th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 8.7.2011

Present

Director of Planning
Miss Ophelia Y.S. Wong

Chairperson

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Timothy K.W. Ma

Dr. C.P. Lau

Ms. Anita W.T. Ma

Dr. W.K. Yau

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

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

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

Deputy Director of Planning/District
Ms. Phyllis C.M. Li

Secretary

Absent with Apologies

Mr. Y.K. Cheng

Dr. James C. W. Lau

Mr. Rock C.N. Chen

Dr. W.K. Lo

Mr. Stephen M.W. Yip

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

In Attendance

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

Chief Town Planner/Town Planning Board
Miss H.Y. Chu

Town Planner/Town Planning Board
Ms. Kathy C.L. Chan

[Open Meeting]

1. The Chairperson, on behalf of the Committee, expressed condolences to the family of Mr. Daniel Heung Cheuk-kei, who passed away on 2.7.2011. Mr. Heung served on the Town Planning Board from 1990 to 2001.

2. The Chairperson and Members congratulated Mr. Maurice W.M. Lee and Mr. Rock C.N. Chen for being awarded the Bronze Bauhinia Star in recognition of their contribution to the community.

Agenda Item 1

Confirmation of the Draft Minutes of the 443rd RNTPC Meeting held on 17.6.2011

[Open Meeting]

3. The draft minutes of the 443rd RNTPC meeting held on 17.6.2011 were confirmed subject to replacing “Mr. Cheng’s” with “Mr. Choi’s” on line 4 of paragraph 51.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/I-LI/1 Application for Amendment to the Approved Lamma Island Outline Zoning Plan (OZP) No. S/I-LI/9 from “Agriculture”, “Conservation Area” and “Coastal Protection Area” to “Comprehensive Development Area (1)” and to incorporate part of the seabed at Tung O Wan to the east of the application site which was currently not covered by the OZP into the OZP and zone it as “Comprehensive Development Area (1)” with a maximum plot ratio of 0.6 and maximum building height of 3 storeys on land and 4 storeys on marina, Various Lots and Adjoining Government Land in D.D. 7 and D.D.9, Tung O, Lamma Island
(RNTPC Paper No. Y/I-LI/1)

5. The Secretary reported that on 15.6.2011, the applicant’s representative requested for a deferment of the consideration of the application for three months in order to allow time for the applicant to address the concerns of Government departments and address their comments on the application.

6. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/SLC/2 Application for Amendment to the Approved South Lantau Coast Outline Zoning Plan No. S/SLC/16 from “Green Belt” to “Other Specified Uses” annotated “Columbarium”, Lots 26 (Part), 27 (Part), 28 (Part), 29 (Part), 30 (Part), 31, 32 (Part), 33 (Part), 34 (Part), 35 (Part), 37, 38, 39, 40, 41, 42 (Part), 43 (Part), 45 (Part), 46, 47, 48 (Part), 52 (Part), 53 (Part), 54 (Part), 55 (Part), 56 (Part), 59 (Part), 60 (Part) and 61 (Part) in D.D. 337 and Adjoining Government Land, Mong Tung Wan, Lantau Island
(RNTPC Paper No. Y/SLC/2A)

7. The Secretary reported that on 16.6.2011, the applicant requested for a further deferment of the consideration of the application for two months in order to allow time for the applicant to address departmental comments and revise relevant technical assessment report and the schematic Master Layout Development Plan.

8. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of further information, and as a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

[Mrs. Margaret W.F. Lam, Miss Erica S.M. Wong and Mr. C.F. Yum, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/117 Proposed Public Utility Installation
(Mobile Communication Radio Base Station)
in “Residential (Group C)” zone,
Government Land to the northwest of the Hong Kong Young Women’s
Christian Association Sydney Leong Holiday Lodge
in D.D. 332L, Lantau Island
(RNTPC Paper No. A/SLC/117)

Presentation and Question Sessions

9. Mrs. Margaret W.F. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation was a free-standing mobile communication radio base station with a site area of about 22.5m². It consisted of a 15m high outdoor antenna post, nine outdoor antennae, a microwave antenna and an equipment cabinet;
- (c) departmental comments – the Director-General of Telecommunications (DG of Telecom) supported the application as the proposed installation would resolve the poor mobile phone coverage problem at San Shek Wan, Cheung Sha Sheung Tsuen, and the junction of South Lantau Road and Tung Chung Road. She advised that it was necessary to install a 15m high antenna pole so that the radio signal would not be blocked or interfered by the nearby trees which were about 12m high. Moreover, there were a few fatal incidents in which some hikers in distress could not make emergency calls in country parks through mobile phone services. The proposed radio base station would provide coverage to the Lantau

South Country Park and allow the general public to summon assistance in emergency situation. She considered that the application site was the best location for the installation;

- (d) two public comments were received during the statutory publication period. One of the comments was from an indigenous village representative of San Shek Wan Tsuen giving support to the application. The other comment was from a member of the public raising objection to the application on the grounds that the proposed development would bring adverse ecological and visual impacts on the surrounding area and the electromagnetic waves emitted by the proposed development would affect the well-being of the public; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below:
 - (i) the proposed development was an essential telecommunication facility to enhance the mobile phone coverage in the areas of Cheung Sha Sheung Tsuen, San Shek Wan and Lantau South Country Park. In this regard, DG of Telecom supported the application;
 - (ii) the application site was the optimal location to resolve the poor mobile coverage problem of San Shek Wan and its neighbouring areas, including the Lantau South Country Park. Based on the information provided by the applicant, about 90% of the 'no signal' area would be served by the proposed development. The DG of Telecom confirmed that the proposed development would provide coverage to the Lantau South Country Park and the site was the best location for the installation. Besides, the proposed development with an area of 22.5m² was small in scale and its immediate surrounding areas were predominantly covered with dense vegetation. The proposed development was considered appropriate at the application site;

- (iii) as explained by the applicant and advised by the DG of Telecom, the existing trees would block the signal and hence a 15m high antenna pole was required to ensure effective radio signal transmission. The proposed development could be effectively screened by the existing trees surrounding the site. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of PlanD did not anticipate any significant visual and landscape impacts caused by the proposed development. To address CTP/UD&L's comments on the visual and landscape aspects, relevant approval conditions on the submission and implementation of visual impact mitigation measures and landscape proposal were recommended; and

- (iv) regarding the ecological and visual concerns raised by a public commenter, relevant approval conditions related to tree felling and visual impact mitigation had been recommended. As for the concerns on the emission of electromagnetic waves, the Director of Health advised that the World Health Organisation was of the view that compliance with the relevant International Commission on Non-Ionising Radiation Protection guidelines (1998) would not pose any significant adverse effects to the workers and the public.

10. In reply to a Member's question, Mrs. Margaret W.F. Lam said that the mobile phone coverage in the surrounding area of the application site was poor and some mobile phone calls made in the area were connected to the mobile phone networks in the Mainland.

Deliberation Session

11. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 8.7.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) no existing trees should be removed/felled without the prior consent of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (b) the submission and implementation of visual impact mitigation measures to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that additional landscaping should be implemented to screen the proposed fibre glass shelter, equipment cabinet and metal fencing;
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that the amount of trimming of trees at the periphery of the application site as required for the proposed development should be minimized;
- (c) to note the comments of the Chief Building Surveyor/New Territories East 1 and Licensing, Buildings Department that building proposal should be submitted to his department for approval and building works should comply with the Buildings Ordinance. Authorized Person should be appointed to coordinate all building works;
- (d) to note the comments of the District Lands Officer/Islands that her office would follow up the application for land acquisition if policy support for direct grant of Short Term Tenancy could be obtained from the Director-General of Telecommunications; and
- (e) to note the comments of the Director of Health that the project owner should provide verification of actual compliance with the International

Commission on Non-Ionising Radiation Protection guidelines upon the commissioning of the proposed development.

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-CC/10 Proposed Columbarium
 in “Government, Institution or Community (4)” zone,
 15 Fa Peng Road, Cheung Chau (Cheung Chau Inland Lot 11 (Part))
 (RNTPC Paper No. A/I-CC/10)

Presentation and Question Sessions

13. Miss Erica S.M. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed two-storey columbarium involved the conversion of the ground floor of an existing single-storey Taoist Temple (named 歸元精舍) (about 168m²) and the construction of an additional floor (about 68m²) on-top for columbarium use accommodating a total of 21 355 niches;

- (c) departmental comments were detailed in paragraph 9 of the Paper and highlighted below:
 - (i) the District Lands Officer/Islands advised that according to the Government Lease of the subject lot and G.N. 365 of 1906, there was no restriction on columbarium use within the lot;

 - (ii) the Commissioner for Transport (C for T) considered that as the

proposal would generate a lot of pedestrian traffic, especially on festive days, the applicant should carry out a traffic impact assessment (TIA) to address issues on peak pedestrian flow on festive days; impact on existing road network since most visitors would be required to walk all the way from the ferry pier to the site; demand and adequacy of ferry service; and accessibility of the disabled in wheel-chairs (taking into account the width and gradient of relevant roads). However, the supplementary information provided by the applicant seemed to be an explanation of the applicant's intention and the current situation, rather than an assessment as required by C for T. A TIA was required to provide further justification;

- (iii) the Commissioner of Police (C of P) objected to the application in view of the large quantity (21 355 numbers) of niches at the application site. These niches would attract at least 50 000 people going to the area in one day and the current narrow footpaths along the hillside with insufficient railings were not wide and safe enough to accommodate such a large crowd of people. Also, there was no emergency vehicular access for ambulance/fire engines/police vehicles. Regarding public nuisance and local concerns, C of P had consulted the Chairman of Cheung Chau Rural Committee (RC) and the District Council (DC) members in Cheung Chau and they all raised objection to the application. Moreover, C of P strongly objected to the applicant's suggestion to close and lock the proposed columbarium during Ching Ming and Chung Yeung Festivals and the Saturdays, Sundays and public holidays falling within 7 days preceding and subsequent thereto. C of P was of the view that the applicant was fully aware that such conditions would be ignored by the relatives of the deceased, who would demand their traditional rights of access to pay their respects to their family members on these days. It would only lead to conflict within the community and could not address the genuine safety concerns;

- (d) during the statutory publication period, a total of 30 public comments were received which were summarised below:
- (i) 24 public comments (submitted by an Islands DC member, two Kai-fong representatives of Cheung Chau RC, two Cheung Chau residents and 19 Cheung Chau residents in standard letter enclosing with 82 signatures) objected to the proposed development on the grounds of violation of burial traditions of Cheung Chau and the provision of Basic Law for protecting the rights of Cheung Chau people; inadequate pedestrian access and adverse impact on public order; psychological pressure on Cheung Chau residents; and adverse environmental impacts. They also raised concerns on the availability of supporting facilities for visitors to the proposed columbarium; compatibility with the nearby community and recreational facilities; and lacking of protection of consumer rights;
 - (ii) four public comments (from the Chairman of Cheung Chau RC, one Islands DC member, Designing Hong Kong Limited and one individual) were concerned about the visual impact, pedestrian traffic arrangement, environmental impact, violation of burial tradition of Cheung Chau, and excessive scale of the proposed columbarium; and
 - (iii) two public comments (from an individual and Cheung Chau Kai-fong Society) supported the application as the site was far away from residential areas and the proposed columbarium might bring about business opportunities to shops and fishermen, and alleviate the pressure on increase in ferry fares;
- (e) during the statutory publication period of the further information to the application, a total of 14 public comments were received. Two public comments (from an Islands DC member and a Kai-fong representative of Cheung Chau RC) raised objection to the application, and the remaining 12 comments (submitted by an Islands DC member, a resident representative of Cheung Chau RC, the Chairlady of Cheung Chau Island Women Association Limited and nine local residents) raised concerns which were

similar to the public comments received earlier. These commenters also opined that the further information could not address their previous concerns; there was no environmental assessment in the applicant's submission; and the existing Taoist Temple was in unsafe condition which should be demolished;

- (f) the District Officer (Islands) envisaged that the community would raise the following points:
 - (i) as the site was only accessible through a narrow road, it would pose danger in case of sudden influx of visitors though the applicant had assured that his staff would ensure visitors to follow one-way traffic and then to exit from another point during Ching Ming and Chung Yeung Festivals;
 - (ii) the site was in proximity to residential area, Jockey Club Don Bosco Youth Centre and Salesian Retreat House, nuisance would inevitably be aroused; and
 - (iii) it was said to be a custom in Cheung Chau that the right of burial would only be granted to any deceased being Cheung Chau residents who had continuously resided in Cheung Chau for over 10 years. Certification therefore needed to be made by the Chairman of Cheung Chau RC. Resistance from Cheung Chau residents would likely spring up against outsiders to dispose of human bone ashes in the columbarium; and

- (g) 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 application site was located at the upland area in the eastern part of Cheung Chau. The surrounding areas were characterized by low-rise, low-density residential houses and recreational uses, which were served by a narrow footpath (about 1.5m in width) named Fa Peng Road. There was no cemetery, crematorium or columbarium use in the vicinity of the site. The proposed columbarium

development was considered not in line with the Town Planning Board (TPB) Guidelines No. 16 on development within “Government, Institution or Community” (“G/IC”) zone in that the proposal was not compatible with the surrounding land uses which were mainly residential and recreational developments;

- (ii) the site was served by a 1.5m wide footpath without any vehicular access or emergency vehicular access. The footpath also served the existing low-rise residential and recreational developments in the surrounding areas. The applicant had not provided sufficient information or technical assessment to demonstrate that the proposed development, which provided 21 355 niches, would not create adverse pedestrian traffic impact on the surrounding areas. Although the applicant proposed to close the columbarium during Ching Ming and Chung Yeung Festivals as well as Saturdays, Sundays and public holidays falling within seven days preceding and subsequent thereto, C for T maintained his view that a TIA was required to support the proposed columbarium development. Also, there was no information on the provision of supporting facilities for visitors on foot and the disabled in wheel-chairs along the pedestrian route from Cheung Chau Pier to the site, as well as on the demand and adequacy of ferry services. C of P objected to the proposed columbarium on the ground of pedestrian safety, and pointed out that the proposed closure of the columbarium during peak grave-sweeping periods was not enforceable and might lead to ‘Public Order’ situations; and
- (iii) approval of the proposed development would set an undesirable precedent for similar applications within the “G/IC” zone on the Outline Zoning Plan. The cumulative impact of approving such similar applications would result in pressure on the infrastructure and degradation of the character of the Fa Peng area of Cheung Chau.

14. A Member noted that there were two existing columbaria in Cheung Chau,

namely the Cheung Chau Public Columbarium and the Cheung Chau Catholic Columbarium, providing about 2 700 niches, and the Government planned to expand the Cheung Chau Public Columbarium to provide 990 new niches. This Member enquired about the implementation programme of these additional niches. In response, Miss Erica S.M. Wong said that she had no information in hand on the implementation programme, but the expansion plan would proceed as it was one of the sites identified by the Food and Health Bureau for increasing the supply of niches in Cheung Chau. This Member asked, given the current number of niches provided in Cheung Chau, whether there was any problem on crowd control arising from the pedestrian traffic to the columbarium and on ferry services to and from Cheung Chau during the Ching Ming and Chung Yeung Festivals. Miss Erica S.M. Wong responded that, according to the advice of the District Officer (Islands) and the Cheung Chau RC, the columbarium facilities in Cheung Chau were allocated to eligible Cheung Chau residents only. These facilities would not generate significant traffic impact in terms of pedestrian flow and ferry services.

15. In response to a Member's enquiry about the Government's plan of providing columbarium facilities in 18 districts, the Chairperson said that the representatives of the Food and Health Bureau (FHB) had briefed Members on the public consultation document on the review of columbarium policy at the TPB meeting held on 20.8.2010. In the past year, the Government had identified a number of potential sites in 18 districts for the development of columbarium facilities. As a next step, relevant DCs would be consulted on the suitability and feasibility of the potential sites. In the longer term, FHB would introduce a licensing scheme to enhance the regulation of private columbaria. Members would be briefed on the licensing scheme in due course.

16. In response to a Member's enquiry, Mr. Andrew Y.T. Tsang of the Home Affairs Department confirmed that the burial grounds in the public cemetery and the niches in the public columbarium in Cheung Chau would be allocated to eligible Cheung Chau residents only. The deceased should be certified by the Cheung Chau RC as a local indigenous villager, or a bona fide resident living in Cheung Chau continuously for not less than 10 years.

17. In reply to a Member's question, Miss Erica S.M. Wong said that there was no information in hand on the utilisation of the existing public columbarium in Cheung Chau.

Some vacant niches were observed during site inspection by the PlanD.

18. Two Members opined that the proposed columbarium could not be supported as the site was only served by an existing 1.5m wide footpath, which was too narrow and not safe to accommodate the visitors to/from the proposed columbarium.

19. A Member noted that in Appendix Ig of the Paper, there were calculations submitted by the applicant on the anticipated pedestrian traffic to and from the proposed columbarium. The calculations indicated that if the visitors going to the proposed columbarium were spread evenly throughout the year, there would be an average of 122 visits per day (assuming a total of 350 days). However, this Member casted doubt on the calculations as they were based on the premise that the columbarium would be closed during peak grave-sweeping periods (including Ching Ming and Chung Yeung Festivals), which was very unlikely to be enforceable. Other Members shared the same view.

Deliberation Session

20. Members considered that the application should not be supported as the existing footpath connected to the proposed columbarium was inadequate to accommodate the anticipated large number of visitors during peak grave-sweeping periods, and the applicant had not submitted any TIA to examine the impact of the proposed columbarium on pedestrian traffic.

21. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper. The Chairperson suggested and Members agreed that rejection reason (b) be amended to reflect Members' concerns as mentioned in paragraph 20 above. The reasons for rejection were :

- (a) the proposed development did not comply with the Town Planning Board Guidelines No. 16 for 'Application for Development/Redevelopment within "Government, Institution or Community" ("G/IC") Zone for Uses other than Government, Institution or Community Uses under Section 16 of the Town Planning Ordinance' in that it was not compatible with the land

uses in the surrounding areas which were mainly low-rise, low-density residential and recreational developments;

- (b) the proposed columbarium involving 21 355 niches was only served by an existing 1.5m wide footpath, which was too narrow to accommodate the large number of visitors during Ching Ming and Chung Yeung Festivals causing potential pedestrian safety problems. There was no traffic impact assessment in the submission to demonstrate that the proposed development would not adversely affect pedestrian safety and would not cause adverse traffic impact on the surrounding areas; and
- (c) approval of the proposed development would set an undesirable precedent for similar applications within the “G/IC ” zone on the Outline Zoning Plan. The cumulative impact of approving such similar applications would result in pressure on the pedestrian and infrastructure facilities and degradation of the character of the Fa Peng area in Cheung Chau.

Agenda Items 7, 8 and 9

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/194 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 481 S.A s.s. 5 in D.D. 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/194 to 196)

A/SK-HC/195 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 481 S.A s.s.4 in D.D. 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/194 to 196)

A/SK-HC/196 Proposed House (New Territories Exempted House— Small House)
in “Agriculture” zone,
Lot 481 S.A s.s.1 in D.D. 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/194 to 196)

22. The Committee noted that the three applications were grouped together under one RNTPC Paper as they were for the same use and the sites were located next to one another within the same “Agriculture” zone. The Committee agreed that the three applications could be considered together.

Presentation and Question Sessions

23. Mr. C.F. Yum, STP/SKIs, 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 sites;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the three applications from the agricultural point of view. The sites were located within an active agricultural area, the Ho Chung Valley, which was one of the areas with major high quality agricultural land in Sai Kung. Taking into account the availability of infrastructure such as access roads and water source for irrigation, the potential of rehabilitating the sites for agricultural use (in terms of plant nursery or green house cultivation) was high;
- (d) during the statutory publication period, three public comments for each of the applications were received from members of the public. They objected to the applications mainly on the grounds that the zoning of the site was for agricultural purpose; there was no layout on the infrastructure, parking, vehicular access, pedestrian access and green areas for the area;

and there were flooding, pollution, ecological and cultural problems; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the three proposed Small Houses under the three applications met the 'Interim Criteria for Consideration of Application for NTEH/ Small House in the New Territories' ('Interim Criteria') in that the sites fell entirely within the village 'environs' of Ho Chung Village and there was a general shortage of land within the "Village Type Development" zone of the village concerned in meeting the Small House demand. Hence, sympathetic consideration could be given to the applications. In this regard, the District Lands Officer/Sai Kung had no objection to the applications;
 - (ii) the proposed Small Houses had no adverse drainage, landscape and environmental impacts on the surrounding areas. Although DAFC did not support the applications as the sites were located within Ho Chung Valley, which was one of the areas with major high quality agricultural land in Sai Kung, there were no farming activities at the sites and their surroundings. Also, the proposed Small Houses were compatible with the surroundings which comprised mainly village houses; and
 - (iii) regarding the public comments against the proposed Small Houses, the applications deserved sympathetic consideration according to the 'Interim Criteria'. The proposed Small Houses would have no adverse impacts on the surrounding areas as confirmed by the relevant Government departments.

24. Members had no question on the applications.

Deliberation Session

25. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 8.7.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for the provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (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 the Lands Department;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the application site was within an area where DSD's sewerage connection was not available in the vicinity at present;
- (d) to note the comments of the Chief Town Planner/Urban Design and

Landscape, Planning Department that as the application site was next to an existing watercourse, a row of at-grade tree planting at the northern site boundary was recommended to create a green buffer to the stream; and

- (e) to note the comments of the Commissioner for Transport that there was a vehicular access leading to the application site which was not under the Transport Department's management. The applicant should check the land status of the vehicular access with the lands authority, and clarify the management and maintenance responsibilities of the same vehicular access with the relevant lands and maintenance authorities accordingly.

[The Chairman thanked Mrs. Margaret W.F. Lam, Miss Erica S.M. Wong and Mr. C.F. Yum, STPs/SKIs, for their attendance to answer Members' enquires. They all left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 10

Section 16 Application

[Open Meeting]

A/FSS/205 Proposed Dangerous Goods Godown (Storage of Refrigerant)
in "Industrial" zone,
Portion of Workshop, G/F, On Hing Industrial Centre,
18 On Kui Street (FSSTL 59), On Lok Tsuen, Fanling
(RNTPC Paper No. A/FSS/205)

27. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Lanbase Surveyors Limited, the consultant of the application. As Ms. Kwong had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting.

28. The Committee noted that on 19.6.2011, the applicant requested for a deferment

of the consideration of the application for two months in order to allow time for the applicant to prepare responses to relevant departmental comments.

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

[Mr. W.K. Hui, District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), and Mr. Otto Chan and Mr. Anthony K.O. Luk, Senior Town Planners/Shu Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/311 Renewal of Planning Approval for Temporary ‘Open Storage of Metal Ware’ Use under Application No. A/NE-KTS/264 for a Period of 3 Years in “Recreation” zone, Lots 1618 (Part), 1619 and 1620 (Part) in D.D. 100 and Adjoining Government Land, Kwu Tung South, Sheung Shui (RNTPC Paper No. A/NE-KTS/311)

30. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Lanbase Surveyors Limited, the consultant of the application. As Ms. Kwong had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

31. Mr. Otto Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary ‘open storage of metal ware’ use under Application No. A/NE-KTS/264, which would be valid until 18.7.2011, for a period of three 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 application site and environmental nuisance was expected;
- (d) during the statutory publication period, one public comment was received from a North District Council (DC) member who supported the application without giving any reason;
- (e) the District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee, the concerned North DC member and the residents representative of Ying Pun had no comment on the application. He also advised that a flooding happened at Ying Pun under the black rainstorm warning on 22.7.2010 and a 72-year-old man was drown to death at home. In view of this, his office had completed the improvement works of the drainage channel behind House No. 73 leading to the application site at Ying Pun; and
- (f) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the application complied with Town Planning Board Guidelines Nos. 13E and 34B in that there were previous approvals for the same use on the application site; and the applicants had complied with all the

approval conditions of the latest planning approval under Application No. A/NE-KTS/264 including the submission of a condition survey with photographic records of the existing drainage facilities, and the submission and implementation of proposals for water supplies for fire-fighting and fire service installations. As confirmed by the applicants, the current application was the same as the previous application (No. A/NE-KTS/264) in terms of the applied use, development parameters and layout. There had been no material change in the planning circumstances or major change in the land uses of the surrounding areas since the last approval. The approval period of three years sought under the current application was the same as in the previous approval;

- (ii) although the use under application was not in line with the planning intention of the “Recreation” (“REC”) zone, there was currently no known programme or intention to implement the zoned use at the application site. Hence, approval of this temporary use should not jeopardize the long-term planning intention of the “REC” zone. Besides, the temporary open storage use was considered not incompatible with the surrounding land uses, which were predominantly metal and vehicle repair workshops, an open storage yard of metal ware and vacant land. Moreover, it was considered that the temporary use was unlikely to cause adverse traffic, drainage and landscape impacts on the surrounding areas. Concerned Government departments, including the Transport Department, the Drainage Services Department and the Urban Design and Landscape Section of PlanD had no adverse comment on or no objection to the application; and
- (iii) although DEP did not support the application as there were sensitive receivers in the vicinity of the site (with the nearest one at a distance of less than 5m to the immediate north of the application site), there was no record of pollution complaint related to the application site in the past three years. To address DEP’s concern on possible environmental nuisance to the surrounding areas, approval

conditions restricting the operation hours/days and prohibiting the use of medium/heavy goods vehicles were recommended.

32. Members had no question on the application.

Deliberation Session

33. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 19.7.2011 to 18.7.2014, 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 7:00 p.m. and 7:00 a.m., as proposed by the applicants, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicants, was allowed on the application site during the planning approval period;
- (c) no medium/heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed for transportation of goods to/from the application site at any time during the planning approval period;
- (d) the existing drainage facilities on the site should be maintained at all times and those inadequate/ineffective facilities should be rectified during the planning approval period;
- (e) the setting back of the fencing on the southern part of the application site within one month from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.8.2011;

- (f) the submission of a condition record of the existing drainage facilities on the reduced application site as previously implemented on the same site under Applications No. A/NE-KTS/166, 215 and 264 within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.10.2011;
- (g) the submission of tree preservation and landscape proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 18.1.2012;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 18.4.2012;
- (i) the submission of proposals on water supplies for fire-fighting and fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.1.2012;
- (j) in relation to (i) above, the implementation of proposals on water supplies for fire-fighting and fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.4.2012;
- (k) 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;
- (l) if any of the above planning conditions (e), (f), (g), (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 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.

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/North that the tenant of Short Term Tenancy (STT) No. 1344 should apply to his office for revising the boundary of the STT. If the STT was granted, the grant would be made subject to such terms and conditions to be imposed as the Government should deem fit to do so including the payment of revised rent;
- (c) to note the comments of the Commissioner for Transport that the vehicular access to the application site was via a village track connecting with Fan Kam Road and the unnamed village track was not under the Transport Department's management;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that one dead tree and three damaged trees were found within the application site and the applicants were required to replace these trees. In addition, some existing trees affected by weeds were in fair health condition. It was observed that dumping/stacking of objects were close to the tree trunks which might damage the trees and compact the soil for tree planting;
- (e) to follow the environmental mitigation measures as set out in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental

Protection in order to minimize any possible environmental nuisances. Moreover, regarding the possible water pollution on a drainage channel running immediately to the southern boundary of the application site, the applicant should pay attention to Sections 2.7 and 2.8 in Annex 2 of the above Code of Practice;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO), and Authorised Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for the provision of water supply to the development, the applicants might need to extend their inside services to the nearest suitable government water mains for connection. The applicants 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. Besides, the application site was located within the flood pumping gathering ground;
- (h) to note the comments of the Director of Fire Services that if no building plan would be circulated to his department and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the application site, relevant layout plans incorporating the proposed fire service installations (FSIs) should be submitted to his department for approval and FSIs should be provided in accordance with the approved proposal. In preparing the submission, the applicants should note that the layout plans were drawn to scale and depicted with dimensions and nature of occupancy, and the location of the

proposed FSIs to be installed and the access for emergency vehicles were clearly indicated on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and

- (i) to note the comments of the Director of Electrical and Mechanical Services that if there was underground cable (and/or overhead line) within or in the vicinity of the application site and the site was within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the application site, the applicants and/or their 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. The applicants and their 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 electricity supply lines.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/437 Proposed Eleven Houses
(New Territories Exempted Houses – Small Houses)
in “Agriculture” zone,
Lots 1749 S.L, S.M, S.N, S.O, S.P, S.Q, S.R, S.S, S.T, S.U, S.V, S.W
and RP (Part) in D.D. 76, Leng Pei Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/437A)

Presentation and Question Sessions

35. Mr. Otto Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed 11 houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) the departmental comments were detailed in Appendix V of the Paper and highlighted below:
 - (i) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that the application site was in an area where no public sewerage connection was available. The nearest existing sewer to the application site was more than 100m away and Leng Pei Tsuen was currently an unsewered area. Although sewerage works were planned in Leng Pei Tsuen under Public Works Programme Item 339DS at Category B status, there was no definite implementation programme at the moment;
 - (ii) the Director of Environmental Protection (DEP) advised that the application site fell outside the water gathering ground and the “Village Type Development” (“V”) zone on the Outline Zoning Plan. The site was located within the Deep Bay Catchment and therefore it was important to ensure that the proposed Small Houses would not produce additional pollution loading into Deep Bay. As public sewerage system was being planned in the vicinity of the application site, he had no objection to the application provided that the proposed Small Houses would be connected to the future public sewerage system before their occupation and adequate land would be reserved for the sewerage connection works. The applicants indicated in the further information that the proposed houses would be connected to the future public sewerage system when available and they proposed to provide septic tanks to resolve sewage disposal problems before the completion of the future public sewerage

system. While it was understood that there was not yet any implementation programme of the planned sewerage system in the vicinity, DEP considered that the use of septic tanks and soakaway systems for the proposed houses for a long time was not acceptable; and

- (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development point of view as the application site fell wholly within the “Agriculture” (“AGR”) zone and was currently occupied and surrounded by vegetable fields and residential structures. Agricultural life at the site and its vicinity was active and the site could be rehabilitated for agricultural purposes;
- (d) during the statutory publication period, six public comments were received which were summarised below:
 - (i) the comment from a member of the public had reservation on the application for as the application site was located in proximity to Tan Shan River, and the construction works would generate adverse environmental and traffic impacts on the area;
 - (ii) another comment from the Indigenous Inhabitants Representative (IIR) of Leng Tsui Tsuen commented that the tributary of the main stream of Tan Shan River had been altered and narrowed, and this had adversely affected the agricultural activities of villagers of Kan Tau Tsuen and Ma Mei Ha Tsuen. Besides, the narrowed river channel had caused silting and stagnant water and the environmental hygiene and natural ecology was adversely affected. He urged the concerned departments to investigate and reinstate the river channel; and
 - (iii) the remaining four comments from Designing Hong Kong Limited, Kadoorie Farm & Botanic Garden Corporation, Hong Kong Bird Watching Society and World Wide Fund Hong Kong objected to the application mainly on the following grounds:

- ◆ the proposed development was not in line with the planning intention of the application site which was zoned “AGR”;
 - ◆ agricultural land had been decreasing drastically in Hong Kong and there had been a revival of agriculture in recent years. Approval of the application would set an undesirable precedent;
 - ◆ developments in the area were haphazard and incompatible with the current and proposed land uses;
 - ◆ failure to provide a sustainable layout before granting the approval would deteriorate the living environment in the village, adversely affect the well-being of residents and create health/social problems and future costs to the society;
 - ◆ the application site was surrounded by a mature secondary forest, active farmland and orchards, and fruit trees were found on the site. The area, including the application site, supported a variety of bird species including Common Koel (噪鵲), Grey Treepie (灰樹鵲), and Greater Coucal (褐翅鴉鵲) which was listed as a Class II Protected Animal of the People’s Republic of China and “Vulnerable” in the China Red Data Book. Approval of the application would lead to degradation of the quality of the habitat and irreversible impact to biodiversity;
 - ◆ the applicants should clarify whether tree felling would be involved and if so, whether there would be compensatory measures to minimize adverse impacts to the existing vegetation; and
 - ◆ the applicants had not provided sufficient information to address the concerns of the Town Planning Board regarding the previously rejected application (No. A/NE-LYT/424);
- (e) the District Officer (North) advised that the Chairman of Fanling District Rural Committee, and the IIR and Residents Representative of Leng Pei Village supported the application on the grounds that the proposed development could meet the housing demand of villagers; the environment of

the village would be improved for prevention of the growth of wild grass, mosquitoes and insects; and views of the village representatives were respected; and

- (f) 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 application site and all the footprints of the proposed 11 Small Houses fell entirely within the village 'environs' of Ma Mei Ha Leng Tsui and Leng Pei Tsuen. There was insufficient land in the "V" zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen village cluster to meet the demand of village houses;
 - (ii) notwithstanding the above, 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 the application site fell within the Deep Bay Catchment and the proposed development would cause adverse sewerage impacts on Deep Bay. CE/MN, DSD had advised that the application site at Leng Pei Tsuen was in an area where no public sewerage connection was available and the nearest existing sewer to the application site was more than 100m away. Although public sewerage works were planned in Leng Pei Tsuen, there was no definite implementation programme at the moment. DEP had advised that it was important to ensure that the proposed Small House development would not produce additional pollution loading into Deep Bay, and he had no objection to the application provided that the proposed Small Houses would be connected to the future public sewerage system before their occupation. DEP further advised that as there was not yet any implementation programme of the planned sewerage system in the vicinity, the use of septic tanks and soakaway systems for the proposed Small Houses for a long time was not considered acceptable. As the prospect of sewerage connection of the proposed development was uncertain, DEP's concern on adverse sewerage impact on Deep Bay could not be

addressed;

- (iii) the proposed development was not in line with the planning intention of the “AGR” zone and DAFC did not support the application as agricultural life at the site and its vicinity was active and the application site could be rehabilitated for agricultural purposes; and
- (iv) although similar applications (including Applications No. A/NE-LYT/379, 391 and 404) in the vicinity of the application site were approved by the Committee, they were considered by DEP as smaller in scale and unlikely to cause significant adverse sewerage impacts.

36. A Member noted that public sewerage works had been planned in Leng Pei Tsuen but there was no definite implementation programme at the moment. This Member enquired whether the Government would expedite the implementation of public sewerage works if the current application which involved the development of 11 Small Houses was approved. In response, Mr. W.K. Hui said that as the public sewerage project only had a Category B status at present, it might take DSD some years to obtain the necessary public funding for the implementation of the project.

37. A Member referred to paragraph 12.2 of the Paper and said that if the application was approved, the planning permission would be valid until 8.7.2015. This Member suggested that planning approval could be granted first pending the completion of the planned public sewerage system in a few years' time. The Chairperson pointed out that, given the public sewerage works planned for Leng Pei Tsuen was only at Category B status at present, it would be very unlikely that the project could be completed before 2015.

Deliberation Session

38. In response to the Chairperson's enquiry, Mr. W.K. Hui said that there were 12 similar applications for Small House development (involving a total of 29 Small Houses) approved in the vicinity of the application site falling within/partly within the same “AGR” zone. These applications were approved with conditions by the Committee between 2003 and 2009. As each of these applications only involved a small number of houses (ranging

from one to five houses), DEP considered that the proposed development under these applications were small in scale with insignificant adverse sewerage impact and the use of septic tanks and soakaway systems was acceptable. However, in view of the larger scale of development in the subject application which involved 11 Small Houses, DEP considered that the proposed Small Houses should be connected to the planned public sewerage system and the use of septic tanks and soakaway systems was not acceptable from a pollution control point of view.

39. The Chairperson noted from Plan A-2 of the Paper that these similar applications (No. A/NE-LYT/379, 391 and 404) in the vicinity of the application site were approved by the Committee. Each of these applications covered five proposed Small Houses and there was no requirement for connecting these Small Houses to the planned public sewerage system. For the subject application, DEP required the connection of the proposed 11 Small Houses to the planned public sewerage system. The Chairperson sought clarification from Mr. H.M. Wong of Environmental Protection Department (EPD) regarding the criteria adopted by EPD in assessing the sewerage impact of Small House development.

40. In response, Mr. H.M. Wong of EPD said that as a rule of thumb, development of a larger scale would cause more pollution. In view of their small scale, EPD would tolerate the use of septic tanks and soakaway systems by a proposed development covering not more than 10 Small Houses as an interim measure for sewage disposal before public sewer was available. However, as the proposed development involved 11 Small Houses, EPD would not tolerate the use of septic tanks and soakaway systems as the development with such a scale would have a higher potential to cause pollution, and since the subject application was of a relatively larger development scale, the applicant should also be more capable of providing suitable sewage treatment facilities such as communal treatment facilities to minimise the adverse environmental impacts. A Member asked if the proposed 11 Small Houses were covered by two separate applications so that the number of Small Houses under each of the applications was less than 10, whether EPD would tolerate the use of septic tanks by these Small Houses. Mr. H.M. Wong said that he believed that this and the earlier applications were genuine cases, and EPD had been objecting to large scale Small House developments if they could not be connected to public sewers or provide a satisfactory solution such as a communal sewage treatment plant. He also pointed out that the development size of the subject application involving 11 Small Houses was a borderline case.

41. A Member considered that the implementation of the public sewerage project for the village should be expedited. Another Member commented that the approach adopted by EPD was rather arbitrary since approval might have been given to the proposed 11 Small Houses if they were submitted to the Committee under two or more applications. EPD should assess the sewerage impact of Small Houses based on scientific data such as whether the pollution levels had exceeded the acceptable limits within the area. A Member suggested that clearer guidelines should be issued by EPD to facilitate the applicants in adopting suitable sewage treatment facilities.

42. A Member said that the subject application was submitted by 11 applicants for 11 Small Houses. These proposed Small Houses could be submitted to the Committee under separate applications and they were not different from other Small Houses which had been approved by the Committee in the vicinity of the application site. This Member considered that EPD had no strong reasons to object to the subject application. Another Member shared the view and said that rejecting the subject application would be unfair.

[Professor Edwin H.W. Chan arrived to join the meeting at this point.]

43. After some discussions, Members came to a view that the subject application could be approved. However, in view of the potential sewerage impacts of the proposed Small Houses, some Members suggested that an approval condition should be imposed requiring the submission and implementation of a sewerage proposal to the satisfaction of EPD. Mr. H.M. Wong said that EPD considered that large scale developments should be connected to public sewerage system. For the subject application, EPD considered the use of septic tanks and soakaway systems not acceptable, and that stipulating such an approval condition might not be a practical way forward. Nevertheless, as it was more desirable that the Small Houses would be connected to the public sewerage system when available, Mr. H.M. Wong suggested that should the Committee decide to approve the subject application, an advisory clause could be incorporated to request the applicants to liaise with DSD to connect the Small Houses to the proposed public sewerage system when available and to reserve adequate land for such connection in due course. Members agreed.

44. In response to a Member's suggestion, Mr. H.M. Wong agreed to relay the

Committee's concern to the DSD to expedite the planned public sewerage project for Leng Pei Tsuen.

45. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 8.7.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issue relating to the development with other concerned owner of the application site;
- (b) to note the comments of the District Lands Officer/North that Deed Poll (or Lot Division Plan) should be submitted to the Legislation Section of the Survey and Mapping Office of Lands Department for endorsement if the applicants had not done so;
- (c) to note the comments of the Director of Environmental Protection that the application site was located within the Deep Bay Catchment and it was important to ensure that the proposed Small House development would not produce additional pollution loading into Deep Bay, and to reserve adequate land for the future sewerage connection works;

- (d) to liaise with the Director of Drainage Services to connect the proposed Small Houses to the future public sewerage system;
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for the provision of water supply to the development, the applicants might need to extend their inside services to the nearest suitable government water mains for connection. The applicants 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. Besides, the application site was located within the flood pumping gathering ground;
- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal applications referred by the Lands Department;
- (g) to note the comments of the Commissioner for Transport that the village road leading to the application site from a public road was not managed by the Transport Department. The land status of the village road should be checked with the lands authority, and the management and maintenance responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly; and
- (h) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 13

Section 16 Application

[Open Meeting]

A/NE-PK/27 Proposed Religious Institution including Columbarium
in “Green Belt” zone,
Lot 2100 (Part) in D.D. 91, Tai Lung, Ping Kong, Sheung Shui
(RNTPC Paper No. A/NE-PK/27A)

47. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with LLA Consultancy Limited and Toco Planning Consultants Limited, the consultants of the application. As Ms. Kwong had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting.

48. The Committee noted that on 14.6.2011, the applicant’s representative requested for a further deferment of the consideration of the application for one month in order to allow time for the applicant to respond to comments of relevant government departments, solicit information on the specific demand of niches of the proposed development, and negotiate with a religious institution on the management arrangement for the proposed columbarium.

49. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of one month was allowed for preparation of the submission of further information, and as a total period of three months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/363 Proposed Temporary Warehouse for Storage of Furniture
for a Period of 3 Years
in “Open Storage” zone and an area shown as ‘Road’,
Lots 887, 890 S.A RP, 890 RP and 890 S.B in D.D. 77, Ping Che
(RNTPC Paper No. A/NE-TKL/363)

Presentation and Question Sessions

50. Mr. Otto Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of furniture for a period of three years;
- (c) departmental comments – the Commissioner for Transport (C for T) advised that the proposed vehicular access to the application site was via a village access road connecting with Ng Chow South Road. As this access road was narrow and substandard, should the application be approved, an approval condition should be imposed prohibiting medium/heavy goods vehicles, including container vehicles, going to/from the subject site. Otherwise, the proposed vehicular access should be upgraded and improved to his satisfaction if the applicant intended to use medium/heavy goods vehicles;
- (d) two public comments were received during the statutory publication period. While the comment submitted by a member of the public indicated no comment on the application, the other comment from the nearby residents, land owners and factory operators objected to the application as there were

already a mix of workshops, warehouses and domestic structures in the vicinity of the application site, but these uses were only served by a 13-foot (about 3.96m) wide road without any lay-by. Land along both sides of the road was private land and there was an enclosed warehouse at the end of this road. Road safety problem was anticipated as there was not enough space for two-way access or manoeuvring of heavy vehicles/lorries and for pedestrian use of the road at the same time. Moreover, the proposed development would increase traffic flow and aggravate the road safety problem. To avoid the occurrence of road accidents, they objected to the proposed development unless the access road was upgraded and improved;

- (e) the District Officer (North) (DO(N)) advised that the Vice-Chairman of Ta Kwu Ling District Rural Committee raised objection to the application as the site fell within an area shown as 'Road' on the Outline Zoning Plan (OZP) and the infrastructural support including road improvement works for open storage use in the area had not been completed. Without the necessary infrastructural support and the road improvement, the site was not appropriate for open storage use and the application should not be approved. The concerned North District Council member, Indigenous Inhabitant Representative and Residents Representative had no comment on the application. DO(N) also advised that the access road leading to the application site branching off Ng Chow South Road was maintained by his office. Land along both sides of the access road involved private land and he had no objection to the widening and maintenance of the access road at the applicant's own cost. His office would only carry out maintenance works for the Government land portion of the access road; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below:
 - (i) the majority of the application site fell within the "Open Storage" ("OS") zone and part of it within an area shown as 'Road' (i.e. Road 5) on the OZP. The alignment of Road 5 had been designated on

the OZP since 1994 for enhancing the accessibility within the “OS” zone. The Project Manager/New Territories North and West, Civil Engineering and Development Department had advised that there was no planned implementation programme for Road 5, and the application site and Road 5 fell outside the boundary of the Ping Che/Ta Kwu Ling New Development Area (NDA). Approval of the application on a temporary basis for three years would not frustrate the implementation programme of Road 5 and the NDA;

- (ii) the proposed development was not incompatible with the surrounding land uses, which mainly comprised warehouses, workshops, open storage yards of construction machinery, vehicles and recycled materials. According to the applicant, the proposed development would not involve workshop activities and would only use light goods vehicles for transportation of goods. It would unlikely cause significant adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. Concerned Government departments, including the Environmental Protection Department, Transport Department, Drainage Services Department and Urban Design and Landscape Section of PlanD, had no adverse comment on or no objection to the application;
- (iii) regarding C for T’s concern on the vehicular access to the application site, it was noted that the applicant had indicated that only light goods vehicles would be used. Moreover, although the village access road was maintained by DO(N), land along both sides of the road was private land and any improvement or upgrading of the existing vehicular access road would need the consent of concerned land owner(s). To address C for T’s concern, an approval condition prohibiting medium/heavy goods vehicles, including container vehicles, entering the application site was recommended should the application be approved by the Committee;
- (iv) similar applications for warehouse use which encroached onto the ‘Road’ area in the vicinity of the application site were approved by

the Committee; and

- (v) regarding the public comments on the impact of the proposed development on Road 5 and aggravation of road safety problem on the existing access road, it was considered that approval of the application on a temporary basis for three years would not frustrate the long-term implementation programme of Road 5, and imposing an approval condition to restrict the use of medium/heavy goods vehicles could help address the road safety issue.

51. Members had no question on the application.

Deliberation Session

52. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.7.2014, 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. on weekdays and between 1:00 p.m. and 9:00 a.m. on Saturdays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container vehicles, as defined in the Road Traffic Ordinance, were allowed to enter the application site at any time during the planning approval period;
- (d) the peripheral fencing should be maintained at all times during the planning approval period;
- (e) the submission of a layout plan showing the parking, loading/unloading and

manoeuvring space arrangement within the application site within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 8.1.2012;

- (f) in relation to (e) above, the provision of parking, loading/unloading and manoeuvring spaces within the application site within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 8.4.2012;
- (g) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.1.2012;
- (h) in relation to (g) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.4.2012;
- (i) the submission of proposals on water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.1.2012;
- (j) in relation to (i) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.4.2012;
- (k) the implementation of the accepted landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.1.2012;
- (l) 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; and

- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) 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.

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (b) to note the comments of the District Lands Officer/North that the lot owners should apply to his office for a Short Term Waiver (STW) for the proposed structure. If the STW was granted, the grant would be made subject to such terms and conditions to be imposed as the government should deem fit to do so including the payment of STW fee;
- (c) to note the comments of the Commissioner for Transport that the village access road leading to the application site was not under the Transport Department's management. The land status of the access should be checked with the lands authority, and the management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Director of Fire Services that if no building plan would be circulated to his department and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the site, the applicant should submit relevant layout plans incorporating the proposed fire service installations (FSIs) for his approval, and should provide the FSIs in accordance with the approved proposal. The layout plans to be submitted should be drawn to scale and depicted with dimensions and nature of occupancy, and the

location of the proposed FSI to be installed and the access for emergency vehicles should be clearly indicated on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;

- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the developer should bear the cost of any necessary diversion works of the existing water mains affected by the proposed development. In case it was not feasible to divert the affected water mains, the developer should either set back the site boundary to avoid encroachment onto the affected water mains or to provide a waterworks reserve within 1.5m from the centreline of the water mains and such area should not be used for storage purposes. WSD and their contractors should be provided with 24-hour free access for inspection and maintenance of the water mains. Besides, the site was located within the flood pumping gathering ground;
- (f) to follow the environmental mitigation measures as set out in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances;
- (g) to note the comments of the Commissioner of Police that:
 - (i) adequate lighting should be provided within the premises;
 - (ii) sufficient space should be provided within the premises for parking, waiting and manoeuvring of vehicles so as to avoid queuing of vehicles onto adjacent public roads or government land and manoeuvring of vehicles when loading/unloading goods. No parking on the access road outside the site was allowed;
 - (iii) fire precaution measures should be provided on the site;
 - (iv) the access road should be maintained by the applicant for the use of goods vehicles and emergency vehicles; and
 - (v) fugitive dust impacts from loading/unloading should be avoided; and

- (h) to note the comments of the Director of Electrical and Mechanical Services that if there was underground cable (and/or overhead line) within or in the vicinity of the application site and the site was within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the application site, the applicant and/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. 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 electricity supply lines.

[The Chairperson thanked Mr. Otto Chan, STP/STN, for his attendance to answer Members’ enquiries. Mr. Chan left the meeting at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/752 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” and “Residential (Group B)” zones,
Government Land near No. 14B Ma Liu Village, Kau To, Sha Tin
(RNTPC Paper No. A/ST/752)

Presentation and Question Sessions

54. 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 house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the District Lands Officer/Shu Tin (DLO/ST) advised that the application site fell outside the village ‘environs’ (‘VE’) of Ma Liu Village. According to the prevailing Small House policy, Small House application would be rejected even though the applicant was an indigenous villager and was successful in obtaining the planning permission. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) objected to the application from the landscape planning point of view. The application site fell within an area mainly zoned “Green Belt” (“GB”) and partly zoned “Residential (Group B)”. The proposed development would be in conflict with the existing trees and vegetation on the eastern part of the site. The applicant claimed that site formation work would be required for the proposed development. This might have impact on the existing vegetation. However, no tree survey or site formation proposal was submitted to ascertain the impact on landscape resources. Approval of the application would set an undesirable precedent and attract similar applications in the “GB” zone;
- (d) six public comments were received during the statutory publication period. Three of the comments were submitted by the Incorporated Owners of Double Haven, a limited company and two individuals who raised objection to the application mainly on the grounds that the proposed Small House was not in line with the planning intention of the “GB” zone; there was a lack of information, sustainable layout and supporting infrastructure; it would generate adverse traffic, sewerage and environmental impacts on the surrounding areas; and their ancestor’s grave/casket was located in close proximity to the application site although it was not within the site boundary. The other three public comments from the Sha Tin Rural Committee (STRC), the Indigenous Inhabitant Representative (IIR) of Ma Liu Village and the Residents Representative (RR) of Ma Liu Village

supported the application mainly because there was inadequate land for Small House development within Ma Liu Village and the proposed Small House would not generate adverse impact; and

(e) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:

- (i) although there was insufficient land in the “Village Type Development” (“V”) zones of Ma Liu Village to meet the Small House demand and the proposed development was generally supported by the STRC, the IIR and RR of Ma Liu Village, the proposed Small House did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ (‘Interim Criteria’) in that the proposed Small House fell entirely outside both the ‘VE’ and the “V” zone of Ma Liu Village. The DLO/ST had advised that as the proposed Small House fell entirely outside the ‘VE’, the Small House application would be rejected even if planning permission was granted; and
- (ii) the surrounding areas were predominantly sloping areas and partly covered by dense and natural vegetation. The application did not comply with the Town Planning Board (TPB) Guidelines No. 10 in that the proposed Small House was not located in close proximity to the existing Ma Liu Village and it was considered incompatible with the existing landscape character of the surrounding areas. Approval of the application would set an undesirable precedent for similar developments within the “GB” zone.

55. In reply to a Member's question, Mr. Anthony K.O. Luk referred to Plan A-1 of the Paper and said that Ma Liu Village was located to the northwest of the application site. The ‘VE’ of Ma Liu Village was delineated by broken lines as shown on the plan. Regarding the existing houses No. 12A to the northwest of the application site and No. 4 to its southwest, they were situated on Government land with licences for domestic purpose. For House No. 14B to the immediate southeast of the application site, it was also situated on

Government land but without the granting of any licence or short term tenancy from the Lands Department.

Deliberation Session

56. The Chairperson concluded that the proposed Small House could not be supported as it did not comply with the 'Interim Criteria' and the TPB Guidelines on developments within "GB" zone, and approval of the application would set an undesirable precedent. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the application 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 footprint of the proposed Small House fell entirely outside both the village 'environs' and the "Village Type Development" zone of a recognized village;
- (b) the application did not comply with the Town Planning Board Guidelines No. 10 on "Application for Development within "Green Belt" ("GB") Zone under Section 16 of the Town Planning Ordinance" in that the proposed Small House was not located in close proximity to the existing Ma Liu Village and was incompatible with the surrounding areas which were predominantly sloping areas partly covered by dense vegetation; and
- (c) the 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.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/430 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lots 650 S.A and 650 S.B RP in D.D.9,
Yuen Leng Village, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/430)

Presentation and Question Sessions

57. Mr. W.K. Hui, DPO/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/Tai Po (DLO/TP) did not support the application as less than 50% of the footprint of the proposed Small House was within the village ‘environs’ (‘VE’) encircling Yuen Leng Village. The Director of Environmental Protection (DEP) did not support the application because it was not sure whether the application site, which fell within the water gathering ground (WGG), would be able to be connected to the planned sewerage system in the area since there was no fixed programme at this juncture for the implementation of planned sewerage system in Yuen Leng Village. The sewage discharge from the proposed Small House would have the potential to cause water pollution to the WGG. The Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) also objected to the application as the sewer connection of the proposed Small House was in question. The Chief Engineer/Consultants Management, Drainage Services Department

(CE/CM, DSD) advised that the proposed sewerage scheme in Yuen Leng Village was degazetted on 29.10.2010, and there was no fixed programme at this juncture for the proposed village sewerage works in Yuen Leng Village. However, CE/CM, DSD was liaising with the village representatives and local villagers closely with a view to publishing fresh gazette notice for the sewerage scheme in Yuen Leng Village;

- (d) during the statutory publication period, a total of 10 public comments were received raising objection to the application. Nine of the comments (seven in standard letter) were received from the residents/owners living in Houses No. 199A, 199B and 199C on Lots 653 S.C, 653 S.B and 653 S.A in D.D. 9. They worried that the proposed house would block the existing access at Lot 650 S.A to their houses and have conflict with the Government's proposed sewerage works; it would adversely affect the convenience of parking in front of their houses; and it would have adverse impacts on the drainage and sewerage facilities, sunlight penetration, air ventilation and fung shui of the area. The remaining comment from Designing Hong Kong Limited objected to the application on the grounds that the proposed development was incompatible with the "Agriculture" ("AGR") zoning of the site and there was a lack of a sustainable village layout plan for the area; 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 application site was located at the western fringe of Yuen Leng Village and fell entirely within the "AGR" zone. The Director of Agriculture, Fisheries and Conservation had no strong view on the application as the application site was unlikely to have high potential of rehabilitation for agricultural activities. There was also no objection to the application from the landscape planning point of view as significant adverse impact on existing landscape resources was not expected;

- (ii) notwithstanding the above and that there was inadequate land to meet the future Small House demand in the “V” zone of Yuen Leng, Kau Lung Hang Lo Wai and San Wai Villages, the proposed Small House did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ (‘Interim Criteria’) in that more than 50% of the footprint of the proposed Small House fell outside both the “V” zone and the ‘VE’ of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai. In this regard, DLO/TP did not support the application for the same reason;
- (iii) for the two similar applications (No. A/NE-KLH/378 and 379) located to the immediate northeast of the site as mentioned by the applicant, it should be noted that these two applications were approved by the Committee on 19.12.2008 as they complied with the ‘Interim Criteria’ in that the proposed Small Houses had more than 50% of the footprints fell within the ‘VE’ of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai; there was a general shortage of land to meet the demand for Small House development in the concerned “V” zone; and the proposed Small Houses would be able to be connected to the planned sewerage system in the area; and
- (iv) the application site was located within the WGG. The proposed sewerage scheme in Yuen Leng Village was degazetted on 29.10.2010 and there was no fixed programme at this juncture for the proposed village sewerage works in Yuen Leng Village. It was uncertain whether the proposed Small House located within the WGG could be connected to the planned sewerage system in the area. As sewage discharge from the proposed Small House would have the potential to cause water pollution to the WGG, both DEP and CE/Dev(2), WSD did not support the application.

58. Members had no question on the application.

Deliberation Session

59. The Chairperson remarked that the proposed Small House was not in line with the ‘Interim Criteria’. As the connection of the proposed development to the planned public sewerage system was uncertain, it might generate adverse water quality impact on the WGG. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that more than 50% of the footprint of the proposed Small House fell outside both the “Village Type Development” zone and the village ‘environs’ of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai, and it was uncertain whether the proposed Small House located within the Water Gathering Ground (WGG) could be connected to the planned sewerage system in the area; and
- (b) the proposed development fell within the WGG and it was uncertain whether it could be connected to the planned sewerage system 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 Items 17 and 18

Section 16 Applications

[Open Meeting]

A/NE-LT/419 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Government Land in D.D. 19, She Shan Tsuen, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/419 & 420A)

A/NE-LT/420 Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Village Type Development” zones, Government Land in D.D. 19, She Shan Tsuen, Lam Tsuen, Tai Po (RNTPC Paper No. A/NE-LT/419 & 420A)

60. The Secretary reported that on 17.6.2011, both the applicants requested for a deferment of the consideration of the two applications for a further period of two months in order to allow time for the applicants to consider whether they could adjust the footprints of the two proposed Small Houses to avoid encroachment onto the proposed sewerage works of the Drainage Services Department.

61. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applications should be submitted for its consideration within two months from the date of receipt of further information from the applicants. The Committee also agreed to advise the applicants that a further period of two months were allowed for preparation of the submission of further information, and since this was the second deferment request and a total of three months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Items 19, 20 and 21

Section 16 Applications

[Open Meeting]

A/NE-LT/432 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone and an area shown as ‘Road’, Lot 892 S.B ss.1 in D.D. 8, Ma Po Mei Village, Lam Tsuen, Tai Po (RNTPC Paper No. A/NE-LT/432, 433 & 434)

A/NE-LT/433 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 892 S.B ss.2 in D.D. 8, Ma Po Mei Village, Lam Tsuen, Tai Po (RNTPC Paper No. A/NE-LT/432, 433 & 434)

A/NE-LT/434 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 892 S.B RP in D.D. 8, Ma Po Mei Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/432, 433 & 434)

62. The Secretary reported that the replacement page 1 for the Paper had been sent to Members before the meeting. The Committee noted that on 17.6.2011, the agent of the three applicants requested for a deferment of the consideration of the three applications for two months in order to allow time for the applicants to obtain consents from relevant owners and prepare further information to confirm the feasibility of the sewerage connection for the proposed Small Houses.

63. After deliberation, the Committee decided to defer a decision on the three applications as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applications should be submitted for its consideration within two months from the date of receipt of further information from the applicants. The Committee also agreed to advise the applicants that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr. W.K. Hui, DPO/STN and Mr. Anthony K.O. Luk, STP/STN, for their attendance to answer Members’ enquires. They left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 22

Section 16 Application

[Open Meeting]

A/TM/419 Proposed Columbarium and Residential Institution (Quarters) in
Redevelopment Proposal of Gig Lok Monastery
in “Government, Institution or Community” zone,
Lot 2011 (Part) in D.D. 132 and Adjoining Government Land,
Tuen On Lane, Tuen Fu Road, Fu Tei, Tuen Mun
(RNTPC Paper No. A/TM/419)

64. Mr. C.P. Lau declared an interest in this item as his residential property was in close proximity to the application site. The Committee agreed that Mr. Lau’s interest was direct and he should leave the meeting during the discussion and determination on this item.

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

65. The Secretary reported that on 29.6.2011, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments raised by the Director of Environmental Protection, the Commissioner for Transport, the District Lands Officer/Tuen Mun, the Chief Engineer/Mainlan North of Drainage Services Department and the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD).

66. The Secretary informed the Committee that on 6.7.2011, the Incorporated Owners (IO) of Parkland Villas sent a standard letter (dated 3.7.2011) to seven Members (i.e. Mr. Walter K.L. Chan, Mr. B.W. Chan, Professor Edwin H.W. Chan, Mr. Rock C.N. Chen, Ms. Anita W.T. Ma, Dr. W.K. Yau and Mr. Stephen M.W. Yip) via the Town Planning Board (TPB) Secretariat requesting these Members not to accede to the applicant’s request for deferral, which was only a delaying tactic of the applicant, and to reject the subject application for the proposed columbarium in the redevelopment of Gig Lok Monastery. In addition, the IO of Parkland Villas also sent the same standard letter (dated 30.6.2011) to the

Secretary of Security, who had referred the letter to the TPB and relevant Government departments for consideration. PlanD also received requests from a Legislative Council member and a resident of Parkland Villas for not acceding to the applicant's request for deferral.

67. The Secretary went on to say that during the statutory publication period of the subject application, a total of 3 445 public comments were received. Amongst these public comments, 2 315 (about 67%) raised objection to the application, 1 125 supported the application and five were blank comments. The 2 315 adverse comments, including those from Legislative Council members, District Council members and residents of nearby residential developments, objected to the application mainly on the grounds that the columbarium was not compatible with the adjoining residential development (i.e. Parkland Villas) and there were concerns on traffic congestion and environmental nuisance. The Secretary said that prior to the current application, the applicant had submitted a section 16 application (No. A/TM/400) and a section 12A application (No. Y/TM/4) for regularization of the existing columbarium at the site, and these two applications were subsequently withdrawn by the applicant. The current section 16 application was a fresh planning application for the proposed redevelopment of Gig Lik Monastery including the columbarium, and this was the first request for deferment of the current application by the applicant. The applicant's justifications for deferment met the criteria for deferment as set out in the TPB Guidelines No. 33 in that the applicant needed more time to address departmental comments and the deferment period was not indefinite. Nevertheless, noting the large number of public comments that had been received against the application, to strike a proper balance, PlanD recommended that the application be deferred once only for two months.

68. A Member said that the Committee had applied the criteria set out in the TPB Guidelines No. 33 in considering requests for deferment, namely there were reasonable grounds for deferment, the proposed deferment period was not indefinite, and the deferment would not affect the interests of other relevant parties. If the request was approved by the Committee, the applicant would be advised that no further deferment would be granted by the Committee unless under very special circumstances. This Member opined that for the current request for deferment, as it was the first request under the current application and met the criteria set out in the TPB Guidelines, the request should be approved as requested by the

applicant. There were also no strong justifications for the Committee to deviate from the usual practice by only approving the deferral of the application once. Other Members shared the same view.

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

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

Agenda Item 23

Section 16 Application

[Open Meeting]

A/TM-LTY Y/212 Proposed Flat, Shop and Services and
Minor Relaxation of Building Height Restriction
in “Commercial” zone,
Lots 531 RP, 532 S.D RP and 532 RP in D.D. 130 and
Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/212A)

70. Dr. James C.W. Lau had declared an interest in this item as he had current business dealings with Ho Tin & Associates Consulting Engineers Limited, one of the consultants of the application. The Committee noted that Dr. Lau had tendered apology for being unable to attend the meeting.

71. The Secretary said that on 17.6.2011, the applicant’s representative requested for a deferment of the consideration of the application for a further period of two months in order to allow time for the applicant to respond to comments from the Environmental Protection

Department on the technical assessments and liaise with the Highways Department on the impact of the proposed Tuen Mun Western Bypass on the application site.

72. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of further information, and since this was the second deferment request and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 24

Section 16 Application

[Open Meeting]

A/TM-SKW/71 Proposed Utility Installation for Private Project
(Electricity Substation and Water Meter Room)
in “Village Type Development” zone,
Lots 703 RP, 704 S.C, 715 S.F in D.D. 375,
So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM-SKW/71)

73. The Secretary reported that on 5.7.2011, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to submit further information to address the departmental comments.

74. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be

granted unless under very special circumstances.

Agenda Item 25

Section 16 Application

[Open Meeting]

A/YL-HT/723 Land Filling (by about 2.2m) for Permitted Agricultural Use
in “Green Belt” zone,
Lot 1372 in D.D. 125 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/723)

75. The Secretary reported that on 15.6.2011, the applicant requested for a deferment of the consideration of the application for a further period of two months in order to allow time for the applicant to complete the land survey, design a new water pond to enhance the environment and prepare a landscape proposal.

76. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of further information, and since this was the second deferment request and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 26

Section 16 Application

[Open Meeting]

A/YL-HT/724 Land Filling (by about 1.9m) for Permitted Agricultural Use
in “Green Belt” zone,
Lots 1367, 1368, 1369 and 1370 in D.D. 125 and
Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/724)

77. The Secretary reported that on 15.6.2011, the applicant requested for a deferment of the consideration of the application for a further period of two months in order to allow time for the applicant to complete the land survey and prepare a landscape proposal.

78. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of further information, and since this was the second deferment request and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL-HT/728 Temporary Open Storage of Containers with
Ancillary Container Repair Workshop for a Period of 1 Year
in “Government, Institution or Community” zone,
Lots 515 RP (Part), 516 (Part), 517 (Part), 518 (Part), 519 (Part),
520 (Part) and 521 (Part) in D.D.125 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/728)

79. The Secretary reported that on 15.6.2011, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments from the Drainage Services Department and the Environmental Protection Department.

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

Agenda Item 28

Section 16 Application

[Open Meeting]

A/YL-HT/729 Temporary Open Storage of Construction Materials and Vehicles Not Yet Licensed to Run on the Road for a Period of 1 Year in “Government, Institution or Community” zone, Lots 515 RP (Part), 518 (Part), 521 (Part), 522, 523, 524 (Part), 525 (Part), 526 (Part), 1247 RP (Part), 1249 (Part), 1250 (Part), 1251 RP, 1252, 1253, 1254, 1255 (Part), 1256 (Part), 1257, 1258 RP, 1259 (Part), 1260, 1261 and 1262 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/729)

81. The Secretary reported that on 15.6.2011, the applicant requested for a deferment of the consideration of the application for a further period of two months in order to allow time for the applicant to address the comments from the Drainage Services Department and the Environmental Protection Department.

82. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of further information, and since this was the second deferment request and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-HT/734 Proposed Temporary Cargo Handling and Forwarding Facility (Logistics Centre) for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 51 (Part), 54 (Part), 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 67, 71, 140 (Part), 141 (Part), 143 (Part), 144, 145, 146, 148 (Part), 149 (Part), 150 (Part), 151, 152 (Part) and 157 (Part) in D.D.125, Lots 3219 (Part), 3220 (Part), 3221 S.B (Part), 3222 (Part), 3223 (Part), 3224 (Part), 3225 S.A (Part), 3225 S.B (Part), 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3234 (Part) and 3235 (Part) in D.D.129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/734)

83. The Committee noted that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Environ Hong Kong Limited, the consultant of the application. As Ms. Kwong had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting.

84. The Secretary reported that on 14.6.2011, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments from the Transport Department.

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

[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 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/264 Proposed Temporary Place of Entertainment (War Game Playground)
for a Period of 3 Years in “Residential (Group C)” zone,
Lots 1500 and 1511 (Part) in D.D. 105,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/264)

Presentation and Question Sessions

86. 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 temporary place of entertainment (war game playground) for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that there were residential dwellings scattered within 100m of the site boundary, and the site was located in a tranquil environment. The proposed use involved noise emitting activities, such as noise from war game equipment, human chanting and shouting, which were potential noise nuisance to the sensitive receivers;
- (d) during the statutory publication period, three public comments were received raising objection to the application. The comment submitted by the San Tin Rural Committee pointed out that as the site was close to

residential dwellings, noise and pedestrian flow generated from the proposed development would affect the tranquil living environment; and the proposed development was dangerous in nature which would affect the safety of the nearby residents. The second comment from Designing Hong Kong Limited objected to the application on the grounds that the proposed development was not in line with the planning intention of the site, which was zoned “Residential (Group C)” (“R(C)”); noise, light and waste generated by the development would cause nuisance to local residents; and approval of the application would result in a general degradation of the natural landscape. The remaining comment from a Yuen Long District Council member objected to the application as the proposed use would generate a lot of traffic to the area hence creating danger to the local residents; and the proposed use was not compatible with the planned use of the site; 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 site was located in the middle of the subject “R(C)” zone, the southern portion of which had already been developed for the intended use. The proposed war game playground was not in line with the planning intention of the “R(C)” zone, which was for low-rise and low-density residential developments. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
 - (ii) the site was located in a tranquil rural neighbourhood with residential dwellings scattered around. The area was predominately occupied by residential dwellings, vacant farms and unused land. Other major residential developments, including Scenic Heights and Rolling Hills, were located at 55m to the southwest and 150m to the south of the site respectively. The proposed use was incompatible with the rural neighbourhood and the nearby residential dwellings. In this regard, DEP was concerned

about the proposed use involving noise emitting activities, such as noise from war game equipment, human chanting and shouting, which were potential noise nuisance to the sensitive receivers. There was no information in the submission to demonstrate that the proposed development would not have adverse environmental impacts on the surrounding areas;

- (iii) the applicant proposed to use the roof of an abandoned sewage treatment facility and a temporary shed-type structure for war game playground use with a maximum capacity of 80 persons. According to the Buildings Department, there was no record of approval granted for any structures on the site. Moreover, local objections were received expressing concerns over the safety of the proposed war game playground use at the site. The applicant had not provided any information to demonstrate that the structures were suitable for the proposed use; and
- (iv) approval of the application would set an undesirable precedent for other similar uses to proliferate in the subject “R(C)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

87. Members had no question on the application.

Deliberation Session

88. The Chairperson concluded that the proposed development could not be supported as it was not in line with the planning intention of the “R(C)” zone, it would cause adverse environmental impacts, there was safety concern on the proposed use of the roof of an abandoned sewage treatment facility, and it would set an undesirable precedent. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the development was not in line with the planning intention of the

“Residential (Group C)” (“R(C)”) zone, which was intended primarily for low-rise, low-density residential developments. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the proposed development was incompatible with the tranquil rural neighbourhood and there was no information in the submission to demonstrate that the proposed development would not have adverse environmental impacts on the surrounding areas;
- (c) there was no record of any approval of building plans granted for the structures on the site. The applicant had not provided any information to demonstrate that the structures were suitable for the proposed use; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate in the subject “R(C)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 31

Section 16 Application

[Open Meeting]

A/YL-KTN/364 Temporary Open Storage of Vehicles and Vehicle Parts for Export for a Period of 3 Years in “Agriculture” zone,
Lots 422 S.B s.s.1 (Part), 422 S.B RP (Part), 422 S.C RP (Part)
and 422 RP (Part) in D.D. 110 and Adjoining Government Land,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/364)

89. The Secretary reported that on 28.6.2011, 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 supplementary information to address the comments of the Transport Department.

90. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/540 Temporary Public Vehicle Park (Private Cars) for a Period of 2 Years
in “Other Specified Uses” annotated “Rural Use” zone,
Lots 509 (Part), 510, 514 (Part) and 515 RP (Part) in D.D. 106,
Kam Po Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/540)

Presentation and Question Sessions

91. 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 public vehicle park (private cars) for a period of two years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view. Although the site had been paved and used for similar purposes for some time, there was agricultural activities near the site and the site had high potential for agricultural purpose;

- (d) no public comments were received during the statutory publication period;
- (e) the District Officer (Yuen Long) (DO(YL)) advised that his office had received a public comment from the local in respect of the application. The commenter suggested that lighting system should be provided to light up the local track near the boundary fence of the site to facilitate the access of the villagers; and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of two years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone was primarily for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape with a view to upgrading or improving the area or providing support to the local communities might be allowed by application to the Town Planning Board. The proposed temporary public vehicle park could serve the needs of the locals and therefore did not contradict the planning intention of the “OU(RU)” zone;
 - (ii) while there were active farming plots to the east of the site, and DAFC considered the site had high potential for agricultural activities, the site was not zoned “Agriculture” with a clear intention for agricultural use and rehabilitation of farmland. There was a large factory for manufacturing of plastics located immediately to the north of the site, which was an “existing use” tolerated under the Town Planning Ordinance. The applied use, which was more environmentally friendly, could therefore served as a buffer between the factory and the residential dwellings to the southeast;
 - (iii) previous approval under Application No. A/YL-KTS/465 submitted

by the same applicant for the same use as the current application had been granted by the Committee, and the applicant had complied with the approval conditions related to the provision of fencing, landscape, drainage and fire safety aspects under the previous approved application. As there was no major change in the planning circumstances in the area since the granting of the previous approval, sympathetic consideration could be given to the current application;

- (iv) relevant departments consulted, except DAFC, had no adverse comment on the application. To avoid the possible nuisance generated by the development, approval conditions restricting the operation hours; prohibiting car washing, dismantling, repairing and workshop activities which involved metal cutting, drilling, hammering, paint spraying, and oil/lubricant changing; and prohibiting the parking of medium or heavy vehicles and container trailers/tractors; and requesting the maintenance of boundary fencing were recommended; and
- (v) regarding the local comment conveyed by DO(YL) on the provision of lighting system on the local track near the boundary fence of the site, an approval condition on this requirement was recommended to facilitate the access of the villagers.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 8.7.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations were allowed to be parked/stored on the site at any time during the planning approval period;

- (b) no night-time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation on Sundays and statutory holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no car washing, dismantling, repairing and workshop activities involving metal cutting, drilling, hammering, paint spraying and oil/lubricant changing were allowed on the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, and no vehicle exceeding 7m long, were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (f) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers as defined in the Road Traffic Ordinance, and no vehicles exceeding 7m long, were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (g) the boundary fence along the application site should be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site implemented under Application No. A/YL-KTS/465 should be maintained at all times during the planning approval period;
- (i) the submission of a record of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.1.2012;
- (j) the provision of lighting system/facilities to light up the local track near the

boundary fence of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.1.2012;

- (k) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.1.2012;
- (l) in relation to (k) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.4.2012;
- (m) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.1.2012;
- (n) in relation to (m) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.4.2012;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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;
- (p) if any of the above planning conditions (i), (j), (k), (l), (m) or (n) 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
- (q) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

94. 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 site;
 - (b) the permission was given to the use under application. It did not condone any other use including the open storage of containers which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use not covered by the permission;
 - (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
 - (d) to note the comments of the District Lands Officer/Yuen Long that the site comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the Government. No approval had been given for the specified structures as office. The site was accessible via an unnamed road on government land branching off Kam Po Road, which fell within a permanent resumption limit RD/PJT/66. The Lands Department (LandsD) did not guarantee right of way. The lot owner should apply to LandsD to permit any structure to be erected or regularize any irregularities on the site. If approval was granted, it would be subject to such terms and conditions including the payment of premium or fee as imposed by LandsD;
 - (e) 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 Director of Environmental Protection to minimise any potential environmental nuisances;
 - (f) to note the comments of the Commissioner for Transport that the site was connected to public road network via a section of local access road which

was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority, and the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that based on the recent site visit, trees provided under Application No. A/YL-KTS/465 were generally in poor condition and had not been properly maintained. Most trees were observed to be undersized, except one *Cinnamomum burmannii* (陰香) and one *Deloniz regia* (鳳凰木). The applicant should replace those trees which were undersized, damaged or dead;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not responsible for the maintenance of any existing vehicular access connecting the site and Kam Po Road;
- (i) to note the comments of the Director of Fire Services that relevant layout plans incorporating the proposed fire service installations (FSIs) should be submitted to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority. If the applicant wished to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures should be removed. All building works were subject to compliance with the Buildings Ordinance. Authorized Person should be appointed to

coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and

- (k) to note the comments of the Director of Electrical and Mechanical Services that if there was underground cable (and/or overhead line) within or in the vicinity of the application site and the site was within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier, and if necessary, ask the electricity supplier to divert the underground cables (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 electricity supply lines.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/533 Temporary Warehouse for Storage of Metal Parts
for a Period of 3 Years in "Undetermined" zone,
Lots 1487 (Part), 1488 S.A (Part), 1488 RP (Part) and
1489 (Part) in D.D. 119 and Adjoining Government Land,
Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/533)

Presentation and Question Sessions

95. 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 metal parts for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses in the vicinity of the application site and environmental nuisance was expected;
- (d) during the statutory publication period, one public comment was received from a Yuen Long District Council member raising objection to the application as the movement of heavy vehicles would generate noise and dust nuisance to the nearby residents; and the repeated revocations of the previous planning approvals reflected the applicant’s insincerity to comply with the approval conditions; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary warehouse for storage of metal parts under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the development was not in conflict with the planning intention of the “Undetermined” zone which was intended to cater for the continuing demand for open storage which could not be accommodated in conventional godown premises. It was also 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, 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 in view of the residential uses in the vicinity of the site (the nearest one at about 25m to its north), 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. The applicant had proposed no operation during night time between 6:00 p.m. and 9:00 a.m., not to have open storage, and not to carry out workshop activities at the site. It was expected that the development would not generate significant adverse environmental impact on the surrounding areas. To address DEP's concerns, approval conditions restricting the operation hours; prohibiting the storage of electronic waste, open storage and workshop activities; and restricting the use of heavy goods vehicles were recommended;
- (iii) concerned Government departments consulted, except DEP, had no adverse comment on the application. Relevant approval conditions on drainage, landscape and fire safety aspects were recommended to address their technical concerns;
- (iv) there were two previously approved applications for warehouse for storage of office equipment (No. A/YL-TYST/383 and 415) submitted by a different applicant but the same agent. These two applications were subsequently revoked due to non-compliance with the approval conditions, which prohibited the storage of electronic waste, open storage and carrying out of workshop activities (for Application No. A/YL-TYST/383) and required the submission and implementation of fire service installations (FSIs) proposal (for Application No. A/YL-TYST/415). After revocation of the last planning approval on 27.8.2010 for non-compliance with the FSIs conditions, the storage use on the site had not ceased. Nevertheless, the current application for storage of different items (i.e. metal parts) was submitted by another applicant who had included a FSIs proposal in the submission to address the fire safety issue, although D of FS had not indicated acceptance of the proposal at this stage. In this regard, the current application might be tolerated for one

more time, with shorter compliance periods to monitor the progress on compliance with approval conditions. However, the applicant should be advised that sympathetic consideration would not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions; and

- (v) regarding the public comment on possible environmental impact caused by the development and the applicant's insincerity to comply with the approval conditions, considering that the environmental concerns could be addressed by approval conditions and the applicant had included a FSIs proposal in the submission to address the fire safety issue, the current application might be tolerated for one more time on sympathetic consideration.

96. Members had no question on the application.

Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.7.2014, 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 and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no electronic waste and used electrical appliances were allowed to be stored on the application site at any time during the planning approval period;
- (d) no open storage, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;

- (e) no workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (f) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to enter/exit the application site at any time during the planning approval period;
- (g) the existing drainage facilities implemented under Application No. A/YL-TYST/415 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 8.10.2011;
- (i) the implementation of replacement tree planting on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.10.2011;
- (j) the submission of fire service installations (FSIs) proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.10.2011;
- (k) in relation to (j) above, the implementation of FSIs proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.1.2012;
- (l) 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;

- (m) if any of the above planning conditions (h), (i), (j) or (k) 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
- (n) 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.

98. 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 would 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 that the lot owners and the occupier of government land should apply to his office to permit structures to be erected or regularize any irregularities on-site. If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by the Lands Department. Besides, the site was accessible through an informal track on government land extended from Kung Um Road. His office did not provide any maintenance works for this track or guarantee right-of-way. Moreover, part of the government land had been granted with Government Land Allocation for an active sewerage project (i.e. Yuen

Long and Kam Tin Sewage Treatment, Stage 2B-2T (Yuen Long South Branch Sewers)) undertaken by 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 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;
- (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 Chief Town Planner/Urban Design and Landscape, Planning Department that the existing tree at the eastern perimeter of the site was covered by climbers seriously, and the health condition of another existing tree growing between the structures was in poor condition. These two trees should be replaced. Due to the site condition, the replacement trees should not be planted between the structures. An as-built planting plan showing the new location and species of the replacement trees should be submitted for record. The applicant should also remove the debris placed against the tree trunks and ensure the area surrounding the tree trunks be kept clear at all times;
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (k) to note the comments of the Director of Fire Services that relevant layout

plans incorporating the proposed FSIs should be submitted to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSIs to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, justifications should be provided to his department for consideration;

- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the existing structures without approval under the Buildings Ordinance (BO) should be removed. Formal submission under the BO was required for any proposed new works, including temporary structures. The temporary warehouses were considered as temporary buildings subject to control under the Building (Planning) Regulations (B(P)R) Part VII. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. 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 B(P)R 19(3) at the building plan submission stage. Moreover, the granting of the planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works should circumstances require; and

- (m) to note the comments of the Director of Electrical and Mechanical Services that 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.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/536 Proposed Temporary Open Storage of Ceramic Products, Used Electrical Appliances, Scrap Metal, Cement, Sand, Paper, Used Miscellaneous Goods, Vehicle Parts and Electronic Parts for a Period of 3 Years in “Residential (Group B) 1” and “Residential (Group D)” zones, Lots 591 and 592 in D.D. 121, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/536)

Presentation and Question Sessions

99. 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 proposed temporary open storage of ceramic products, used electrical appliances, scrap metal, cement, sand, paper, used miscellaneous goods, vehicle parts and electronic parts for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential structures in the vicinity of the site and along the access road leading to the site, and environmental nuisance was expected. DEP also considered the proposed use undesirable as it involved the storage of used electrical appliances and electronic parts, which should be properly stored under covered structures with fully paved ground so as to avoid soil and groundwater contamination. Moreover, the storage of materials such as

sand and used miscellaneous goods would likely cause nuisance to the sensitive receivers in the vicinity. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application from the landscape perspective as the proposed use of the site for open storage of some unpleasant materials was considered not quite compatible with the adjacent rural environment and natural landscape. Some disturbances to the existing landscape character and resources due to the proposed use were anticipated;

- (d) two public comments were received during the statutory publication period. The comment from Designing Hong Kong Limited raised objection to the application on the grounds that the applied use was not in line with the planning intention of the residential zones; and the use of the site for open storage was a blight to the environment. The commenter requested that a condition on landscaping and peripheral fencing should be imposed if the application was approved. The other comment from a Yuen Long District Council member also objected to the application as the travelling of heavy vehicles and the movement of goods would generate noise and dust causing great nuisance to the nearby residents; and
- (e) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the proposed development was not in line with the planning intention of the “Residential (Group B) 1” (“R(B)1”) and “Residential (Group D)” (“R(D)”) zones which were primarily for residential developments in rural areas. It was incompatible with the planned residential use and the existing residential structures scattered in the surrounding areas. Although there were storage yards in the vicinity of the site, most of them were suspected unauthorized developments subject to enforcement action taken by the Planning Authority. No strong planning justification had been given in the submission to justify a departure from the planning

intention, even on a temporary basis;

- (ii) the application did not comply with the Town Planning Board (TPB) Guidelines No. 13E in that there was no previous approval granted for the site and there were adverse comments on the application from DEP and CTP/UD&L since the open storage of used electrical appliances and electronic parts could result in soil and groundwater contamination, and the open storage of materials such as sand and used miscellaneous goods would likely cause nuisance to the sensitive receivers in the vicinity and was not compatible with the adjacent rural environment and natural landscape. Moreover, the applicant had not included any technical assessment/proposal in the submission to demonstrate that the proposed development would not generate adverse environmental and landscape impacts on the surrounding areas; and
- (iii) although 10 similar applications for temporary open storage uses in the same “R(D)” zone had been approved either by the Committee or the TPB on review previously, these applications were all approved before 2002. Since 26.10.2001, no further similar application had been approved within the same “R(D)” zone. Moreover, no similar application had been approved in the same “R(B)1” zone. In this regard, approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate in the “R(B)1” and “R(D)” zones, causing degradation to the surrounding environment.

100. Members had no question on the application.

Deliberation Session

101. The Chairperson concluded that the proposed development could not be supported as it was not in line with the planning intentions of the “R(B)1” and “R(D)” zones and the relevant TPB Guidelines; there was no technical assessments in the submission to demonstrate no adverse impacts caused by the proposed development; there were adverse

departmental comments and local objections to the application; and it would set an undesirable precedent. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development was not in line with the planning intentions of the “Residential (Group B) 1” (“R(B)1”) and “Residential (Group D)” (“R(D)”) zones on the Tong Yan San Tsuen Outline Zoning Plan. The site was intended primarily for residential development. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines No. 13E in that no previous planning approval had been granted for the proposed use on the site, no relevant technical assessments had been included in the submission to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas, and there were adverse departmental comments on and local objections to the application. The proposed development was also not compatible with the current and planned residential use in the surrounding areas; and
- (c) as no planning approval for similar uses had been granted in the subject “R(B)1” zone and no planning approval for similar uses had been granted in the subject “R(D)” zone since 2002, approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses to proliferate in the subject “R(B)1” and “R(D)” zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 35

Section 16 Application

[Open Meeting]

A/YL-TYST/537 Temporary Warehouse for Storage of Construction Materials,
Used Cars and Miscellaneous Goods for a Period of 3 Years
in “Undetermined” zone,
Lots 1399 (Part), 1401 S.A to S.D (Part) and 1402 (Part) in D.D. 119,
Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/537)

102. The Secretary reported that on 23.6.2011, the applicant’s representative requested for a deferment of the consideration of the application for one month in order to allow time for the applicant to address the fire safety issue.

103. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 36

Any Other Business

104. There being no other business, the meeting closed at 5:00 p.m..