

TOWN PLANNING BOARD

Minutes of 448th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 2.9.2011

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Dr. W.K. Lo

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

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

Deputy Director of Planning/District
Mr. Wilson Y.L. So

Secretary

Absent with Apologies

Dr. James C. W. Lau

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Dr. C.P. Lau

Mr. Stephen M.W. Yip

In Attendance

Assistant Director of Planning/Board
Miss H.Y. Chu

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

Agenda Item 1

Confirmation of the Draft Minutes of the 447th RNTPC Meeting held on 19.8.2011

[Open Meeting]

1. The draft minutes of the 447th RNTPC meeting held on 19.8.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

[Mr. C.F. Yum and Mr. Wilfred C.H. Cheng, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

3. Mr. C.F. Yum, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary agricultural, barbecue and educational use for a period of three years;
- (c) the departmental comments were detailed in paragraph 10 of the Paper and highlighted below:
 - (i) the Commissioner for Transport (C for T) pointed out that the applicant had not provided information to indicate the vehicular access point of the site and the estimated number of participants planned to be accommodated on the site. Given the remoteness of the site and the absence of 'nearby' public car parks, it was expected that the visitors would prefer using private cars or coaches to reach the site. Without parking provisions, illegal parking problem along the access road would be aggravated. In this regard, a traffic impact assessment (TIA) should be conducted to assess the traffic impact of the proposed development on the nearby road network and the requirement for the provision of parking spaces;
 - (ii) the Director of Environmental Protection (DEP) had reservation on the application. The site was located within water gathering ground (WGG) and there was no public sewerage available in the area. While the applicant recommended measures such as the provision of portable chemical toilets to address the sewage issues, no information was provided to substantiate the acceptability of the proposal. Water collected within this WGG could be contaminated by surface runoff generated from the composting trench at the northern end of the site during rainy days. The proposed recycling back wash water to the farmland without any treatment could also contaminate water quality within this WGG. Moreover, he was concerned about the potential noise nuisance to be generated by the 200 visitors to the site, which would adversely affect the nearby

residents when the background noise was low;

- (iii) the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the site encroached upon WSD's upper indirect WGGs but the submission did not provide sufficient information to prove that the proposed uses would not increase the pollution risks to the water quality within the WGGs; and
 - (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning perspective. Although the applicant claimed that no existing trees would be affected by the proposed development, the proposed 1m high parapet wall along the site boundary would adversely affect the trees in close proximity to the boundary. Moreover, the increase in human activities caused by the proposed development might impose adverse impact on the surrounding existing woodland;
- (d) during the statutory publication period, 17 public comments were received. Two comments were submitted by Sai Kung District Council Members. One of them had no comment on the application whereas the other one considered that the applicant should communicate with local villagers. The remaining 15 comments from Designing Hong Kong Limited, the residents' association of a nearby estate and members of the general public objected to the application mainly on the grounds of non-compliance with the planning intention of the "Green Belt" ("GB") zone, involvement of government land, and generation of traffic, nuisance, environmental pollution, fire safety and security problems; 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 the proposed agricultural use was a permitted use within the “GB” zone, the proposed barbecue site and education centre were considered not in line with the planning intention of the “GB” zone. There was a general presumption against development within this zone. There were no strong justifications provided in the submission to warrant a departure from this planning intention, even on a temporary basis;

- (ii) according to the Town Planning Board Guidelines No. 10, development within “GB” zone would only be considered in exceptional circumstance and should be justified with very strong planning grounds. The development should not affect the existing natural landscape and cause any adverse landscape impact on the surrounding areas. In the current application, the proposed parapet wall along the site boundary would adversely affect the trees in close proximity to the boundary. Moreover, increase in human activities caused by the proposed development might impose adverse impact on the surrounding existing woodland. There was no sufficient information to demonstrate that the proposed development would have no adverse landscape impact. In this regard, CTP/UD&L objected to the application from the landscape planning point of view;

- (iii) according to the applicant, the site would accommodate up to 200 visitors and the activities would end before 8:00 p.m. However, the surroundings of the site were mainly rural in character and there were a few village houses to the east. It was still possible that the barbecue activities might cause noise nuisance to the nearby residents when the background noise was low. The submission failed to demonstrate that the proposed development would not cause noise nuisance to the nearby residents. DEP was concerned about the noise nuisance caused by the proposed development;

- (iv) the site fell within the upper indirect WGGs. The applicant had

not demonstrated that the proposed development would not increase the pollution risks to the water quality within the WGGs. In this regard, CE/Dev(2) of WSD objected to the application whereas DEP had reservation on the application from the water quality and health points of view;

- (v) although the applicant had indicated that no parking space would be provided within the site, the future visitors might visit the proposed development by their own cars instead of using public transport. In this regard, the applicant had not addressed C for T's concern on the potential illegal parking along Ho Chung Road. The submission had not included a TIA to assess the traffic impact of the proposed development on the nearby road network, including the requirement for the provision of parking spaces. The applicant failed to demonstrate that there was no adverse traffic impact from the proposed development. C for T had reservation on the application unless the TIA and the associated traffic mitigation measures were carried out to his satisfaction;
- (vi) the site was currently used as a barbecue site which was subject to planning enforcement action undertaken by the PlanD; and
- (vii) approval of the application would set an undesirable precedent for other similar applications within the "GB" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment.

4. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was no strong justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development did not meet the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” Zone’ in that the application would affect the existing natural landscape of the surrounding area and have adverse landscape and noise impacts;
- (c) the proposed development would increase the pollution risks to the water quality within the water gathering grounds. The submission had not included sufficient information to demonstrate that the water gathering grounds would not be affected by the proposed development;
- (d) the submission failed to demonstrate that there was no adverse traffic impact from the proposed development and no traffic impact assessment had been included in the submission; and
- (e) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the natural environment.

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/203 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lots 425 S.A, 426 S.B ss.1, 426 S.C ss.1 and 426 S.D in D.D. 244,
Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/203)

6. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with PlanArch Consultants Limited, one of 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.

Presentation and Question Sessions

7. Mr. C.F. Yum, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the potential of the site used for open cultivation, plant nursery and greenhouse was high;
- (d) during the statutory publication period, nine public comments were received from the Chairman of Ho Chung Area Committee and members of the general public. All the comments objected to the application mainly on the grounds that the zoning was for agricultural purpose and there were

pollution problems and ecological impact; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) according to the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' ('Interim Criteria'), sympathetic consideration might be given to the application as the site was located within the village 'environs' and there was a general shortage of land in meeting Small House development in the "Village Type Development" zone;
 - (ii) the proposed NTEH had no adverse drainage, landscape and environmental impacts on the surrounding areas. Concerned departments had no objection to the application. Although DAFC advised that the potential of the site used for open cultivation, plant nursery and greenhouse was high, there were no farming activities at the site. The proposed NTEH was also considered not incompatible with the surroundings; and
 - (iii) regarding the public comments, the proposed NTEH would have no major adverse impacts on the surrounding areas as confirmed by the relevant government departments. The site was also outside water gathering grounds. The application deserved sympathetic consideration according to the 'Interim Criteria'.

8. Members had no question on the application.

Deliberation Session

9. 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 2.9.2015, 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 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.

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

- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant 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 standard;
- (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 subject site was within an area where there was no DSD's sewerage connection available in the vicinity at present;
- (d) to note the comments of the Commissioner for Transport that there was an existing rural track leading to the site which was not under Transport Department's management. The status of the track leading to the site should be checked with the lands authority. The management and

maintenance responsibilities of the same vehicular access should be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the comments of the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department that the application site fell within the boundary of Ho Chung Site of Archaeological Interest, the applicant should provide the AMO with sufficient time and let the staff of AMO enter the subject site to conduct an archaeological survey prior to the commencement of construction works; and
- (f) to note the comments of the Director of Environmental Protection that the requirements for septic tank system stipulated in the Professional Persons Environmental Consultative Committee Practice Note No. 5/93 (Drainage Plans Subject to Comment by the Environmental Protection Department) should be observed.

[The Chairman thanked Mr. C.F. Yum, STP/SKIs, for his attendance to answer Members' enquiries. Mr. Yum left the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/87 Proposed Flat in "Residential (Group E)" zone,
1 & 3 Shek Kok Road, Area 85, Tseung Kwan O
(RNTPC Paper No. A/TKO/87)

11. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with the consultants of the application, namely ADI Limited, Environ Hong Kong Limited and LLA Consultancy Limited. Mr. Stephen M.W. Yip had also declared an interest as he had current business dealings with Environ Hong Kong Limited. The Committee noted that Mr. Yip had tendered an apology for being unable to attend the meeting. 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

12. Mr. Wilfred C.H. Cheng, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed development comprised four 42-storey residential blocks (including a 3-storey podium) with a plot ratio of 5 and a building height of 130m. According to the applicant, he would take up the construction, maintenance and management responsibilities of the two proposed footbridges across Wan Po Road and Shek Kok Road connecting to the adjacent developments, subject to the implementation details and programme of the proposed footbridges to be co-ordinated and consolidated with the developers of the adjacent developments;

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

- (c) departmental comments – the District Lands Officer/Sai Kung (DLO/SK) advised that the lots covered by the application site, i.e. Junk Bay Town Lot (JBTL) 2 & Extension and Tseung Kwan O Town Lot (TKOTL) 22, were granted by way of private treaty in 1986 and 1994 respectively to the same owner, Chiaphua-Shinko Copper Alloy Company Limited, for the purpose of manufacture of non-ferrous metals and such other purposes as might be approved by the Director of Lands, excluding offensive trades. JBTL No. 2 & Extension was granted pursuant to the Executive Council (ExCo)'s approval. If the application was approved, lease modification or land exchange would be required to implement the proposed development. Given the land grant background of the lots, some land policy issues had to be resolved, particularly ExCo's approval, before the lease modification or land exchange could be processed. Regarding the proposed footbridges connecting to TKOTL 70 (the LOHAS Park development) and TKOTL 111

(the proposed residential development with public car/lorry park at 6 Shek Kok Road which was known as Site B in Area 85), their implementation programme would be subject to the respective lease conditions of TKOTL 70 and TKOTL 111 and the Government's consideration concerning the application site. It was noted that the land grant for development in TKOTL 111 was executed on 21.12.2010. Under the lease, the grantee was subject to a building covenant of 66 months and was required to erect, provide and construct structural supports and connections for linking with the proposed footbridge across Shek Kok Road from the current application site. DLO/SK also advised that the requirements for the provision of pedestrian passage and footbridges in the proposed residential development might be translated into the lease conditions with the agreement of all relevant departments, in particular, the Transport Department. The management and maintenance responsibilities of the proposed pedestrian passage and footbridges would rest with the Grantee of the lot if the lease modification/land exchange was approved;

- (d) during the statutory publication periods of the application and the further information to the application, a total of 32 public comments were received and they were summarised below:
 - (i) 26 comments from TKO residents and the general public supported the application mainly on the grounds that the proposed residential development would alleviate the environmental problems by phasing out the industrial development, increase the supply of flats, provide more employment opportunities and achieve synergy with other residential developments to form a self-contained residential area. One of the commenters also opined that the height/density of the proposed development should be compatible with the surrounding environment;
 - (ii) a comment from the MTR Corporation Limited stated that the applicant should provide footbridges across Shek Kok Road and Wan Po Road connecting to LOHAS Park to facilitate early

implementation of the footbridge connection between Area 85 and the elevated walkway system in LOHAS Park;

- (iii) two comments from Sai Kung District Council (SKDC) Members requested for the provision of ‘dog garden’ and retail facilities/shops within the proposed development; the provision of details of the proposed public footbridges; the relocation of the proposed sports complex in LOHAS Park; and the provision of public transport facilities in the area; and raised concerns on the noise problem of Wan Po Road;
 - (iv) a comment from a SKDC Member objected to the TKO landfill extension; raised concerns on the proposed footbridges, noise barriers at Wan Po Road, and public transport services in the area; and requested for early construction of the shopping arcade for LOHAS Park;
 - (v) a comment from a SKDC Member raised concerns on the impacts of the existing South East New Territories (SENT) Landfill on the future residents, the sufficiency of road capacity, the provision of hospitals, leisure, cultural and recreational facilities, and the adequacy of police force to meet the increase in developments and population in TKO; and
 - (vi) a comment submitted by a planning consultant was concerned about the applicant’s response to the footbridge issue;
- (e) the responses to public comments from government departments were detailed in paragraph 11 of the Paper and highlighted below:
- (i) the Director of Environmental Protection (DEP) advised that the existing SENT Landfill was operated under a set of stringent environmental performance requirements and its operation was compatible with international standards. To ensure no environmental nuisance from its operation, appropriate measures had been implemented at the landfill. To address the concern of

TKO residents about the possible odour nuisance of the landfill, additional odour management and control measures had been implemented over the past few years to further minimise the potential odour impacts arising from the landfill operation and the refuse collection vehicles delivering waste to the landfill;

- (ii) the Director of Leisure and Cultural Services advised that a number of new recreational and leisure facilities had been completed in the past five years for public use including Pui Shing Garden, Tiu Keng Leng Temporary Cycle Park, Sheung Ning Road Playground, TKO Sports Ground, Tong Ming Street Sitting-out Area and Chui Ling Lane Playground. Besides, construction of new facilities (including a sports centre and district open space) was in progress or under active planning. Upon completion of all the recreational and leisure facilities projects in hand, the TKO New Town would be provided with 79.4 ha of public open space and 6 sports centres which met the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG);
- (iii) the Chief Executive, Hospital Authority (HA) advised that the proposed development would have minimal impact on local hospital services;
- (iv) the Secretary for Food and Health advised that in planning the provision of public healthcare services, the Hospital Authority (HA) took into consideration a number of factors, including the projected demand for healthcare services having regard to the population growth and demographic changes, the growth rate of services of individual specialties, and the possible changes in healthcare services utilisation pattern. He agreed with HA's assessment that the proposed development would have minimal impact on local hospital services; and
- (v) the Commissioner of Police advised that adequate police strength had been deployed to maintain law and order in TKO. In the past 10 years, the number of frontline police officers in the TKO

Division had increased by more than double from 118 to 255 officers. In addition, the Police Kowloon East Region had a strength of over 2 900 officers and they would redeploy resources internally where necessary to meet operational needs within the area. Therefore, the enforcement capability of the Police in TKO would not be restrained by the administrative boundaries of the police districts; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the proposed development was in line with the planning intention of the “Residential (Group E)” (“R(E)”) zone to encourage the phasing out of existing industrial operations and to facilitate residential developments within this zone thereby improving the environment of the area. The proposed development with a plot ratio of 5 and a building height of 130m conformed with the development restrictions stipulated in the Notes for the “R(E)” zone;
 - (ii) the proposed development was considered compatible with the surrounding areas which were zoned “R(E)” to its east, “Comprehensive Development Area” to its west intended for residential and/or commercial development, and “Government, Institution or Community” (“G/IC”) to its north and northeast intended for school and undesignated GIC developments. Regarding the TKO Sewage Treatment Works (STW) to its south, the applicant’s Environmental Assessment stated that odour control measures were already in place in the STW and concluded that odour impact would not be a concern for the proposed development. DEP had no comment on this aspect;
 - (iii) DEP had no objection to the proposed development from an environmental point of view, and other relevant government departments had no objection or adverse comment on the

application. The concern of the Project Manager (New Territories East), Civil Engineering and Development Department on the construction of the proposed footbridges across Shek Kok Road, and the comments of the Chief Town Planner/Urban and Landscape, PlanD on the landscaping and tree preservation proposals could be addressed by imposing relevant approval conditions. DLO/SK advised that construction, management and maintenance of the proposed footbridges and their linkages would be dealt with at the land grant stage. Other concerns on landfill gas and land contamination, design of footbridges, provision of utilities and traffic facilities, timing of the completion dates of the proposed development and road works of the area and site formation could be addressed by imposing appropriate conditions and advisory clauses; and

- (iv) out of the 32 public comments received, 26 of them were in support of the proposed development. Regarding the concerns raised by the other comments on the noise and traffic impacts of the proposed development, the impact of the SENT Landfill, and the provision of public transport, hospitals, leisure, cultural and recreational facilities and police force in the area had been taken into account by the relevant government departments in the consideration of the application, and they had no adverse comment on the application on these aspects. The provision of the concerned facilities was based on the existing and planned population in TKO and could meet the requirements stipulated in the HKPSG. The concern on the provision of the proposed footbridges across Wan Po Road and Shek Kok Road to serve the population of the area was partly addressed by the applicant's agreement to construct, maintain and manage the proposed footbridges, and partly by imposing relevant approval condition on the design and construction of the proposed footbridges. The requests for the provision of 'dog garden' and retail facilities/shops had been conveyed to the applicant for his consideration. For the request to relocate the proposed sports

complex in LOHAS Park to an area to the south of the application site and to expedite the construction of the shopping arcade of LOHAS Park were not relevant to the current application. These facilities and their programme of development had been considered by the Committee in the context of approving the master layout plan for the LOHAS Park development.

13. Members had no question on the application.

Deliberation Session

14. In reply to the Chairman's question, Mr. Wilfred C.H. Cheng said that there was currently no industrial operation in the factory building of Chiaphua-Shinko Copper Alloy Company Limited, part of which was within the application site. To his understanding, the factory would be closed down and it was not necessary to find a relocation site. Regarding the zonings of the factory building with its northern part zoned "G/IC" and its southern part zoned "R(E)", Mr. Cheng explained that the rezoning of the factory building site from "Industrial" to "G/IC" and "R(E)" was agreed by the Committee in 1999 to facilitate the phasing out of industrial uses in Area 85 of TKO. The part zoned "G/IC" was intended for school use at that time but now for undesignated GIC developments.

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

15. In response to a Member's enquiry, Mr. Wilfred C.H. Cheng said that adequate public open space and GIC facilities had been planned for the TKO New Town. The provision of public open space (existing and planned) would even exceed the requirements in the HKPSG.

16. The Chairman enquired about the maintenance responsibility of the proposed footbridges across Wan Po Road and Shek Kok Road. In response, Mr. Wilfred C.H. Cheng said that according to DLO/SK's advice, the management and maintenance responsibilities of the proposed footbridges would be worked out at the lease modification/land exchange stage. Ms. Anita K.F. Lam of Lands Department added that the lease modification/land exchange to effect the proposed development had yet to be processed. Generally speaking, if the

proposed footbridges were agreed to be handed over to the Government upon completion, their management and maintenance responsibilities would be taken up by relevant departments. Otherwise, the proposed footbridges would be managed and maintained by the private developers or owners on an ongoing basis. If such responsibilities were to be borne by small owners, the developers would be required to state it clearly in the sale brochures of the residential flats. A Member asked if there were policy guidelines to determine whether the private developer or the small owners would be responsible to manage and maintain the public facilities within private developments for public use. The Chairman said that the Development Bureau had examined the management issue of public open space in private developments. It was found that it would be more practical for commercial developments, which were controlled by smaller number of owners, to have the developers or management companies to take up the management and maintenance responsibilities of public facilities. Ms. Anita K.F. Lam also said that there were no hard and fast rules to specify who should be responsible for managing and maintaining the public facilities. Background information and guidelines on the provision of public facilities within private developments were available at the Lands Department's web site.

17. Another Member asked whether the existing TKO STW had sufficient capacity to serve the population increase in the TKO New Town since there was no vacant land available adjoining the STW for its expansion if it was considered necessary in the future. In response, Mr. Wilfred C.H. Cheng said that the existing TKO STW had sufficient capacity to cater for the existing and planned developments on the Outline Zoning Plan.

18. 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 2.9.2015, 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 a revised landscape master plan to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;

- (c) the submission of an updated Traffic Impact Assessment and implementation of the traffic improvement measures proposed therein to mitigate the traffic impact, if any, prior to the population intake of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the design and provision of parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the design, construction, management and maintenance of the footbridges across Wan Po Road and Shek Kok Road to connect with the adjacent developments and a pedestrian link inside the proposed development for public use, as proposed by the applicant, with 24-hour barrier-free public access to the footbridges and pedestrian link from the footway along Shek Kok Road and Wan Po Road to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) in relation to (e) above, if the footbridge(s) could not tie in with the completion of the adjacent development(s), the provision, management and maintenance of the footbridge(s) with temporary support/landing arrangements at the receiving end(s) from the lots of Tseung Kwan O Town Lot (TKOTL) 70 and TKOTL 111 to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the submission of a revised noise assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (h) the submission of a landfill gas hazard assessment for the proposed development and implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;

- (i) the submission of a land contamination assessment and remedial plan and implementation of the agreed remedial actions for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (j) the provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) approval of the application did not imply that approval would be granted by the Executive Council to the modification of the private treaty grant. The applicant should approach the Lands Department (LandsD) direct to obtain the necessary approval;
- (b) to note the comments of the Chief Estate Surveyor/Railway Development, LandsD that the proposed footbridge across Wan Po Road should tally with the alignment of 'FB3' as shown on the lease plan of TKOTL 70 and comments should be sought from the Leisure and Cultural Services Department and other relevant departments at the detailed design stage of the proposed footbridge so that its development could match the implementation programme and the design of the Indoor Recreation Centre at TKOTL 70;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the existing water mains would be affected, and the developer should bear the cost of any necessary diversion works affected by the proposed development. For 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 be responsible for the construction, operation and maintenance of the inside services within

the private lots to WSD's standards;

- (d) to note the comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department on the design and construction of the refuge floor, compliance with the prescribed window requirements, adoption of performance-based approach to the use of fixed glazing in bay windows design, and re-submission of building plans;
- (e) approval of the application did not imply that the proposed building design elements to fulfil the Sustainable Building Design Guidelines and the proposed gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the TPB might be required;
- (f) to note the comments of the Commissioner for Transport that the development programmes for the government projects Cross Bay Link and Tseung Kwan O – Lam Tin Tunnel were tentative and subject to revision. The Government did not guarantee that the projects would be constructed at all, or they would be completed in time to meet the scheduled completion date of the proposed development under the application;
- (g) to note the comments of the Secretary for Education that should the footbridge linking to LOHAS Park not synchronize with the residential development in Area 85, adequate road crossing facilities (across Wan Po Road) should be provided (in consultation with relevant government departments) so that residents in Area 85 could enjoy the educational facilities in LOHAS Park;
- (h) to note the comments of the Director of Environmental Protection that the implementation schedule of noise mitigation measures should be provided,

and reference should be made to the 'Guidance Manual for Use of Risk-based Remediation Goals for Contaminated Land Assessment and Remediation' in preparing the land contamination assessment and remedial plan for the proposed development;

- (i) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that part of the application site fell within the Harbour Area Treatment Scheme Sewage Tunnel Protection Area. The applicant should observe and comply with the prevailing relevant Practice Notes for Authorised Persons and the then Environment, Transport and Works Bureau Technical Circular about the protection of DSD's sewage tunnels in the implementation of development associated with the application;
- (j) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that site formation plans should be submitted to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (k) to note the requirements of the Director of Electrical and Mechanical Services and to maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the existing and planned gas pipes route/gas installations in the vicinity of the proposed work area and the minimum set back distance away from the gas pipelines during the design and construction stages of development;
- (l) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Part VI of the 'Code of Practice for Means of Access for Firefighting and Rescue' administered by the Buildings Department; and
- (m) approval of the application did not imply that necessary approvals would be given by any government department. The applicant should approach the relevant government departments direct for any necessary approvals.

[The Chairman thanked Mr. Wilfred C.H. Cheng, STP/SKIs, for his attendance to answer Members' enquires. Mr. Cheng left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/759 Shop and Services (Showroom and Retail Shop)
 in "Industrial" zone,
 Units A1-A3, G/F, On Wah Industrial Building,
 41-43 Au Pui Wan Street, Fo Tan, Sha Tin
 (RNTPC Paper No. A/ST/759)

Presentation and Question Sessions

20. Mr. Anthony K.O. Luk, STP/STN, reported that the replacement page 9 for the Paper had been sent to Members before the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (showroom and retail shop);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period

and no local objection/view was received by the District Officer (Sha Tin);
and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications for shop and services use had been approved for other units on the ground floor of the subject industrial building and its vicinity. The application premises had a total floor area of about 36.7m². If the application was approved, the aggregate commercial floor area on the ground floor of the subject industrial building would be 72.8m², which was within the maximum permissible limit of 460m². The applied use complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D including the fire safety and traffic aspects. Relevant government departments including the Fire Services Department, Buildings Department and Transport Department had no objection to or adverse comments on the application. If the application was approved, a temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to monitor the supply and demand of industrial floor space in the area. Since the last approval (Application No. A/ST/724) was revoked due to non-compliance with the approval condition on the submission of fire safety measures, a shorter compliance period was proposed to monitor the progress of compliance. Moreover, the applicant would be advised that should he fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

21. Members had no question on the application.

Deliberation Session

22. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.9.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire safety measures within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.12.2011;
- (b) in relation to (a) above, the implementation of fire safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.3.2012; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years and shorter compliance periods were given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shia Tin for a temporary waiver to permit the applied use;

- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department (BD) that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls and floors having a fire resisting period of not less than two hours, and the means of escape of the existing premises should not be adversely affected. An Authorised Person should be engaged to co-ordinate the building works, if any, including the sub-division of the unit/premises;

- (f) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans, and a means of escape completely separated from the industrial portion should be available for the area under application. Regarding matters in relation to fire resisting construction for the subject premises, the applicant should comply with the requirements as stipulated in the 'Code of Practice for Fire Resisting Construction' which was administered by the BD; and

- (g) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 7

Section 16 Application

[Open Meeting]

A/ST/761 Shop and Services (Paint Store) in “Industrial” zone,
Unit 5A, G/F, Veristrong Industrial Centre,
34-36 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/761)

24. The Secretary reported that on 16.8.2011, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the preparation of further information to address the comments of the Director of Fire Services.

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/762 Shop and Services (Real Estate Agency) in “Industrial” zone,
Workshop R3C, G/F, Valiant Industrial Centre,
2-12 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/762)

Presentation and Question Sessions

26. 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 shop and services (real estate agency);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one comment was received during the statutory publication period. The commenter, claiming himself the representative of the Owners' Committee of Unison Industrial Centre, supported the application as it would introduce competition between different real estate agencies in the subject industrial area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. The real estate agency under application was not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications for shop and services use had been approved for other units on the ground floor and lower ground floor of the subject industrial building and its vicinity. A range of mixed shop and services uses could be found on the ground floor and lower ground floor of the subject industrial building. The application premises had a floor area of about 78m². If the application was approved, the aggregate commercial floor area on the ground floor and lower ground floor of the subject industrial building would be 367.64m², which was within the maximum permissible limit of 460m². The applied use complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D including the fire safety and traffic aspects. Relevant government departments including the Fire Services Department, Buildings Department and Transport Department had no objection to or adverse comments on the application. If the application was approved, a temporary approval of

three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to monitor the supply and demand of industrial floor space in the area. Since the last approval (Application No. A/ST/712) was revoked due to non-compliance with the approval condition on the submission of fire safety measures, a shorter compliance period was proposed to monitor the progress of compliance. Moreover, the applicant would be advised that should he fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

27. Members had no question on the application.

Deliberation Session

28. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.9.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire safety measures within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.12.2011;
- (b) in relation to (a) above, the implementation of fire safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.3.2012; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing

the applied use at the application premises;

- (b) a temporary approval of three years and shorter compliance periods were given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shia Tin for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department (BD) that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop, including its means of escape, should be separated from adjoining workshops by compartment walls, lobbies and floors having a fire resisting period of not less than two hours, and the means of escape of the existing premises should not be adversely affected. An Authorised Person should be engaged to co-ordinate the building works, if any, including the sub-division of the unit/premises;
- (f) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans, and a means of escape completely separated from the industrial portion should be available for the area under application. Regarding matters in relation to fire resisting construction for the subject premises, the applicant should comply with the requirements as stipulated in the 'Code of Practice for Fire Resisting Construction' which was administered by the BD; and

- (g) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/763 Temporary Shop and Services (Fast Food Shop)
for a Period of 5 Years in “Industrial” zone,
Unit H1, LG/F, Valiant Industrial Centre,
2-12 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/763)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (fast food shop) for a period of five years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one comment was received during the statutory publication period. The commenter, claiming himself the representative of the Owners’ Committee of Unison Industrial Centre, supported the application as the working population within the industrial area was large and there was a need to

increase the number of fast food shops to serve the area; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. The fast food shop under application was not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications for shop and services use had been approved for other units on the lower ground floor of the subject industrial building and its vicinity. According to the Town Planning Board Guidelines No. 25D, the limit on aggregate commercial floor space limits on fire safety concerns did not apply to fast food counter which was sited at street level without seating accommodation and licensed as food factory. The Fire Services Department had no objection to the application subject to approval conditions on fire safety measures and the fast food shop being licensed as 'food factory' or 'factory canteen'. According to the Food and Environmental Health Department, the subject premises were covered by a valid food factory licence. Moreover, the applied use complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D including the fire safety and traffic aspects. As a customer waiting area could be provided in the shop for the queuing of customers so that the queuing would not obstruct pedestrian flow on public footpath, the Transport Department had no objection to the application. While the applicant applied for the fast food shop for a period of five years, a shorter approval period of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to monitor the supply and demand of industrial floor space in the area. Since the last approval (Application No. A/ST/733) was revoked due to non-compliance with the approval condition on the submission of fire safety measures, shorter compliance periods were proposed to monitor the progress of compliance. Moreover, the applicant would be advised that should he fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

31. Members had no question on the application.

Deliberation Session

32. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.9.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire safety measures within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.12.2011;
- (b) in relation to (a) above, the implementation of fire safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.3.2012; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years, instead of five years as proposed, and shorter compliance periods were given in order to allow the Committee to closely monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval conditions again

resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;

- (d) to apply to the District Lands Officer/Shu Tin for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls, lobbies and floors having a fire resisting period of not less than two hours, and the means of escape of the existing premises should not be adversely affected. Building safety requirements would be formulated upon receipt of food premises licence application;
- (f) to note the comments of the Commissioner for Transport that adequate space should be provided inside the shop for the queuing of customers and the queue should not obstruct pedestrian flows on public footpath outside the shop;
- (g) to note the comments of the Director of Fire Services that the proposed 'fast food shop' should only be licensed and operated as 'food factory' or 'factory canteen'. A fast food shop licensed and operated as a 'general restaurant' or 'light refreshment restaurant' would not be accepted. Detailed fire service requirements would be formulated upon receipt of formal submission of general building plans or referral from the licensing authority; and
- (h) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/764 Shop and Services (Fast Food Shop) in “Industrial” zone,
Unit H4, G/F, Century Centre, 33-35 Au Pui Wan Street,
Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/764)

Presentation and Question Sessions

34. 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 shop and services (fast food shop);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one comment was received during the statutory publication period. The commenter, claiming himself the representative of the Owners’ Committee of Unison Industrial Centre, supported the application as the subject premises was only suitable for small business but not for godown purpose, and there was a need of more fast food shops; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. The fast food shop under application was not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications for shop and services use had been

approved for other units on the ground floor of the subject industrial building and its vicinity. According to the Town Planning Board Guidelines No. 25D, the limit on aggregate commercial floor space limits on fire safety concerns did not apply to fast food counter which was sited at street level without seating accommodation and licensed as food factory. The Fire Services Department had no objection to the application subject to approval conditions on fire safety measures and the fast food shop being licensed as 'food factory' or 'factory canteen'. According to the Food and Environmental Health Department, the subject premises were covered by a valid food factory licence. Moreover, the applied use complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D including the fire safety and traffic aspects. The Transport Department had no objection to the application provided that there would be adequate space inside the shop for queuing of customers such that the queue would not obstruct pedestrian flow on public footpath. According to the layout plan submitted by the applicants, waiting area was provided in the shop for queuing of customers. A temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to monitor the supply and demand of industrial floor space in the area. Since the last approval (Application No. A/ST/723) was revoked due to non-compliance with the approval condition on the submission of fire safety measures, shorter compliance periods were proposed to monitor the progress of compliance. Moreover, the applicant would be advised that should they fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

35. Members had no question on the application.

Deliberation Session

36. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.9.2014, on the terms of the application as

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

- (a) the submission of fire safety measures within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.12.2011;
- (b) in relation to (a) above, the implementation of fire safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.3.2012; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years and shorter compliance periods were given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicants fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shia Tin for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories

East (1) and Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls, lobbies and floors having a fire resisting period of not less than two hours, and the means of escape of the existing premises should not be adversely affected. Building safety requirements would be formulated upon receipt of food premises licence application;

- (f) to note the comments of the Commissioner for Transport that adequate space should be provided inside the shop for the queuing of customers and the queue should not obstruct pedestrian flows on public footpath outside the shop;
- (g) to note the comments of the Director of Fire Services that the proposed 'fast food shop' should only be licensed as 'food factory'. Detailed fire service requirements would be formulated upon receipt of formal submission of general building plans; and
- (h) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

[The Chairman thanked Mr. Anthony K.O. Luk, STP/STN, for his attendance to answer Members' enquiries. Mr. Luk left the meeting at this point.]

[Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/106 Proposed Temporary Open Storage of Construction Materials
for a Period of 3 Years in “Agriculture” zone,
Lots 184 RP and 187 RP (Part) in D.D. 52,
Sheung Shui Wah Shan Village, Sheung Shui
(RNTPC Paper No. A/NE-FTA/106)

Presentation and Question Sessions

38. Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site and environmental nuisance was expected. The Project Manager/New Territories North and West, Civil Engineering and Development Department advised that the application site fell within the Fanling North New Development Area (NDA). As the site formation works for the NDA development were tentatively scheduled to commence in 2017 subject to review, the effective period of permission for the application was suggested to be not later than the year of 2016;
- (d) during the statutory publication period, one public comment was received indicating no comment on the application;
- (e) the District Officer (North) advised that the Chairman of Sheung Shui

District Rural Committee, the concerned North District Council member, and Village Representatives of Sheung Shui Heung and Wa Shan had no comment; and

- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use 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) although the proposed development was not in line with the planning intention of the “Agriculture” zone, the Director of Agriculture, Fisheries and Conservation had no strong view on the application from an agricultural development point of view as the site had been paved and the agricultural activity in its vicinity was inactive;
 - (ii) the application generally complied with the Town Planning Board Guidelines No. 13E in that there were previous planning approvals for similar open storage use granted to the application site under an appeal and by the Committee. Although there was no information to demonstrate that the applicant had complied with the previous approval conditions as the site was not put into operation, the applicant had submitted landscape proposal and layout plan on existing/proposed drainage channels in the vicinity of the site to demonstrate that the proposed development would not have adverse impacts on the surrounding areas;
 - (iii) although DEP did not support the application as there were domestic structures in the vicinity of the site and environment nuisance was expected, relevant approval conditions restricting the operation hours and prohibiting the use of medium/heavy goods vehicles were recommended to minimise environmental nuisance to local residents;
 - (iv) the site fell within flood pumping gathering ground and was less than 30m from the nearest stream. In order to address the concerns

of the Water Supplies Department on the potential water pollution caused by the proposed development, an approval condition restricting the type of construction materials to be stored was recommended;

- (v) the proposed use was not incompatible with the uses of logistics companies and container trailer parks in close proximity to the application site. It was considered that the proposed development should not have significant adverse impacts on the surrounding areas;
- (vi) as compared with the last approval under Application No. A/NE-TKL/103, the proposed use, layout and development parameters were the same in the current submission except that the applicant now proposed to allow the storage of all types of construction materials instead of concrete pipes only. It was considered that the use of the site for open storage of concrete pipes or for other construction materials were similar in nature and should not have significant adverse impact on the surrounding areas; and
- (vii) both the Town Planning Appeal Board and the Committee had approved previous applications (No. A/NE-FTA/76 and 103) for a shorter period of two years in view of environmental and traffic concerns raised by DEP and local residents. As DEP's environmental concern could be addressed by the imposition of approval conditions and there were no major adverse comments from government departments, it was considered that an approval period of three years, as requested by the applicant, could be granted.

39. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years until 2.9.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:30 p.m. and 8:30 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 was allowed on the application site during the planning approval period;
- (c) no medium/heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, were allowed for transportation of goods to and from the application site during the planning approval period;
- (d) a maximum of three vehicle trips per day for transportation of construction materials to and from the application site, as proposed by the applicant, was allowed during the planning approval period;
- (e) no storage or discharge of pesticide or toxicant, flammable or toxic solvents, petroleum oil or tar or any other toxic substances were allowed within the application site, as proposed by the applicant, during the planning approval period;
- (f) 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 2.3.2012;
- (g) in relation to (f) 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 2.6.2012;
- (h) the submission of proposals for fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.3.2012;

- (i) in relation to (h) above, the provision of fire service installations and water supplies for fire-fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.6.2012;
- (j) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.3.2012;
- (k) in relation to (j) above, the implementation of the approved landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.6.2012;
- (l) the submission of proposal for mitigation measures to the ecological sensitive receivers in the vicinity of the application site within 6 months from the date of planning approval to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB by 2.3.2012;
- (m) in relation to (l) above, the implementation of mitigation measures to the ecological sensitive receivers in the vicinity of the application site within 9 months from the date of planning approval to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB by 2.6.2012;
- (n) if any of the above planning conditions (a), (b), (c), (d) or (e) 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
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) 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.

41. The Committee also agreed to advise the applicant of the following :
- (a) to resolve any land issue relating to the development with other concerned owners of the application site;
 - (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, it would be subject to such terms and conditions including the payment of STW fee;
 - (c) to note the comments of the Director of Fire Services that if building plan submission was not required and covered structures were erected within the site, relevant layout plans incorporated with the proposed fire services installations (FSIs) should be submitted for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans. Besides, detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
 - (d) to note the comments of the Commissioner for Transport that the vehicular access to the application site was via a village track connecting with Man Kam To Road. The unnamed village track was not managed by the Transport Department. The land status of the access leading to the site should be checked with the lands authority, and the management and maintenance responsibilities of the same access should be clarified with the relevant lands and maintenance authorities accordingly;
 - (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development; and

- (f) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that:
- (i) all spoils arising from site formation works and building works should be contained and protected to prevent all nearby watercourses from being polluted or silting up;
 - (ii) no discharge of effluent within the flood pumping gathering grounds should be allowed without WSD's prior approval. Any effluent discharge had to comply with the Technical Memorandum on Standards for Effluent Discharge into Drainage and Sewerage Systems, Inland and Coastal Waters;
 - (iii) all wastes, sludge and pollutants arising from any activity or works on the site should be properly disposed of outside the gathering grounds;
 - (iv) free vehicular access should be provided at all times for WSD's staff and his contractor to carry out inspection and maintenance of the Nam Chung Aqueduct underneath the access road leading to the application site;
 - (v) for 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 be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
 - (vi) the site was located within the flood pumping gathering ground.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/145 Temporary Vehicle Repair Workshop
(including Container Vehicle Repair Yard)
for a Period of 3 Years in “Industrial (Group D)” zone,
Lots 759 S.A, 759 RP (Part), 761 S.A, 761 S.C (Part), 762 S.A and
762 S.C in D.D. 95 and Ajoining Government Land, Kwu Tung North
(RNTPC Paper No. A/NE-KTN/145)

Presentation and Question Sessions

42. Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary vehicle repair workshop (including container vehicle repair yard) 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 site and environmental nuisance was expected. The Project Manager/New Territories North and West, Civil Engineering and Development Department advised that the application site fell within the Kwu Tung North New Development Area (NDA). As the site formation works for the NDA development were tentatively scheduled to commence in 2017 subject to review, the effective period of permission of the application was suggested to be not later than the year of 2016;
- (d) three public comments were received during the statutory publication period. Two comments from the North District Council (NDC) members had no comment on the application, whereas the other comment from a

member of the general public objected to the application mainly on the grounds that the applied use would aggravate the traffic condition of Ho Sheung Heung Road, causing adverse traffic impact and safety problem to the pedestrians. Moreover, air and noise pollution would affect the nearby kindergarten and domestic settlement;

- (e) the District Officer (North) advised that the concerned Resident Representatives (RR) of Kwu Tung (South) raised objection to the application because the vehicular track connecting Castle Peak Road was very narrow and the traffic flow was very busy. There were traffic accidents which led to casualties in the past. The Chairman of Sheung Shui District Rural Committee, the concerned NDC member and the RR of Kwu Tung (North) had no comment on the application; and

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

- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of one year based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the temporary container vehicle repair yard was generally in line with the planning intention of the “Industrial (Group D)” zone, which was primarily for industrial uses that could not be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements. The areas in the vicinity of the application site had already been developed for workshops and factories. The applied use was not incompatible with the surrounding land uses;
 - (ii) the application complied with the Town Planning Board Guidelines No. 13E in that the application site fell within Category 1 area and there were previous planning approvals for similar vehicle repair workshop and container vehicle repair yard uses granted for the site. Besides, the applied use would unlikely have significant adverse

traffic, drainage and landscape impacts on the surrounding areas. Concerned government departments including the Transport Department (TD), Drainage Services Department and Urban Design and Landscape Section of PlanD had no objection to or adverse comments on the application;

- (iii) while DEP did not support the application on the grounds of potential environmental nuisance to local residents, there was no environmental complaint in relation to the application site in the past three years. To address DEP's concern, approval conditions restricting the operation hours and requiring the maintenance of existing fencing along the application site were recommended;
- (iv) regarding the local objection to the application mainly on traffic and environmental grounds, TD had no objection to the application in view of the low traffic demand of the applied use which involved 20 parking spaces and the repairing of an average 20 to 30 vehicles per month. Moreover, there was no environmental pollution complaint received related to the application site, and the environmental concern could be addressed by the imposition of appropriate approval conditions;
- (v) the site was the subject of seven previous applications, with the last two applications (No. A/NE-KTN/117 and 134) for the same use submitted by the same applicant, which were approved by the Committee with conditions in 2006 and 2009 respectively. Approval conditions for Application No. A/NE-KTN/117 were complied with by the applicant while the planning permission for Application No. A/NE-KTN/134 was revoked due to non-compliance of approval condition on the implementation of fire service installation (FSI) proposal. Nonetheless, the applicant had submitted FSI proposal to support the current application, which demonstrated his sincerity to comply with the approval condition. As such, sympathetic consideration might be given to the current application;

- (vi) should sympathetic consideration be given to this application, it was recommended that a temporary approval of one year be given in order to closely monitor the situation of the site since there were local objections to the application on environmental and traffic grounds; and
- (vii) since the previous approval (Application No. A/NE-KTN/134) was revoked due to non-compliance with approval condition, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. Moreover, the applicant would be advised that should he fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

43. Members had no question on the application.

Deliberation Session

44. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 2.9.2012, 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) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (d) the existing peripheral fencing on the application site should be maintained

at all times during the planning approval period;

- (e) the submission of a condition record of the existing drainage facilities implemented under Application No. A/NE-KTN/117 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.12.2011;
- (f) the submission of proposals for water supplies for fire-fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.12.2011;
- (g) in relation to (f) above, the provision of water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.3.2012;
- (h) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.12.2011;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.3.2012;
- (j) 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
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) 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.

45. 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) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) a shorter approval period of one year and shorter compliance periods were imposed so as to monitor the situation of the site and the progress on the compliance of approval conditions;
- (d) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the site was located within the flood pumping gathering ground;
- (f) to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that one dead tree stump and two trees in fair condition were found at the northern boundary. The applicant should replace the dead stump/tree(s). Besides, tree planting opportunity was available along the eastern boundary. The applicant should also provide space (at least 1m) between the trees and the stored materials or vehicles/container trailers;

- (h) to note the comments of the Director of Fire Services that if building plan submission was not required and covered structures were erected within the site, relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans. Besides, detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;

- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development; and

- (j) 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, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, 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 the electricity supply lines.

Agenda Item 13

Section 16 Application

[Open Meeting]

A/NE-KTN/146 Temporary Container Vehicle Park
(including Light and Heavy Goods Vehicles)
for a Period of 5 Years in “Open Storage” zone,
Lots 91 and 94 S.A RP in D.D. 95,
Ho Sheung Heung, Sheung Shui
(RNTPC Paper No. A/NE-KTN/146)

46. The Secretary reported that on 25.8.2011, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to provide further information to address the concerns of government departments.

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

Agenda Item 14

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/27B)

48. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with the consultants of the application, namely

Toco Planning Consultants Limited and LLA Consultancy Limited. The Committee noted that Ms. Kwong had already left the meeting temporarily.

49. The Secretary also reported that on 30.8.2011, 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 respond to the comments of the Transport Department, the Hong Kong Police Force and the Planning Department; to revise the landscape master plan; to provide site formation details and to address the fish pond filling issue; and to hold a consultation meeting with local villagers.

50. 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 the further information, and as a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

[Dr. W.K. Lo left the meeting at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/28 Proposed House (New Territories Exempted House – Small House)
in “Recreation” zone, Lot 2338 S.D in D.D. 91,
Ping Kong Village, Sheung Shui
(RNTPC Paper No. A/NE-PK/28)

Presentation and Question Sessions

51. Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural perspective as the application site and its vicinity were rural in nature and currently occupied for agricultural activities;
- (d) three public comments were received during the statutory publication period. Two comments were submitted by the North District Council (NDC) members. While one of them indicated no comment on the application, the other one supported the application as it would benefit the villagers. The third comment from Designing Hong Kong Limited objected to the application on the grounds that the proposed house was incompatible with the zoning intention and character of the area which was zoned “Recreation” (“REC”); the layout of existing and proposed infrastructure and development was haphazard; and failure to provide a sustainable layout before granting the approval would have adverse impacts on the living environment and the well being of residents;
- (e) the District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee and the concerned NDC member had no comment on the application. The Indigenous Inhabitants Representative of Ping Kong supported the application. The Residents Representative of Ping Kong objected to the application because the proposed Small House fell outside the village ‘environs’ (‘VE’), and it would affect the natural environment, the future development of Ping Kong Village and *fung shui*; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments set out in paragraph 11 of the Paper which were summarised below:

- (i) The application met the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that the footprint of the proposed Small House fell entirely within the ‘VE’ of Ping Kong Village and there was insufficient land within the “Village Type Development” (“V”) zone of Ping Kong Village to meet the Small House demand;
- (ii) although the proposed development was not in line with the planning intention of the “REC” zone, the application site was located at the fringe of this zone and would not jeopardize the implementation of future recreational developments. Besides, the application site was located to the immediate west of the village proper of Ping Kong Village and the footprint of the proposed Small House fell entirely within the ‘VE’ of the same village. In addition, there was a similar application for Small House development within the same “REC” zone in the vicinity of the application site, which had also been approved with conditions by the Committee. Moreover, the proposed Small House development would not have significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas. Relevant government departments had no objection to or adverse comments on the application;
- (iii) while DAFC did not support the application from the agricultural perspective as the application site and its vicinity were rural in nature and currently occupied for agricultural activities, the site fell within the “REC” zone and the proposed Small House development was considered not incompatible with the surrounding land uses, which were predominantly rural in nature with vacant land with wild grass to the immediate east, south, west and north, village houses to the east and temporary domestic structures to the north. To address DAFC’s concern that a mature *Yanmin* (人面子) worthy

for preservation was growing in the close proximity to the application site, the applicant would be advised to avoid/minimise causing any disturbance to the tree; and

- (iv) regarding the local objection and adverse public comment, the proposed Small House was considered not incompatible with the surrounding land uses, which were predominantly rural in nature, and it would not cause significant adverse traffic, environmental, landscape and drainage impacts on the surrounding areas. Concerned government departments including the Transport Department, Environmental Protection Department, Drainage Services Department and Urban Design and Landscape Section of PlanD had no objection to or adverse comment on the application. In addition, the application site fell entirely within the 'VE' of Ping Kong Village, and *fung shui* was not a material planning consideration.

52. Members had no question on the application.

Deliberation Session

53. 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 2.9.2015, 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 landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development and the provision of septic tank;
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that a mature Yanmin (人面子) worthy for preservation was growing in the close proximity to the application site. The applicant should avoid/minimise causing any disturbance to the tree;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant 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 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;
- (d) 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;
- (e) to note the comments of the Commissioner for Transport that there was a footpath passing through the application site, and the agreement from the locals should be sought. The land status of the access should be checked with the lands authority, and the management and maintenance responsibilities of the access should be clarified with the relevant lands and

maintenance authorities accordingly;

- (f) to note the comments of the District Lands Officer/North that the applicant should maintain the footpath for the public; and
- (g) the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant 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 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/369 Proposed Three Houses
(New Territories Exempted Houses – Small Houses)
in “Agriculture” and “Green Belt” zones,
Lot 79 in D.D. 77, Ping Yeung Village, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/369)

Presentation and Question Sessions

55. Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed three houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) the departmental comments were detailed in Appendix IV of the Paper and

highlighted below:

- (i) the District Lands Officer/North (DLO/N) objected to the application as the site was outside the village ‘environs’ (‘VE’) of Ping Yeung Village and the “Village Type Development” (‘V’) zone. Under the Small House Policy, small house applications would be rejected even if planning permission was granted;
- (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the potential of the site for agricultural rehabilitation was high; and
- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application from the landscape perspective. While the proposed small houses were not incompatible with the surrounding rural setting and significant impact on existing landscape character and resources was not anticipated, the site was slightly encroaching onto the “Green Belt” (‘GB’) zone. Approval of the application might set an undesirable precedent of spreading village house development and encourage removal of mature trees within the “GB” zone, hence deteriorate the landscape quality of the area;

[Mr. Andrew Y.T. Tsang left the meeting at this point.]

- (d) during the statutory publication period, six public comments were received. While the comment from a North District Council member supported the application without giving any reason, the remaining five comments from Designing Hong Kong Limited, World Wide Fund Hong Kong, Kadoorie Farm and Botanic Garden Corporation, Conservancy Association and Hong Kong Bird Watching Society Limited objected to the application mainly on the following grounds:
 - (i) the proposed development was not in line with the planning intentions of “Agriculture” (‘AGR’) and “GB” zones;

- (ii) there was no sustainable village layout plan for the area;
 - (iii) the clearance of natural vegetation on the application site would cause adverse landscape impact on the area;
 - (iv) as the application site was located away from the “V” zone of Ping Yeung, approval of the application would lead to disorganised rural development and threaten the existing environment; and
 - (v) approval of the application would encourage further encroachment of small houses into the nearby agricultural land/green belts, the cumulative impact of which would be an irreversible damage to the overall ecological value of the area;
- (e) the District Officer (North) advised that the Vice-Chairman of Ta Kwu Ling District Rural Committee, the Chairman of Ping Yeung Village Committee and three Indigenous Inhabitant Representatives of Ping Yeung raised objection to the application mainly on the grounds that the area concerned was not intended for Small House development; Ping Yeung Village Committee was not consulted; and issues on sewerage and right of access were yet to be resolved; and
- (f) the 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 proposed development did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that the footprint of each of the three Small Houses fell entirely outside the “V” zone and the ‘VE’ of Ping Yeung Village. In this regard, DLO/N did not support the application and advised that under the Small House Policy, small house applications would be rejected even if planning permission was granted;
 - (ii) the proposed development was not in line with the planning intention of “AGR” zone and DAFC did not support the application

from an agricultural development point of view. Moreover, most of the surrounding areas were fallow agricultural land. There was no strong planning justification in the current submission for a departure from the planning intention; and

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

56. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention;
- (b) the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories’ in that the footprint of each of the proposed Small Houses fell entirely outside the village ‘environs’ of a recognised village; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of

approving such applications would result in a general degradation of the rural environment.

[The Chairman thanked Ms. Doris S.Y. Ting, STP/STN, for her attendance to answer Members' enquiries. Ms. Ting left the meeting at this point.]

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/428 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 1406 S.B in D.D. 8, Ping Long Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/428A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural point of view as there were active agricultural activities at the application site and the potential of the area for agricultural rehabilitation was high. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective as adverse impact of the proposed house on the existing landscape resources was anticipated;

- (d) during the statutory publication period, two public comments were received from the Hong Kong Bird Watching Society and Designing Hong Kong Limited. Both comments objected to the application mainly on the grounds that the proposed house was not in line with the planning intention of the “Agriculture” (“AGR”) zone and approval of the application would set an undesirable precedent for more developments on agricultural land; and permitting development within the “AGR” zone without a sustainable village layout plan would adversely affect the environment of the surrounding areas; and

- (e) the PlanD’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) part of the application site fell within the “AGR” zone, and DAFC did not support the application from the agricultural point of view. Nonetheless, the proposed development was in line 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 within the “Village Type Development” (“V”) zone and the village ‘environs’ of Ping Long Village; there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Ping Long Village; and that the proposed Small House would be able to be connected to the planned sewerage system in the area;

 - (ii) the application site was located within the water gathering ground (WGG). According to the Drainage Services Department, public sewers would be laid under the project 4332 DS (Lam Tsuen Valley Sewerage) and the applicant could extend his sewer by himself via other private lots to the proposed public sewers on the northwest. The applicant had obtained the consent from the owner of Lot 1406 RP in D.D. 8 to having the sewerage connection for the

proposed house to pass through his lot. In this regard, both the Environmental Protection Department and the Water Supplies Department had no objection to the application;

- (iii) while CTP/UD&L considered that the proposed Small House was not incompatible with the surrounding landscape character, he had reservation on the application as the footprint of the proposed Small House would have direct conflict with two *Macaranga tanarius* (血桐) and one *Mangifera indica* (芒果), which were large mature trees in good form. In this regard, the applicant had clarified that he would only prune the tree branches of two *Macaranga tanarius*, which were located at the adjacent Lot 1409, and the *Eriobotrya japonica* (枇杷) and *Mangifera indica* could be transplanted, if possible, to the land in front of the application site. Compensatory tree planting would also be carried out, if necessary. To address CTP/UD&L's concerns, an approval condition requiring the submission and implementation of landscape and tree preservation proposals was recommended; and
- (iv) regarding the public comments against the proposed Small House, concerned government departments including the Transport Department, Environmental Protection Department, Drainage Services Department, Water Supplies Department and Fire Services Department had no objection to or adverse comment on the application.

59. Members had no question on the application.

Deliberation Session

60. 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 2.9.2015, 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 landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) 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;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the actual occupation of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) before the execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of the construction, operation and maintenance of sewerage pipes and connection points on the lot(s) concerned should be registered in the Land Registry against all affected lot(s);
- (d) the applicant should make proper sewer connection from the proposed

Small House to the public sewerage at his own cost;

- (e) to note the comments of the Director of Environmental Protection (DEP) that the proposed house should be connected to the future public sewer when available, and the sewerage connection point should be within the application site and within the “Village Type Development” zone;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as detailed in paragraph 4 of Appendix IV of the Paper;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that public stormwater drainage system was not available for connection in the vicinity of the application site. The applicant should provide proper stormwater drainage system for the proposed development, and maintain the drainage system properly, rectify the system if it was found to be inadequate or ineffective during operation, and indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system. Moreover, public sewerage system was currently not available for connection in the vicinity of the application site. DEP should be consulted on the requirements on sewage treatment and disposal aspect of the proposed development, and the Chief Engineer/Project Management of DSD should be consulted on the availability of sewerage connection;
- (h) to note the comments of the Commissioner for Transport that the existing nearby village access was not under his management. The land status of the village access should be checked with the lands authority, and the management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly;
- (i) 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;

- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the form and position of the proposed house should be modified to avoid direct impacts on the two *Macaranga tanarius* (血桐) within the application site. If conflict was unavoidable, the applicant should consult a landscape architect, certified arborist or other competent professional for professional advice of transplanting the affected trees and submit the proposed tree transplanting and compensatory planting in the tree preservation proposal before carrying out any tree works. In case tree felling was considered the only option, a proper tree survey should be submitted and adequate number of good quality compensatory tree planting should be provided in the tree preservation proposal;
- (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, 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 the electricity supply lines; and
- (l) the permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicant 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 18

Section 16 Application

[Open Meeting]

A/NE-LT/429

Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lots 161 S.A ss.6 and 162 S.A ss.5 in D.D. 19, Tong Min Tsuen,
Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/429A)

62. The Secretary reported that on 25.8.2011, 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 prepare further information on sewerage connection and landscape planning for the proposed house. The applicant indicated that during the past two months, he had asked the consultant of Drainage Services Department for the latest sewerage plan to ensure the sewerage connection for the proposed house could be done properly. As he had just received the subject plan, more time would be required for the preparation of further information.

63. 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 of the application and a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 19

Section 16 Application

[Open Meeting]

A/NE-LT/431 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 1150 RP in D.D. 19, Lam Tsuen San Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/431A)

64. The Secretary reported that on 25.8.2011, 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 resolve technical issues relating to the sewerage connection works for the proposed development. According to the applicant, consultation had been carried out with the village representatives and the Drainage Services Department in the past two months and a consensus would be reached soon.

65. 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 of the application and a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Items 20 to 22

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/432 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 892 S.B ss.1 (Part) in D.D. 8, Ma Po Mei Village,
Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/432A)

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/433A)

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/434A)

66. The Chairman suggested to consider the three applications together as they were for the same use and the sites were located next to one another within the same “Agriculture” (“AGR”) zone. Members agreed.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the 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 as the potential of the sites for agricultural rehabilitation was high. Moreover, there was a natural stream (Upper Lam Tsuen River) to the northwest of the application sites, which was an Ecologically Important Stream (EIS) listed in the then Environment, Transport and Works Bureau Technical Circular (Works) No. 5/2005. Any pollution from the application sites during the construction and operation stages of the proposed houses might cause adverse ecological impact on the EIS;
- (d) during the statutory publication period, one public comment was received for each of the applications from Designing Hong Kong Limited. The commenter objected to the three applications because allowing developments within the “AGR” zone, where there was no sustainable village layout plan, would adversely affect the environment of the surrounding areas; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Papers which were summarised below:
 - (i) the application sites fell within the “AGR” zone, and DAFC did not support the applications from the agricultural point of view because the potential of the sites for agricultural rehabilitation was high. Notwithstanding the above, the Chief Town Planner/Urban Design and Landscape of PlanD had no objection to the applications from the landscape planning perspective as the sites were currently vacant and it was unlikely that the proposed developments would have significant adverse impact on the landscape character and resources in the area;
 - (ii) the applications were generally in line with the ‘Interim Criteria for

Consideration of Application for NTEH/Small House in the New Territories' ('Interim Criteria') in that the proposed Small Houses fell entirely within the village 'environs' of Ma Po Mei Village and there was a general shortage of land in meeting the demand for Small House development in the "Village Type Development" zone of the villages concerned; and that the proposed Small Houses would be able to be connected to the planned sewerage system in the area. In this regard, the District Lands Officer/Tai Po had no objection to the applications;

- (iii) the application sites fell within the water gathering ground. The Chief Engineer/Mainland North of Drainage Services Department advised that according to the latest scheme of Project 4332 DS (Lam Tsuen Valley Sewerage), public sewers would be laid near the bank of Lam Tsuen River to the west of the application sites, and it was technically feasible for the applicants to extend their sewers to the nearest connection point of the proposed sewerage system by themselves via other private lot(s). The applicant of Application No. A/NE-LT/434 had submitted further information to demonstrate that his proposed house would be able to be connected to the future public sewerage system on the west via Lot 892 S.A owned by him and the adjoining government land, whereas the applicants of Applications No. A/NE-LT/432 and 433 had obtained the consent of the owner of Lot 892 S.A to having the sewerage connection for their proposed houses to pass through his lot. In this regard, both the Environmental Protection Department and the Water Supplies Department had no objection to the applications provided that the construction of houses would not be commenced before the completion of the planned sewerage system;
- (iv) to avoid possible impacts on the EIS of the Upper Lam Tsuen River, the applicants would be advised to follow Buildings Department's Practice Note No. 295 to avoid disturbance and water pollution to the EIS; and

- (v) regarding the public comment on the adverse impact of the proposed developments on the surrounding environment, concerned government departments including the Environmental Protection Department, Drainage Services Department, Water Supplies Department and Transport Department had no objection to or adverse comment on the applications.

68. Members had no question on the applications.

Deliberation Session

69. 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 2.9.2015, 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;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) 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;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation occurred to the water gathering ground to the satisfaction of the Director of Water Supplies or of the TPB.

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

Application No. A/NE-LT/432

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) prior written consent and agreement from the District Lands Officer/Tai Po (DLO/TP) should be obtained before commencing work as the proposed sewerage connection to future public sewerage system would affect government land;
- (d) the applicant should register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant should take up full ownership, construction and maintenance responsibilities of the sewerage connection system and connect the proposed house to the future public sewer at his own cost. The sewerage connection point should be within the application site;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:
 - (i) public stormwater drainage system was available for connection in the vicinity of the application site. The applicant should provide proper stormwater drainage system for the proposed development, and maintain the drainage systems properly, rectify the systems if

they were found to be inadequate or ineffective during operation, and indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the systems;

- (ii) public sewerage system was not currently available for connection in the vicinity of the application site. The applicant should consult DEP on the requirements on sewage treatment and disposal aspect of the proposed development and the Chief Engineer/Project Management (CE/PM) of DSD on the availability of sewerage connection; and
- (iii) a detailed sewerage connection proposal should be submitted through DLO/TP to his office for comment, and the works should be designed and constructed to his satisfaction. In particular, manholes should be provided at all junctions along the sewer and at all locations where the sewer changed direction;
- (g) to note the comments of the CE/PM, DSD that the applicant should be vigilant on the latest situation of the proposed sewerage scheme, for which the Village Representatives would be kept informed by DSD;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as mentioned in paragraph 4 of Appendix V of the Paper;
- (i) 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;
- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should follow Buildings Department's Practice Note for Authorised Persons and Registered Structural Engineers No. 295 on 'Protection of Natural Streams/Rivers from Adverse Impacts Arising from Construction Works', in particular Appendix B (Guidelines

on Developing Precautionary Measures during the Construction Stage), so as to avoid disturbance to the stream and causing water pollution to the Upper Lam Tsuen River Ecologically Important Stream and consult DEP on the sewage disposal arrangement for the proposed development, in particular the proposed septic tanks for sewage disposal;

- (k) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the applicant should provide mitigation measures against any nuisance (such as noise and dust) from the public road, and be liable for the costs of providing environmental mitigation measures as the application site was close to Lam Kam Road;
- (l) to note the comments of the Director of Electrical and Mechanical Services that:
 - (i) if there was underground cable (and/or overhead line) within or in the vicinity of the application site, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above, 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/or his contractors should observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines; and
 - (ii) there was a high pressure gas transmission pipeline running along Lam Kam Road (i.e. the area to the southeast of the application site). The estimated distance might be less than 20m from the boundary of the application site. The applicant should maintain close liaison/

coordination with the Hong Kong and China Gas Company Limited (HKCG) in respect of the exact location of the existing or planned gas pipes routes/gas installations in the vicinity of the application site, and consult HKCG on the minimum set back distance away from the gas pipelines during the design and construction stages of development. The applicant should also note the requirements of his department's 'Code of Practice on Avoiding Danger from Gas Pipes' which was available at [http://www.emsd.gov.hk/emsd/e_download/pps/gas/cop_gas_pipes\(english\).pdf](http://www.emsd.gov.hk/emsd/e_download/pps/gas/cop_gas_pipes(english).pdf); and

- (m) the permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicant 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.

Applications No. A/NE-LT/433 and 434

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) prior written consent and agreement from the District Lands Officer/Tai Po (DLO/TP) should be obtained before commencing work as the proposed sewerage connection to future public sewerage system would affect government land;
- (d) the applicant should register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;

- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant should take up full ownership, construction and maintenance responsibilities of the sewerage connection system and connect the proposed house to the future public sewer at his own cost. The sewerage connection point should be within the application site;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:
 - (i) public stormwater drainage system was available for connection in the vicinity of the application site. The applicant should provide proper stormwater drainage system for the proposed development, and maintain the system properly, rectify the system if it was found to be inadequate or ineffective during operation, and indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system;
 - (ii) public sewerage system was not currently available for connection in the vicinity of the application site. The applicant should consult DEP on the requirements on sewage treatment and disposal aspect of the proposed development and the Chief Engineer/Project Management (CE/PM) of DSD on the availability of sewerage connection; and
 - (iii) a detailed sewerage connection proposal should be submitted through DLO/TP to his office for comment, and the works should be designed and constructed to his satisfaction. In particular, manholes should be provided at all junctions along the sewer and at all locations where the sewer changed direction;
- (g) to note the comments of the CE/PM, DSD that the applicant should be vigilant on the latest situation of the proposed sewerage scheme, for which the Village Representatives would be kept informed by DSD;

- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as mentioned in paragraph 4 of Appendix V of the Paper;
- (i) 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;
- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should follow Buildings Department's Practice Note for Authorised Persons and Registered Structural Engineers No. 295 on 'Protection of Natural Streams/Rivers from Adverse Impacts Arising from Construction Works', in particular Appendix B (Guidelines on Developing Precautionary Measures during the Construction Stage), so as to avoid disturbance to the stream and causing water pollution to the Upper Lam Tsuen River Ecologically Important Stream and consult DEP on the sewage disposal arrangement for the proposed development, in particular the proposed septic tanks for sewage disposal;
- (k) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the applicant should provide mitigation measures against any nuisance (such as noise and dust) from the public road, and be liable for the costs of providing environmental mitigation measures as the application site was close to Lam Kam Road;
- (l) to note the comments of the Director of Electrical and Mechanical Services that:
 - (i) if there was underground cable (and/or overhead line) within or in the vicinity of the application site, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above, 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/or his contractors should observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines; and

- (ii) there was a high pressure gas transmission pipeline running along Lam Kam Road (i.e. the area to the southeast of the application site). The estimated distance might be less than 20m from the boundary of Lot 892 S.B ss.1. The applicant should maintain close liaison/ coordination with the Hong Kong and China Gas Company Limited (HKCG) in respect of the exact location of the existing or planned gas pipes routes/gas installations in the vicinity of the application site, and consult HKCG on the minimum set back distance away from the gas pipelines during the design and construction stages of development. The applicant should also note the requirements of his department's 'Code of Practice on Avoiding Danger from Gas Pipes' which was available at [http://www.emsd.gov.hk/emsd/e_download/pps/gas/cop_gas_pipes\(english\).pdf](http://www.emsd.gov.hk/emsd/e_download/pps/gas/cop_gas_pipes(english).pdf); and

- (m) the permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicant 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.

[Mr. B.W. Chan and Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/359 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 613 in D.D. 15 and Adjoining Government Land,
Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/359)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) – the site area was 426.7m², with 74% zoned “Agriculture” (“AGR”), 21% zoned “Village Type Development” (“V”) and the remaining 5% fell outside any statutory plan. The covered area of the proposed house was 65.03m² and the uncovered area would be used for garden purpose;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site was partly within the “AGR” zone and the potential for agricultural rehabilitation was high. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view. It was noted that vegetation including trees on the edge of the existing woodland had been cleared since 2004 and resulted in adverse landscape impacts. Although the proposed house footprint fell mostly within the “V” zone, there was no information provided on the extent of site formation works and the proposed treatment of the mature woodland trees;

- (d) during the statutory publication period, one public comment was received from Designing Hong Kong Limited raising objection to the application on the grounds that the proposed house was incompatible with the planning intention of “AGR” zone and the character of the area; it did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ (‘Interim Criteria’); and a sustainable layout of infrastructure and development for the area was not available; and

- (e) the PlanD’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the area of the site was about 426.7m² and the footprint of the proposed house mostly (more than 90%) fell within the “V” zone with the remaining area of the site falling within the “AGR” zone to be used for garden purpose. The applicant indicated that while there were a number of mature trees within the site, he undertook to provide compensatory planting of two trees for every tree felled;

 - (ii) while the proposed development was not in line with the planning intention of “AGR” zone (with 74% of the site fell within this zone) and CTP/UD&L and DAFC did not support the application from the landscape planning and agricultural points of view, both the Director of Environmental Protection and the Director of Water Supplies had no objection to the application provided that the proposed Small House, which was located within the upper indirect water gathering ground (WGG), could be connected to the planned public sewerage system and the occupation of the Small House would only take place after the public sewerage system was completed in the area. The Drainage Services Department advised that the proposed trunk sewer system had adequate capacity to cater for the sewage to be conveyed from the proposed Small House. Therefore, the proposed Small House development was considered complying with the ‘Interim Criteria’ in that more than 50% of the footprint of the proposed

Small House fell within the “V” zone/village ‘environs’, there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Shan Liu Village, and the proposed Small House located within the WGG could be connected to the planned sewerage system. Moreover, in order to address the CTP/UD&L’s concern and to minimise the potential adverse impact on the existing landscape resources in the surrounding area, an approval condition on the submission and implementation of landscape and tree preservation proposal was recommended; and

- (iii) regarding the public comment against the application, given that more than 90% of the footprint of the proposed Small House fell within the “V” zone, the proposed Small House could be connected to the planned sewerage system, and concerned government departments had no objection to the application, sympathetic consideration could be given to the application.

72. Members had no question on the application.

Deliberation Session

73. The Chairman pointed out that a very small portion of the application site (5% of the site with an area of 22m²) was not covered by any statutory plans and there was no provision for the Town Planning Board to consider the applied use for this part of the site. However, it was noted that this part of the site was proposed for garden purpose only and no building development was involved.

74. 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 2.9.2015, 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 landscape and tree preservation

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

- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) 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;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation occurred to the water gathering ground to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the occupation of the proposed Small House should only begin after the completion of the public sewerage system;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage system;
- (c) the trunk sewers would be laid along Shan Liu Road under the 'Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C' project. Upon completion of the trunk sewers, the applicant should extend his sewer, at his own cost, to the nearest connection point of the planned sewerage system in the area;
- (d) the applicant should register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots,

and resolve all necessary government land issues with the District Lands Officer/Tai Po (DLO/TP) in order to demonstrate that it was both technically and legally feasible to install sewage pipes from the proposed house to the planned sewerage system via the concerned private lot and government land;

- (e) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Consultants Management of Drainage Services Department that as there was no public drain in the vicinity of the site, the applicant should provide drainage facilities for the site, and maintain such system properly and rectify the system if it was found to be inadequate or ineffective during operation. The applicant should also be liable for and indemnify claims and demands arising out of damage or nuisance caused by failure of the system. Moreover, while there was currently no existing public sewerage in the vicinity of the site, sewerage connection might be available when the proposed village sewerage works under the project 'Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C' were completed in around 2013. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development. The trunk sewer was to serve the potential Small House development within the "V" zone of Shan Liu Village. No branch sewer was planned;
- (f) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that submission should be made to the DLO to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption was not granted, site formation plans should be submitted to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and
- (g) the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant 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 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/366 Proposed Temporary Private Garden Ancillary to New Territories Exempted House for a Period of 5 Years in “Green Belt” zone, Lots 592 (Part) and 595 (Part) in D.D. 28 and Adjoining Government Land, Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/366)

76. The Secretary reported that a letter dated 31.8.2011 was received from the applicant to provide further information to support his application. A copy of the letter was tabled at the meeting for Members’ reference.

Presentation and Question Sessions

77. Ms. Lisa L.S. Cheng, STP/STN, said that in the applicant’s letter dated 31.8.2011, it was stated that the applicant was the village representative of Tai Mei Tuk. As there were other illegal private gardens in his village, he intended to set a good example to other villagers by submitting this application for the proposed private garden use. Ms. Cheng then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary private garden ancillary to New Territories Exempted House (NTEH) for a period of five years – the application site fell within the “Green Belt” (“GB”) zone and the village ‘environs’ of Tai Mei Tuk. About 80% of the site was on government land;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment was received from Designing Hong Kong Limited indicating no objection to the application. However, it was unclear whether there were or could be competing claims for the land by others and/or for other purposes; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the use of the site as a private garden ancillary to house development was not in line with the planning intention of “GB” zone. The applicant failed to provide strong planning justifications in the submission for a departure from the planning intention, even on a temporary basis;
 - (ii) although relevant government departments had no objection to/ adverse comments on the application, the site area for the subject private garden of about 118m² was larger than the footprint of a NTEH of about 65.03m². The applicant's NTEH, which was approved in 1998, had already included an open area of about 85m² that could be used as a private garden. There was no exceptional circumstance or strong justification that merited sympathetic consideration of the application for using additional land within the “GB” zone for private garden for the same NTEH. As there were other NTEHs having similar circumstances that were adjacent to the “GB” zone, approval of the application would set an undesirable precedent for other similar applications and the cumulative impacts of approving such applications would undermine the planning intention of the “GB” zone; and
 - (iii) the site was the subject of a previous application No. A/NE-TK/338 for temporary private garden and parking area for a period of three

years submitted by the same applicant. The previous application was rejected by the Committee on 14.1.2011 for being not in line with the planning intention of “GB” zone and setting of undesirable precedent. As compared to the previous application, the current application site of about 118m² (including about 95m² of government land) was slightly larger than the previous application site of about 100m² which involved government land only. The current application was to use the site for a private garden for five years, while the previous application was to use the site for a private garden and a temporary parking area for three years. The changes in the current application did not merit a departure from the Committee’s previous decisions in rejecting the previous application and the similar application No. A/NE-TK/334 (rejected by the Committee on 23.12.2010).

78. Members had no question on the application.

Deliberation Session

79. A Member noted that as part of the subject “GB” zone was within the ‘VE’ of Lung Mei, Wong Chuk Tsuen and Tai Mei Tuk where many houses were already developed, there might be a need to review the subject “GB” zone. In response, the Chairman agreed that a review on the subject “GB” zone should be conducted by the PlanD. Members noted that the subject section 16 application for a temporary private garden use on the application site was not in line with the planning intention of the “GB” zone and should not be supported.

80. 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 development was not in line with the planning intention of “Green Belt” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general

presumption against development within this zone. The applicant failed to provide strong planning justifications in the submission for a departure from this planning intention, even on a temporary basis; and

- (b) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in general degradation of the natural environment in the area.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/367 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone, Lot 99 RP in D.D. 28 and
Adjoining Government Land, Lung Mei, Tai Po
(RNTPC Paper No. A/NE-TK/367)

81. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Ted Chan & Associates Limited, one of 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.

Presentation and Question Sessions

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

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

- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view. There were existing mature trees, including two *Citrus maxima* (柚) in good condition and a mature *Samanea saman* (雨豆樹), located within or very close to the application boundary. It was likely that the site formation and construction works of the proposed Small House would damage the tree roots. The surrounding area had also been cleared due to construction of previously approved Small House applications. Approval of the application would lead to further encroachment onto the “Green Belt” (“GB”) zone, and the cumulative impact of Small House development on the landscape of the wooded hillsides would be significant;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the PlanD’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. While the proposed development was not in line with the planning intention of “GB” zone and the CTP/UD&L objected to the application from the landscape planning perspective, the proposed Small House complied 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 within the village ‘environs’ and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of the concerned villages. The proposed Small House was not incompatible with the existing village setting with existing village houses located to the south of the site. As there were a number of previously approved applications with similar site circumstances in the vicinity, sympathetic consideration could be given to the application. The Director of Agriculture, Fisheries and Conservation had no strong view on the application from the nature conservation point of view. As regards the CTP/UD&L’s concerns, it was noted that the northern part of the site

with existing mature trees nearby would be used for garden purpose. An approval condition on the submission and implementation of landscape and tree preservation proposal was recommended and the applicant would be advised to avoid disturbing the trees nearby.

83. Members had no question on the application.

Deliberation Session

84. A Member said that the application sites of the subject application and Application No. A/NE-TK/366 considered by the Committee earlier at the meeting were covered by the same “GB” zone on the Outline Zoning Plan. This Member reiterated the need of reviewing the subject “GB” zone taking into account that there were already quite a few residential dwellings developed within this “GB” zone.

85. 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 2.9.2015, 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 landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the 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.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage

Services Department that there was no public drain in the vicinity of the site. The applicant should provide drainage facilities for the site, and maintain the drainage system properly and rectify the system if it was found to be inadequate or ineffective during operation. The applicant should also be liable for and indemnify claims and demands arising out of damage or nuisance caused by failure of the system. Moreover, there was currently no existing public sewerage in the vicinity of the site. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development;

- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid disturbing the trees nearby;
- (d) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that submission to the District Lands Officer should be made to verify if the site satisfied the criteria for the exemption of site formation works as stipulated in PNAP APP-56. If such exemption was not granted, site formation plans should be submitted to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and
- (e) the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant 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.

[The meeting was adjourned for a break of 10 minutes.]

[Mr. B.W. Chan and Ms. Anita W.T. Ma left the meeting at this point.]

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/498 Proposed Religious Institution in “Green Belt” zone,
 Lots 443 S.A, 443 R.P., 54 R.P. and 56 in D.D. 24 and
 Adjoining Government Land, Ma Wo, Tai Po
 (RNTPC Paper No. A/TP/498)

Presentation and Question Sessions

87. Ms. Lisa L.S. Cheng, STP/STN, said that two letters dated 1.9.2011 were received from the Owners’ Committee of Dynasty View and Classical Gardens I respectively, and they were tabled at the meeting for Members’ reference. The letters were addressed to the Ombudsman and copied to the Town Planning Board, which complained that the Lands Department had failed to take necessary action to stop the illegal occupation of government land and extensive tree felling at the application site. Ms. Cheng then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed religious institution – the application was submitted by the Hong Kong Tin Tak Shing Kau Chung Woo Ching Sai (CWCS) Association Limited for a redevelopment of the existing CWCS religious compound. The proposal involved the development of a main block of religious building and a lower block of canteen with a total new gross floor

area (GFA) of 1 601.71m². According to the applicant, there were 13 existing buildings within the site with a total GFA of 1 418.78m² which would be retained while the other 13 existing buildings with a total GFA of about 1 638.77m² were proposed for demolition. The resultant GFA, plot ratio and site coverage of the development, including the existing buildings to be retained, were about 3 020m², 0.266 and 17.19% respectively. The proposal also included a rearrangement of the internal access road from the southwest of the site to the east by taking up a piece of vegetated land (mainly government land) between the site and the roundabout of Ma Wo Road;

- (c) departmental comments – the District Lands Officer/Tai Po (DLO/TP) did not support the application as the proposed development would occupy government land. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the urban design and landscape planning perspectives as the scale and development intensity of the proposed development were considered excessive in the “Green Belt” (“GB”) zone;
- (d) during the statutory publication periods of the application and further information to the application, a total of 1 577 public comments were received mainly from the local residents of Dynasty View, Grand Dynasty View, Classical Gardens and Ma Wo Village. All the public comments objected to the application mainly on the following grounds:
 - (i) the proposed conversion of “GB” zone into religious institution use would lead to further decrease in the existing greenery in the area and contravene the Government’s greening policy;
 - (ii) the proposed development would pose adverse traffic, visual, health, psychological, hygiene and environmental impacts on the surrounding areas, especially noise resulting from chanting/rituals. The burning of incense and paper offerings would cause air pollution and create fire safety hazards. There were also complaints that the temple had broadcasted chanting recording everyday;

- (iii) there were already a large number of temples in Ma Wo. The proposed development would create nuisances and affect the tranquillity of Ma Wo and the surrounding areas. Moreover, the increasing number of buildings and pedestrian flow would overload the traffic capacity of Ma Wo Road and cause inconvenience to the nearby residents;
 - (iv) some existing developments under government licences within the government land portion would be adversely affected;
 - (v) the proposed development would cause traffic congestion, road safety and parking problems at Ma Wo Road, particularly during Ching Ming and Chung Yeung Festivals;
 - (vi) the proposed development would increase pedestrian flow and attract strangers to the area and create public security problems;
 - (vii) although the applicant claimed that columbarium was not a subject of the applied use, the existing columbarium was illegally built and most of the niches were empty and ready to sell;
 - (viii) the proposed development was incompatible with the planning intention and the residential use in the area and would affect the property price and the living environment;
 - (ix) the applicant had repeatedly applied for changes in the land use, which was a waste of Government's manpower;
 - (x) according to the document released by the Development Bureau, the subject site was included as a columbarium operated without proper licence. Approval of the application would set the stage for future increase of niches; and
 - (xi) trees within the site had been illegally felled. The compensation planting scheme was not comprehensive enough;
- (e) the District Officer (Tai Po) advised that the existing footpath and slopes

south of the site were not maintained by his office. Moreover, it was expected that residents of Classical Garden I and II, Dynasty View and Grand Dynasty View would have views on the application; and

- (f) the 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 within a “GB” zone, and there was a general presumption against development within this zone. The area previously comprised densely vegetated slopes that formed a green backdrop for the adjoining residential developments to the southeast of the application site. The site was currently occupied by a cluster of buildings of one to three storeys used for religious and other related purposes. According to the applicant, the proposal involved the removal of 13 existing structures within the site and the development of a main building for worship with a height of 12 m, a canteen building with a height of 4.5 m and a new access road on an adjoining piece of vegetated government land;
 - (ii) according to the aerial photo taken on 17.4.1980, the site was covered by vegetation and some structures. The gradual tree removal over the years had already reduced the landscape buffer and screening between the proposed temple and the nearby residential developments. The Buildings Department (BD) advised that they did not have any building records of the existing structures on site. BD cautioned that the granting of planning approval should not be construed as an acceptance of such unauthorised structures under the Buildings Ordinance, and enforcement action might be taken to effect their removal in the future. DLO/TP did not support the application as the proposed development would occupy government land and there was no guarantee that additional government land would be granted to the applicant for implementing the proposed development. DLO/TP also pointed out that no trees on the government land should be interfered with;

- (iii) comparing the proposed development with the previously rejected scheme under Application No. A/TP/454, there had been an increase in the site area, proposed new GFA and total GFA by 5.6%, 13.14% and 9.76% respectively. The scale and intensity of the proposed development were considered excessive and the new access arrangement would affect government land in the “GB” zone. The applicant had not provided any justifications for the increase in the existing GFA to be demolished/retained as compared with the previous application. CTP/UD&L noted that while there were some improvements in the layout design and landscape provision in the current scheme, he objected to the application as the scale and development intensity of the proposal was considered excessive in a “GB” area. Similar applications for religious institution use within the site had been rejected three times. There was no reason for a departure from the Committee’s previous decisions to reject the application; and
- (iv) the applicant claimed that there were about 7 300 niches in the existing columbarium on site and the use had commenced in the early 1970s and further expanded in the early 1980s. Although ‘Columbarium’ use was not a subject of the applied use under the current application, the planning status of the columbarium use had yet to be demonstrated by the applicant and planning approval might be necessary.

88. Members had no question on the application.

Deliberation Session

89. In response to the Chairman’s enquiry, Ms. Lisa L.S. Cheng said that as compared to the aerial photos taken in 1980, it was found that the number of buildings within the application site had been increased. However, BD advised that they did not have any building records on the structures currently existed on site.

90. 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 was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong planning justification in the submission to justify a departure from this planning intention; and
- (b) the application did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the scale, intensity and the new access arrangement of the proposed development were considered excessive and incompatible with the surrounding areas, and that the proposed development would involve extensive clearance of existing natural vegetation and affect the existing natural landscape.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/504 Proposed Public Convenience
in “Village Type Development” zone,
Government Land in D.D. 36, Cheung Shue Tan, Tai Po
(RNTPC Paper No. A/TP/504)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public convenience;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed public convenience use did not contravene the planning intention of the subject site, which was zoned “Village Type Development”, as the proposed use was to serve the villagers by replacing an existing aqua-privy type latrine and improving the hygienic condition in the area. According to the applicant, the subject location had been agreed by representatives of the villagers and concerned government departments after numerous discussions and site search. Moreover, the subject site was located along an existing village access on a steep slope which might not be ideal for Small House development. The proposed public convenience use was not incompatible with the surrounding rural setting and would unlikely have adverse traffic, drainage, environmental, visual and landscape impacts on the surrounding areas.

92. Members had no question on the application.

Deliberation Session

93. 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 2.9.2015, 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 condition :

- the provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tai Po that the Food and Environmental Hygiene Department should submit a formal application to his office for government land allocation to facilitate the construction works and the occupation of the site for public convenience use;
- (b) to note the comments of the Commissioner for Transport that the existing village access was not managed by the Transport Department. The land status of the village access should be checked with the lands authority, and the management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comment of the Chief Highway Engineer/New Territories East, Highways Department that the access adjoining the site was not maintained by his office;
- (d) 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 inside services to the nearest suitable government water mains for connection. The applicant should also resolve any land matters associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Part VI of the 'Code of

Practice for Means of Access for Firefighting and Rescue' administered by the Buildings Department, and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and

- (f) 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, 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 the electricity supply lines.

[The Chairman thanked Ms. Lisa L.S. Cheng, STP/STN, for her attendance to answer Members' enquires. Ms. Cheng left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 28

Section 12A Application

[Open Meeting]

Y/TM-LTYYY/3

Application for Amendment to the Approved
Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTYYY/6
from “Residential (Group C)”, “Residential (Group D)” and
“Government, Institution or Community” to “Residential (Group C)1”
with a Maximum Plot Ratio of 0.4 and a Maximum Building Height of
3 Storeys (10.5m) excluding Basement Carpark,
Lots 809 RP, 810, 811, 1132, 1133, 1134, 1135 S.A. RP, 1135 S.B,
1141 RP, 1142 S.A. RP, 1143 RP and 1147 RP in D.D. 130 and
Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. Y/TM-LTYYY/3B)

95. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (the Henderson). Dr. James C.W. Lau had declared an interest in this item as he had current business dealings with the Henderson. Ms. Anna S.Y. Kwong had also declared an interest in this item as she had current business dealings with PlanArch Consultants Limited, one of the consultants of the application. The Committee noted that Dr. Lau had tendered an apology for not attending the meeting. As Ms. Kwong had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting. The Committee also noted that the replacement page 2 for the Paper had been sent to Members before the meeting.

96. The Secretary said that on 15.8.2011, 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 prepare a revised scheme to meet the concerns of government departments and the public, and to undertake various technical assessments to demonstrate the suitability of the revised scheme for the site.

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

Agenda Item 29

Section 12A Application

[Open Meeting]

Y/YL/5

Application for Amendment to the Approved Yuen Long Outline Zoning Plan No. S/YL/20 from “Government, Institution or Community (1)” to “Residential (Group C)”, Lots 1818 RP, 1846 RP, 1850 (Part), 1851, 1852 RP, 1853 RP, 1855 RP, 1857 RP and 1858 RP (Part) in D.D. 120 and Adjoining Government Land, Ma Tin Pok, Yuen Long (RNTPC Paper No. Y/YL/5B)

98. The Secretary reported that on 19.8.2011, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to fine tune the revised developemnt scheme taking account of relevant departments’ comments, in particular those raised by the Social Welfare Department, and to carry out technical impact assessments to ensure that the revised scheme was feasible. The financial viability of the project due to such changes would also be assessed.

99. 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 since this was the third deferment request and a total of six months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 30

Section 16 Application

[Open Meeting]

A/TM/405 Columbarium in “Green Belt” zone,
G/F and 1/F, Lot 559 in D.D. 131 within Tsing Wan Kun,
Tuen Mun
(RNTPC Paper No. A/TM/405)

100. The Secretary reported that the application was submitted by Tsing Wan Kun (also known as T’ong Tsing Wan Kun). In the application, Messrs. To Kam Chow and To Kan Chi indicated that they were the managers of T’ong Tsing Wan Kun. During the statutory publication period of the further information to the application which were submitted by the applicant on 11.7.2011 and 20.7.2011 respectively, a total of seven public comments were received. One of the comments was from a legal firm acting for the indigenous elder villagers of To Clan of Tuen Mun. The legal firm pointed out that the authority of Messrs. To in representing the T’ong was being challenged at court, and asked that the Town Planning Board should not process or deal with the subject application further. The Secretary informed Members that section 15 of the New Territories Ordinance required a T’ong to appoint a manager to represent it and the appointment required approval by the Secretary for Home Affairs. Thus, the validity of the legal status of the manager was important when dealing with land held by a T’ong. In view of the above public comment from the legal firm and that a T’ong was required to act through an appointed manager, the Planning Department (PlanD) requested for a deferment of consideration of the application for two months in order to allow sufficient time to seek legal advice on the subject matter.

101. The Secretary also informed Members that a letter of 2.9.2011 was received from a legal firm acting for Messrs. To Kam Chow and To Kan Chi. It was stated in the letter that the managership of Messrs. To regarding the applicant (Tsing Wan Kun) had stood the vigorous tests of court proceedings challenges right up to the Court of Final Appeal with the decision handed down in October 2006. The legal firm requested that the letter be presented at the meeting so as to allow the Committee members to have a full picture of the scenario. Another letter of 2.9.2011 was submitted by TMA Planning and Design Limited, the planning consultant of the subject application, requesting the Committee to note the points

stated in the letter submitted by the legal firm representing Messrs. To. Both letters were tabled at the meeting for Members' reference.

102. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD pending the seeking of legal advice. The Committee agreed that the application should be submitted for its consideration within two months upon the receipt of legal advice.

103. The Chairman said that the Secretary would inform Members on the preliminary legal advice obtained for the subject application, which would be recorded under confidential cover.

Agenda Item 31

Section 16 Application

[Open Meeting]

A/TM/422 Proposed Flat (Government Staff Quarters)
in "Residential (Group E)" zone,
Ex-Fire Services Married Quarters site, Tuen Fu Road,
Fu Tei, Tuen Mun
(RNTPC Paper No. A/TM/422)

104. The Secretary reported that Ms. Anna S.Y. Kwong and Mr. Stephen M.W. Yip had declared interests in this item as they had current business dealings with Environ Hong Kong Limited, one of the consultants of the application. The Committee noted that Mr. Yip had tendered an apology of being unable to attend the meeting. As Ms. Kwong had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting.

105. The Secretary said that on 24.8.2011, the applicant requested for a deferment of the consideration of the application for one month in order to allow time for the applicant to address departmental comments on the application.

106. 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 the 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/TM-SKW/72 Proposed Utility Installation for Private Project (Electricity Substation) in “Village Type Development” zone,
Lots 703 RP (Part) and 715 S.F (Part) in D.D. 375,
So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM-SKW/72)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity substation);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period;
- (e) the District Officer (Tuen Mun) (DO/TM) had no objection to the vehicular

access to the site provided that the applicant would not cause any damage to the drainage facilities to the west of the application site and So Kwun Wat Tsuen Road, and that the applicant agreed to repair these facilities at his own cost if and when there was any damage caused by the applicant. Improvement works was undergoing at the drainage highlighted in Plan A-2 of the Paper, which would be completed tentatively on 31.12.2011. As the routing of electricity cables might cross the drainage channel maintained/to be maintained by DO/TM, these cables should be installed underneath the drainage channel. If the applicant had any doubt, advice should be sought from DO/TM before commencing the installation works; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) according to the applicant, the proposed electricity substation was to support the proposed development of 30 New Territories Exempted Houses (NTEHs) in the vicinity and other NTEHs to the further east in future by providing essential power supply. As such, the proposed development was considered in line with the planning intention of the subject “Village Type Development” (“V”) zone;
 - (ii) the proposed development was considered necessary for providing power supply to the proposed NTEH development in the area, which was always permitted in the “V” zone. It was not incompatible with the surrounding areas and future NTEH development;
 - (iii) the site was currently vacant and not covered by vegetation. Taking into account the nature and relatively small scale (about 138m²) of the proposed development, it was not expected to cause significant adverse impacts on the surrounding environment. Concerned government departments had no objection to or adverse comment on the application. Technical concerns on the visual, landscape, fire safety and drainage aspects of the proposed

development could be addressed by relevant approval conditions;
and

- (iv) the Committee had approved similar applications for proposed electricity substations within the same “V” zone. Approval of the current application was not inconsistent with the previous decisions of the Committee.

108. Members had no question on the application.

Deliberation Session

109. 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 2.9.2015, 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 proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of fire service installations proposal and the provision of water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tuen Mun that the applicant should apply to his office for a Short Term Waiver for the erection of structure on the lots. If the application was approved, it would be subject to such terms and conditions including charging of waiver fee,

deposits and administrative fee;

- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the proposal should comply with the Buildings Ordinance. As the site was not abutting a specified street having a width of not less than 4.5 m, the development intensity would be determined by the Building Authority under Building (Planning) Regulation (B(P)R) 19(3) upon submission of building plans. Also, an emergency vehicular access would be required under B(P)R 41D;
- (c) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for his own access arrangement;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the site was in an area where no direct public stormwater drainage connection was available, the applicant should arrange his own stormwater disposal facilities to cater for rain water falling on or flowing to the site to the satisfaction of DSD. As the site was located in close proximity to So Kwun Wat main drainage channel, the applicant should ensure that the stability and maintenance of DSD's facility located in the vicinity of the site would not be adversely affected. Moreover, the site was in an area where no direct public sewerage connection was available. Besides, the access to the site was via a re-provisioned vehicular crossing of the So Kwun Wat drainage channel constructed by DSD. The crossing might not allow the passage of long vehicles. The crossing structures and pavement of the crossing would be handed over to his office and the Tuen Mun District Office respectively;

- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The emergency vehicular access provision in the site should comply with the standards stipulated in Part VI of the 'Code of Practice for Means of Access for Firefighting and Rescue' under the Building (Planning) Regulation 41D. The applicant should also provide the type and capacity of the transformer, and the type of switchgear provided in the transformer room for his comment;
- (g) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines;
- (h) to note the comments of the Director of Health that according to the World Health Organization (WHO), complying with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines (1998) would not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities. Verification of actual compliance with the ICNIRP guidelines, by the project owner or the Electrical and Mechanical Services Department as the regulator, was advisable upon the commissioning of the electricity substation; and
- (i) to note the comments of the District Officer (Tuen Mun) that the drainage channel located to the west of the application site and the So Kwun Wat Tsuen Road was maintained by his office. He had no objection to the vehicular access to the site provided that no damage would be caused to

such facilities, and the repairing of such facilities would be at the applicant's own cost if and when there was any damage caused by the applicant. Improvement works of the drainage channel would be completed tentatively on 31.12.2011. The routing of electricity cables might cross the drainage channel, and the applicant should install the cables underneath the drainage channel. If the applicant had any doubt, advice should be sought from his office before commencing the installation works.

Agenda Item 33

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/158-3 Proposed Comprehensive Residential Development
(Proposed Class B Amendments to Approved Master Layout Plan)
in "Comprehensive Development Area" and "Green Belt" zones,
Lots 837 RP, 839 S.A, 841, 1035 RP, 1037 RP, 2527 S.E and
2527 S.F in D.D. 130 and Adjoining Government Land,
Lam Tei, Tuen Mun (Lots 2527 S.E and 2527 S.F were known as
2527 RP (Part) in previous applications)
(RNTPC Paper No. A/TM-LTY Y/158-3)

111. The Secretary reported that one of the applicants was a subsidiary of Henderson Land Development Co. Ltd. (the Henderson). Dr. James C.W. Lau had declared an interest in this item as he had current business dealings with the Henderson. Ms. Anna S.Y. Kwong had also declared an interest in this item as she had current business dealings with ADI Limited, one of the consultants of the application. The Committee noted that Dr. Lau had tendered an apology for not attending the meeting. 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

112. Mr. K.C. Kan, STP/TMYL, presented the application and covered the following

aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed Class B amendments to approved Master Layout Plan for comprehensive residential development under Application No. A/TM-LTYYY/158, which was approved on 14.9.2007. Planning permission for the following Class B amendments was sought:
 - (i) an increase in site area from 15 204m² to 15 300m² (+96m² or +0.63%) and revision of the site boundary due to the inclusion of a 54m² of government land zoned “Green Belt” adjoining the pedestrian access leading to Lot 1036 (Fa Pao Committee) and a strip of land of 42m² adjoining the eastern end of the site, for better land management and aligning with the future regrant area. These amendments had been previously approved under Application No. A/TM-LTYYY/158-2;
 - (ii) an increase in average flat size from 50.5m² to 55.14m² (+4.64m² or +9.2%);
 - (iii) changes in building form, reduction in the number of building blocks from 13 blocks to 12 blocks (-1 block or -7.7%) and minor changes in the disposition of building blocks which were the subject of environmental mitigation measures;
 - (iv) changes in the internal layout of the flats, which were the subject of environmental mitigation measures;
 - (v) change in the location of the Village Office (VO). This amendment had been previously approved under Application No. A/TM-LTYYY/158-2;
 - (vi) changes in the location and layout of the carpark, the layout of the

internal roads and emergency vehicular access, and deletion of car lifts;

- (vii) changes in location and/or size of the non-building area (NBA) not required by the Government, reservation of a 3m NBA for Fuk Hang Tsuen Road widening;
 - (viii) changes in Landscape Master Plan (LMP); and
 - (ix) an extension of time (EOT) for the commencement of development for four years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) the District Officer (Tuen Mun) advised that a Village Representative (VR) of Chung Uk Tsuen had no comment on the application since the proposed development had no major effect on Chung Uk Tsuen, and that eight comments objecting to the application were received. They were summarised as follows:
- (i) a Tuen Mun District Council Member did not support the application because the proposed development would seriously affect the Leung's graves of Sun Fung Wai, and the views of the Leung's clan should be respected;
 - (ii) a Village Representative (VR) of Tuen Mun San Tsuen objected to the application on 'fung shui' ground and questioned the consultation procedure. He requested a meeting to be held among the affected parties;
 - (iii) a resident from Botania Villa objected to the application on the grounds that the population of Lam Tei had increase rapidly and the capacity of Lam Tei Main Street had been saturated. Approval of

the application would further increase the population of Lam Tei, leading to the increase in traffic flow and worsening the situation of Lam Tei Main Street; and

- (iv) five of the Leung's successors (including a VR of Sun Fung Wai) objected to the application on 'fung shui' ground since the proposed development would affect the ancient graves of their clan. Two of them commented that the location of the village office had not been detailed in the application and complained about the lack of consultation on the proposed development; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 8 of the Paper which were summarised below:
 - (i) the proposed scheme provided a number of improvements to the approved schemes, including reduction in the number of building blocks, number of storeys in Blocks 1 and 2 which adjoined the proposed public open space (POS), number of units and population. The current application was mainly to incorporate refinements to the design of the proposed development. Other proposed amendments including the change in site boundary, site area and location of VO had previously been approved in Application No. A/TM-LTYT/158-2. Public facilities provided in the approved schemes had been retained in the current scheme, such as the provision of VO, POS, pedestrian accesses, pavement at the southern side of Fuk Hang Tsuen Road and incorporation of the 3m-wide NBA along Fuk Hang Tsuen Road. Although the gross site area was increased, the development site area used for plot ratio calculation remained unchanged. Therefore, there was no increase in the development intensity as compared with the original scheme approved under Application No. A/TM-LTYT/158;
 - (ii) the applicants had complied with the approval conditions on the

submission of drainage impact assessment, archaeological investigation and LMP with tree preservation scheme. The applicants had applied for land exchange, which was at the processing stage. The general building plans of the development were also approved on 17.3.2009. According to the Town Planning Board Guidelines No. 35B, the proposed development deemed to have commenced. As such, the EOT for commencement of development was not necessary. Nevertheless, in view of the proposed inclusion of additional land into the site and change in the building disposition and LMP, approval conditions on the submission of drainage impact assessment, archaeological investigation and LMP with tree preservation scheme should be retained;

- (iii) regarding the maintenance and management of the proposed POS, the applicants stated that they had obtained in-principle agreements from the Fuk Hang Tsuen VO to take up the future management of the proposed POS. The final arrangement would be subject to further liaison with concerned government departments at the implementation stage. As far as the design and construction of the proposed POS was concerned, the previous approval condition requiring the provision of POS to the satisfaction of the Director of Leisure and Cultural Services was still appropriate;
- (iv) the Commissioner for Transport had no objection to the set back of the site boundary by 3m along Fuk Hang Tsuen Road to facilitate road widening/improvement as suggested by the Project Manager/ New Territories North and West of Civil Engineering and Development Department. This requirement could be further considered at the land exchange stage. If the set back of site boundary reduced the development site area, the applicants should correspondingly reduce the gross floor areas of the proposed development so as to comply with the maximum plot ratio restriction stipulated in the Notes for the “Comprehensive Development Area”

zone; and

- (v) the local concerns on the proposed development on 'fung shui' ground had been considered by the Committee in granting the previous planning permissions under Applications No. DPA/TM-LTYYY/111, A/TM-LTYYY/109 and A/TM-LTYYY/119 on 29.11.1996, 19.9.2003 and 17.12.2004 respectively. The existing grave at the northeast of the proposed development would be retained beside the POS and the VO. The applicants would be advised to liaise with the locals to address their concerns.

113. Members had no question on the application.

Deliberation Session

114. After deliberation, the Committee decided to approve the Master Layout Plan (MLP) and the application, under sections 4A and 16A of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- (a) the submission and implementation of a revised MLP to take into account conditions (b), (c), (e), (f) and (g) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of Landscape Master Plan including a tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of vehicular and pedestrian access to the site as well as parking and loading/unloading spaces to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission of a drainage impact assessment and the provision of drainage facilities and flood mitigation measures identified therein to the

satisfaction of the Director of Drainage Services or of the TPB;

- (e) the submission of a detailed Archaeological Investigation to assess the archaeological impacts of the proposed works before any excavation works commenced and implementation of mitigation measures identified therein to the satisfaction of the Antiquities and Monuments Office, Leisure and Cultural Services Department or of the TPB;
- (f) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations for the proposed development to the satisfaction of the Director of Fire Services or of the TPB;
- (g) the provision of public open spaces, as proposed by the applicants, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB; and
- (h) the provision of vehicular and pedestrian access to Lot 1036 in D.D. 130 to the satisfaction of the Director of Lands or of the TPB.

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

- (a) to revise the MLP to take into account the conditions of approval imposed by the TPB. The approved MLP, together with the set of approval conditions, would be certified by the Chairman of TPB and deposited in the Land Registry in accordance with section 4(A)(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) to note the comments of the District Lands Officer/Tuen Mun that the applicants should apply to his office for a land exchange for the proposed development. His other comments were detailed in paragraph 7.1.1 of the Paper;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the Authorised Person should demonstrate that the provision of natural light and ventilation for bedrooms 1 and 2 of Flats C and D of Block 1 as shown in the layout plan in Appendix D of the planning statement complied with the Building (Planning) Regulations (B(P)R) 30 and 31. The proposed site could be sub-divided into two separate sites by the public footpath and Lot 1036 adjoining Block 8. Each site should be self-sustainable in terms of the provision of access, lighting, ventilation, recreational facilities and open space etc. and the plot ratio (PR) and site coverage (SC) should be capped under the First Schedule of the B(P)R. The public footpaths within the site(s) should be deducted from site area for the purpose of SC and PR calculations under B(P)R. The provision of emergency vehicular access (EVA) to the buildings within the site(s) should comply with B(P)R 41D. The proposed clubhouse should be accountable for SC and PR calculations, unless otherwise exempted. Any internal streets, if required, should be deducted from site area for the purpose of SC and PR calculations under B(P)R. Detailed checking of the building layout would be made at building plan submission stage. The pedestrian access, the 2m right of way to village office and the set back area along Fuk Hang Tsuen Lane for pedestrian passageway should be excluded from site area for PR and SC calculation under the Buildings Ordinance;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the existing water mains would be affected and the developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a 3m-wide Waterworks Reserve within 1.5m from the centerline of the water mains should be provided to WSD. No structure should be erected over this Waterworks Reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services

across, through or under it which the Water Authority might require or authorise;

- (e) to note the comments of the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department that mitigation measures should be implemented to the satisfaction of AMO if the site proved to be of archaeological significance as revealed in the accepted Archaeological Investigation. The Archaeological Investigation should be conducted by a qualified archaeologist who should obtain a licence from the Antiquities Authority under the Antiquities and Monuments Ordinance (Cap. 53);
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that greenery space between the building blocks should be provided in order to allow the proposed development blend in with the existing landscape context, and continuous tree planting along the perimeter of the site should be proposed as far as practical to enhance the screening effect;
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The EVA provision in the site should comply with the standards as stipulated in Part VI of the 'Code and Practice for Means of Access for Firefighting and Rescue' under B(P)R 41D;
- (h) to note the comments of the Commissioner for Transport that the applicants should clarify the nature and the management/maintenance responsibility of the proposed 'public footpaths' within the site. The location of the gate house for the revised scheme was not shown. The location of the drop bar should be carefully considered to avoid tailing back of vehicles on Fuk Hang Tsuen Road waiting to enter the premises;
- (i) to note the comments of the Director-General of Telecommunications that the applicants should be responsible for improvement works of television

reception, including the cost incurred for any remedial measures, if the proposed development affected the free-to-air television reception in the area of Lam Tei;

- (j) to note the comments of the Director of Leisure and Cultural Services that his department had no intention to take up the management and maintenance responsibilities of the proposed public open space;
- (k) to note the comments of the Director of Food and Environmental Hygiene that the proposed development should not affect his department's waste collection operation, and the access road (i.e. Fuk Hang Tsuen Road) for waste collection vehicles to the refuse collection point at Fuk Hang Tsuen should not be obstructed;
- (l) to note the comments of the Director of Electrical and Mechanical Services that there was a high pressure underground town gas transmission pipeline running along the road at the southern boundary of the site. The applicants should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas routes/gas installations in the vicinity of the proposed work area and the minimum set back distance away from the gas pipelines during the design and construction stages of development. The applicants should also note the requirements of the 'Code of Practice on Avoiding Danger from Gas Pipes', which was available at his department's webpage: [http://www.emsd.gov.hk/emsd/e_download/pps/gas/cop_gas_pipes\(english\).pdf](http://www.emsd.gov.hk/emsd/e_download/pps/gas/cop_gas_pipes(english).pdf);
- (m) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that a section of the existing 1 050mm diameter public stormwater drain was located within the application site. No structure should be rested directly above the drain. Reserve area would be required for the protection of the drain as well as to facilitate future maintenance and repair of the drainage works. Proposed development including planting works should not affect existing public drainage works

within the site and impose additional difficulties in subsequent drainage maintenance/repair works;

- (n) to note the comments of the Project Manager/New Territories North and West, Civil Engineering and Development Department that the Highways Department would widen the section of Fuk Hang Tsuen Road between Castle Peak Road and Lam Tei Main Street to 10.3m wide carriageway with proper footpaths, and the section between Lam Tei Main Street and Fuk Hang Tsuen Lane to 7.3m wide carriageway with proper footpaths. The carriageway of the existing Fuk Hang Tsuen Road outside the site was only about 6m wide and the footpaths there were also very narrow. Hence, to allow the flexibility for widening the section of Fuk Hang Tsuen Road adjoining the site in future, the applicants should set back the development site by 3m along the northern and eastern site boundaries (i.e. about 240m long) adjoining Fuk Hang Tsuen Road, which was mainly government land. The setback area could be formed by the applicants as temporary footpath;
- (o) the gross floor area (GFA) of the proposed development would need to be adjusted to correspond to any reduction in development site area to comply with the maximum plot ratio restriction of the subject “Comprehensive Development Area” zone;
- (p) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or GFA concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the TPB might be required; and
- (q) the applicants should liaise with the locals to address their concerns.

[The Chairman thanked Mr. K.C. Kan, STP/TMYL, for his attendance to answer Members' enquiries. Mr. Kan left the meeting at this point.]

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TSW/52 Proposed School (Tutorial School)
in "Residential (Group B)" zone,
Shop 39 to 40, Podium Floor, Phase II, Kingswood Richly Plaza,
1 Tin Wu Road, Tin Shui Wai, Yuen Long
(RNTPC Paper No. A/TSW/52)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed school (tutorial school);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed tutorial school serving the public including nearby residents was in line with the planning intention of the subject "Residential (Group

B)” zone. The application was also in line with the Town Planning Board Guidelines No. 40 in that the proposed tutorial school was situated on the podium floor (i.e. 2/F) of the commercial complex where commercial uses including tutorial schools, shops and services were located. The use under application was considered not incompatible with the existing uses of the surrounding premises. The proposed tutorial school located within a commercial complex was separated from the residential portion of Locwood Court. There was no common entrance with the residential blocks. It was therefore not expected that the proposed tutorial school would create any disturbance to the residents of Locwood Court. Given its small scale with only one classroom and a floor area of 40m² to accommodate 20 students, it was unlikely that it would cause any significant adverse impacts on the surroundings.

117. Members had no question on the application.

Deliberation Session

118. 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 2.9.2015, 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 condition :

- the provision of fire service installations for the tutorial school to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Secretary of Education that approval would be granted to the application for registration of the proposed school subject to the provision of clearance from the TPB and the Lands Department in respect of the proposed extension; safety certificates/ notice in respect of the said premises issued by the Fire Services Department and the Buildings

Department; and documentary proof of the right to use the relevant premises, such as tenancy agreement, rental receipts, etc.; and

- (b) to note the comments of the Director of Fire Services that detailed fire services requirements would be formulated upon receipt of general building plans submission or referral from the licensing authority.

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/28 Temporary Recreation Use (Fishing Ground)
for a Period of 3 Years
in “Coastal Protection Area” zone and an area shown as ‘Road’,
Lot 19 in D.D. 135 and Adjoining Government Land,
Pak Nai, Yuen Long
(RNTPC Paper No. A/YL-PN/28)

Presentation and Question Sessions

120. Ms. S.H. Lam, STP/TMYL, reported that replacement page 11 for the Paper had been tabled at the meeting for Members’ reference. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary recreation use (fishing ground) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, a public comment was received from Designing Hong Kong Limited who considered that the proposed

development violated the planning intention for the area; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use 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 application mainly involved the use of an existing fish pond as recreational fishing ground. No pond filling or excavation was proposed under the current application. The Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape of PlanD had no objection to the application. Approval of the application on a temporary basis would not undermine the long-term planning intention of the “Coastal Protection Area” zone;
 - (ii) the development would unlikely cause significant adverse traffic, environmental and drainage impacts. According to the applicant, about 10 vehicles would park at the site on Sundays (which was the busiest day in a week) and the other visitors would come by public transport. The patronage was around 10 visitors each day from Mondays to Saturdays, and around 30 visitors on Sundays. Relevant departments had no objection to the application;
 - (iii) the site was the subject of a previous application (No. A/YL-PN/16) approved in 2008 for three years until 4.7.2011. There was no material change in the planning circumstance since then. Six similar applications, which also involved the conversion of existing fish ponds to recreational fishing grounds in the Pak Nai area, were approved by the Committee/Town Planning Board on review since 2004. Four of them (No. A/YL-PN/ 9, 18, 21 and 22) were within the “CPA” zones. Approving the current application for recreational fishing ground was in line with the previous decisions of the Committee/Town Planning Board; and
 - (iv) regarding the public comment, as the application mainly involved the

use of an existing fish pond as recreational fishing ground and no pond filling or excavation was proposed, approval of the application on a temporary basis would not undermine the long-term planning intention of the “CPA” zone. Concerned government departments had no objection to or adverse comments on the application.

121. Members had no question on the application.

Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.9.2014, 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 9:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the provision of a waterworks reserve within 1m from the centreline of the affected water mains within the site at all times during the planning approval period;
- (c) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) the submission of the condition record of the existing drainage facilities on-site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.3.2012;
- (e) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.3.2012;
- (f) in relation to (e) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval

to the satisfaction of the Director of Planning or of the TPB by 2.6.2012;

- (g) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 2.3.2012;
- (h) in relation to (g) above, the implementation of a run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 2.6.2012;
- (i) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.3.2012;
- (j) in relation to (i) above, the implementation of fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.6.2012;
- (k) if any of the above planning conditions (a), (b) or (c) 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
- (l) if any of the above planning conditions (d), (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.

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

- (a) renewal of the planning permission should have been obtained before continuing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned

owner(s) of the application site;

- (c) to note the comments of the District Lands Officer/Yuen Long that the site was abutting or could be accessed from Nim Wan Road on government land (GL). His office did not provide maintenance works for the GL or guarantee right-of-way. The lot owner should apply to his office to permit structures to be erected or regularise any irregularities on-site. The occupier should also apply to his office for the occupation of GL involved. If such applications were approved, they would be subject to such terms and conditions including the payment of premium or fee;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highways Engineer/New Territories West, Highways Department (HyD) that the applicant should construct a run-in/out at the access point in Nim Wan Road in accordance with the latest version of HyD Standard Drawings No. H1113 and H1114 or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run in/out. HyD should not be responsible for the maintenance of any access connecting the application site and Nim Wan Road;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that landscape buffer tree planting was recommended at the eastern site boundary along Nim Wan Road;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that any means or control measure for proper site

management should be adopted to avoid causing disturbance (e.g. waste/water pollution, noise and glare nuisance, access/traffic blockage, etc.) to the nearby fishponds and the fish culture activities there during the operation of the proposed fishing ground;

- (h) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his 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 layout plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided for his consideration;
- (i) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the applicant/operator should bear the cost of any necessary diversion works affected by the proposed development. No structure should be erected over the waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorise; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of BD, they were unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works were carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they were unauthorised building works

(UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO. The temporary rain shelters and container converted structures were considered as temporary buildings and were 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 was not abutting 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 building plan submission stage. Formal submission under the BO was required for any proposed new works, including temporary structures.

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/352 Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years in "Recreation" zone,
Lots 206(Part), 207(Part), 214(Part), 217(Part), 218(Part), 219,
220(Part), 221(Part), 224(Part), 226(Part), 227(Part), 228 - 230,
231(Part), 236(Part), 237(Part), 238(Part), 239(Part) and 240(Part) in
D.D. 126 and Adjoining Government Land, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/352)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials for a period of 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 site and environmental nuisance was expected;
- (d) during the statutory publication period, a public comment was received from a Yuen Long District Council member who was also the Chairman of the Owners' Corporation of Kenswood Court, Kingswood Villas. He objected to the application as the proposed development was not in line with the planning intention of "Recreation" ("REC") zone and would have adverse impact on the environment, making it unable to be used for recreational uses; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) since there was currently no known recreational proposal on the site, the proposed open storage use, being temporary in nature, would not frustrate the long-term planning intention of the "REC" zone;
 - (ii) the application was in line with the Town Planning Board Guidelines No. 13E in that it proposed to use part of the site of a previous application No. A/YL-PS/311 (approved by the Committee for open storage of new vehicles till 19.3.2013) for temporary open storage of construction materials; significant impact was not anticipated to be caused by the proposed development; concerned government departments had no objection to the application; and technical

departmental concerns could be addressed by approval conditions on the provision of landscape and tree preservation, fire service installations and peripheral fencing;

- (iii) the site was surrounded by existing and proposed open storage yards of new vehicles, recycling materials, construction materials, as well as building materials and machinery to its northwest, west, south and southeast. Some of them were approved by the Committee. The proposed open storage of construction materials was considered not incompatible with these adjoining uses. Although DEP did not support the application because of potential environmental nuisance to sensitive uses, it was noted that the closest village house in Fung Ka Wai to the north of the site was about 50m away. The village settlements of Fung Ka Wai were separated from the site by some vacant land and an orchard. Besides, no environmental complaint regarding the site was received in the past three years. To address DEP's concern, approval conditions restricting the operation hours, types of vehicles, types of activities and vehicular route were recommended; and
- (iv) regarding the public comment, it should be noted that there was currently no known recreational proposal on the site. The impact on the environment could be mitigated through implementation of appropriate approval conditions. Given the temporary nature of the applied use, the long-term planning intention of the "REC" zone would not be compromised.

125. Members had no question on the application.

Deliberation Session

126. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.9.2014, 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 6:30 p.m. and 9:30 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no handling (including loading, unloading, storage, open storage, repairing and dismantling) of electrical appliances, including computer parts and television sets, was allowed on the site at any time during the planning approval period;
- (d) no cutting, dismantling or other workshop activities were allowed on the site at any time during the planning approval period;
- (e) no heavy goods vehicle exceeding 24 tonnes, including container vehicles, container tractors and trailers, as defined under the Road Traffic Ordinance, and coaches was allowed to be parked/operated on the site at any time during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities on-site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.3.2012;
- (h) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.3.2012;
- (i) in relation to (h) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.6.2012;

- (j) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.3.2012;
- (k) in relation to (j) 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 2.6.2012;
- (l) the provision of peripheral fencing to the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.3.2012;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the site was accessible to Tin Wah Road via a local track on Government Land (GL)

and other private land. His office did not provide maintenance works for the GL or guarantee right-of-way. The lot owner should apply to his office to permit structures to be erected or regularise any irregularities on-site. The occupier should also apply to his office for occupation of the GL involved. If such application was approved, it would be subject to such terms and conditions including the payment of premium or fee;

- (c) to adopt environmental mitigation measures as set out in the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection to minimise any possible environmental nuisances;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department should not be responsible for the maintenance of any access connecting the site and Tin Wah Road;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that in order to minimise the landscape impact caused by the proposed development to the adjacent “Conservation Area” (“CA”) zone, additional landscape buffer of tree planting in double row along the western boundary should be provided;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the periphery fencing along the site boundary should be properly maintained to ensure that the proposed development would not encroach on the nearby “CA” zone and affect the stream courses and vegetated areas in the vicinity of the site;

- (h) to note the comments of the Director of Fire Services on the requirements in formulating the fire service installations proposal as detailed in Appendix V of the Paper;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all existing unauthorised building works should be removed and all proposed building works were subject to compliance with the Buildings Ordinance (BO). An Authorised Person should be appointed to co-ordinate all building works in accordance with the BO. The granting of planning approval should not be construed as an acceptance of any unauthorised building works on-site under the BO. Enforcement action might be taken to effect the removal of all unauthorised building works in the future; and
- (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.

[The Chairman thanked Ms. S.H. Lam, STP/TMYL, for her attendance to answer Members' enquiries. Ms. Lam left the meeting at this point.]

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/744 Temporary Open Storage of Used Electronic Appliances and Parts
for a Period of 3 Years in "Agriculture" zone,
Lots 130 (Part), 260 (Part), 261 (Part) and 268 (Part) in D.D. 128,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/744)

Presentation and Question Sessions

128. 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 temporary open storage of used electronic appliances and parts for a period of three years;
- (c) the departmental comments were detailed in paragraph 10 of the Paper and highlighted below:
 - (i) the Director of Environmental Protection did not support the application because there were sensitive uses along the access road (Deep Bay Road) and environmental nuisance was expected. She was concerned about improper handling of used electronic appliances and parts on open storage areas which would pollute the land when it rained. Without proper measures, there was a potential of soil and groundwater contamination. The applied use was therefore considered to be environmentally undesirable. Moreover, there was one water pollution complaint against the site in 2009;
 - (ii) the Commissioner for Transport (C for T) pointed out that as the trip generation rate of the applied use was high and Deep Bay Road was a single track only, the applicant was requested to justify that the nearby public road network had adequate capacity to accommodate the traffic induced by the development. In particular, the traffic impact on Deep Bay Road should be well assessed as a result of the applied use, since it was highly likely that vehicles in opposite directions needed to negotiate with each other where passing bay was not available;
 - (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view. Although the site was currently used for open storage purpose,

active agricultural life was still found in its vicinity and the potential of the site for agricultural rehabilitation was high in terms of greenhouse cultivation and nursery;

- (iv) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no objection in principle to the development. However, he commented that the applicant had not assessed whether the applied use would affect the existing drainage characteristics of the site and its adjacent areas, such as causing obstruction to overland flow from the adjacent areas. As the site area was substantial, a drainage proposal was necessary to demonstrate that the development would not have any adverse drainage impact on the site and its adjacent areas; and
 - (v) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective. The open storage use on the site and its surrounding areas were unauthorised uses. The applied use was not compatible with the surrounding rural environment;
- (d) during the statutory publication periods of the application and further information to the application, five public comments were received and they were summarised as follows:
- (i) Designing Hong Kong Limited objected to the application as the use of the site for open storage was a blight on the environment, not in line with the planning intention of “Agriculture” (“AGR”) zone, and approval of the application would set a bad precedent and induce further degradation of the rural environment. If the application was approved, the applicant should provide quality landscaping and well-designed perimeter with setback of the fences and inclusion of green buffer to mitigate the blight;
 - (ii) a Yuen Long District Council member objected to the application

because the used electronic appliances and parts stored on the site would contaminate the soil through rain;

- (iii) a local resident strongly objected to the application on the grounds that the site was used for storage of recyclable plastic without any fire service installations, and there had been two small fire incidents in the past; the single-lane access road (Deep Bay Road) could not accommodate the frequent access of container vehicles which would block the road and affect nearby residents; and the operator had been employing illegal labour who would conglomerate at the site at night; and
- (iv) two local residents strongly objected to the application on the grounds of strong unpleasant odour of the recyclable plastics on-site, the strong psychological unrests among local villagers because of the earlier fire incidents at the site, traffic congestion caused by container vehicles accessing the site and environmental degradation. They also pointed out that the site was frequently visited by strangers; 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 subject site was zoned “AGR”, and DAFC did not support the application from the agricultural point of view as the agricultural rehabilitation potential of the site was high. The applicant had not provided any strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis;
 - (ii) the application was not in line with the Town Planning Board Guidelines No. 13E in that no previous approval for open storage use had been granted for the site; there were adverse comments from government departments; and no information was provided in the

submission to demonstrate that the applied use would not have adverse traffic, drainage, landscape and environmental impacts on the surrounding areas;

- (iii) the applied use was incompatible with the predominantly rural neighbourhood. In this regard, CTP/UD&L had reservation on the application from the landscape planning perspective, and considered that approval of the application would set an undesirable precedent and attract similar applications which would further degrade the surrounding rural environment. Although there were open storage yards/ warehouse in the immediate vicinity of the site, they were unauthorised developments subject to enforcement action by the Planning Authority. Moreover, an application (No. A/YL-HT/725) had recently been submitted mainly for a proposed low-density residential development at the site zoned “Residential (Group D)” (“R(D)”) to the immediate north of the subject site (consideration of the application had been deferred at the request of the applicant). Approval of the current application would jeopardize the planning intention of improving and upgrading the adjoining “R(D)” zone through residential development;
- (iv) DEP did not support the application because of potential environmental nuisance to the sensitive uses along the access road (Deep Bay Road), and was concerned about the potential soil and groundwater contamination arising from improper handling of used electronic appliances and parts. There was also a water pollution complaint against the site in 2009. In addition, CE/MN of DSD commented that the site was large and therefore required the applicant to submit a drainage proposal to demonstrate no adverse drainage impact to the site and its adjacent areas;
- (v) the site gained access from the single-lane two-way Deep Bay Road. In this regard, C for T was concerned about the high trip generation rate of the applied use and required the applicant to justify that the

nearby public road network had adequate capacity to accommodate the traffic induced by the development; and

- (vi) the Committee/TPB had never approved any application for temporary storage/open storage uses within the subject “AGR” zone. Approval of the application would set an undesirable precedent and encourage similar applications within the subject “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. Rejection of the application was in line with the previous decisions of the Committee/TPB.

129. A Member noted that the site was being used for open storage of used electronic appliances and parts without obtaining planning permission. Nevertheless, as mentioned in paragraph 5 of the Paper, the site was not a subject of any active planning enforcement case. In response, Mr. Ernest C.M. Fung said that the Central Enforcement and Prosecution Section of PlanD would take necessary planning enforcement action upon the collection of adequate evidence. The Chairman suggested that the Central Enforcement and Prosecution Section should be requested to expedite its action in this case.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification to merit a departure from such planning intention, even on a temporary basis;

- (b) the development was not compatible with the rural neighbourhood;
- (c) the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval had been granted for the site, there were adverse departmental comments on the application, and the development would have adverse traffic, drainage, landscape and environmental impacts on the surrounding areas. No technical assessment had been included in the submission to address such adverse impacts; and
- (d) approval of the application would set an undesirable precedent for applications for similar developments within the “AGR” zone, the cumulative effect of which would result in a general degradation of the environment of the “AGR” zone.

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/748 Proposed Temporary Warehouse for Storage of Construction Material and Recyclable Material (including Metal and Plastic Goods) with Ancillary Vehicle Repair Workshop for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 23 RP (Part), 43 (Part), 194 (Part), 195 (Part) and 196 (Part) in D.D. 128 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/748)

Presentation and Question Sessions

131. 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 warehouse for storage of construction material and recyclable material (including metal and plastic goods) with ancillary vehicle repair workshop for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there was sensitive use in the vicinity of the site (about 40m away) and along the access road (Deep Bay Road) and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under 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 applied use was not incompatible with the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone, which was predominantly occupied for open storage yards. As there was not yet any programme/known intention to implement the zoned use on the Outline Zoning Plan, approval of the application on a temporary basis would not frustrate the planning intention of the subject “CDA” zone;
 - (ii) DEP did not support the application on the ground that the applied use would cause potential environmental nuisance to a sensitive use (a kindergarten) in the vicinity of the site (about 40m away) and along the access road (Deep Bay Road). However, there was no environmental complaint against the site over the past three years despite that the site had been approved for open storage use by the same applicant since 2004. It was also noted that major activities

of the applied use would be carried out within enclosed warehouse structures and at the open shed which was shielded by one of the warehouse structures. Besides, vehicles entering/ leaving the site would not pass by the kindergarten. Hence, significant environmental impact on the surrounding areas was not expected. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and the types of vehicles to enter/operate at the site were recommended;

- (iii) there was no adverse comment from other concerned government departments. The technical concerns on drainage, landscape and fire safety aspects could be addressed by relevant approval conditions;

- (iv) the Town Planning Appeal Board or the Committee had approved three previous applications (No. A/YL-HT/301, 484 and 673) for temporary open storage use by the same applicant since 2004. Since granting these previous approvals, there had been no material change in the planning circumstances. As compared with the previous application No. A/YL-HT/673, the current application was for a different use on a larger site. It was noted that the warehouse use under the current application was more preferable to the previously approved open storage use since any environmental nuisance would be further mitigated by the proposed warehouse structure. It was also noted that the expansion portions on the southwest, northwest and northeast sides were narrow strips of land sandwiched between the sites of Application No. A/YL-HT/673 and the adjoining geographical features (i.e. Deep Bay Road, Fung Kong Tsuen drainage channel and slopes), while the expansion portion to its southeast was bounded by other approved open storage yards. Noting that there was still a minor discrepancy between the site boundary and the occupation boundary, an approval condition on the provision of fencing was recommended; and

- (v) due to the demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications (No. A/YL-HT/503, 515, 566, 687 and 690) for similar temporary warehouse/workshop uses within the same “CDA” zone. As the site was in close proximity to these similar applications, approval of the subject application was in line with the Committee’s previous decisions.

132. Members had no question on the application.

Deliberation Session

133. In reply to a Member’s question, Mr. Ernest C.M. Fung said that if the application was approved, the applicant would be required to submit and implement fire service installations (FSIs) proposal within 6 months and 9 months from the date of planning approval respectively. This Member referred to recent fire incidences in temporary open storage and recycling yards and asked whether the applicants of such uses could be requested to provide the FSIs within a shorter period of time. The Secretary informed Members that the Fire Services Department (FSD) had recent discussions with relevant government departments, including PlanD, on how to enhance the fire safety of temporary open storage uses and recycling yards. Consideration was being given to requiring the concerned applicants/operators to provide immediate fire safety measures such as fire extinguishers ahead of the full provision of the necessary FSIs. Whilst the detailed arrangements had yet to be worked out, FSD had been reminded to clearly set out site-specific requirements when commenting on individual application so that suitable approval condition(s) could be imposed should the case be eventually approved by the Town Planning Board. The Chairman added that in stipulating the types of FSIs to be provided and the period for providing the FSIs, practical issues such as how long the planning permission for the temporary storage uses would last for and the site conditions (whether the site was provided with water supplies for fire-fighting purpose) had to be considered. The Committee would be briefed on the final outcome of the departmental discussions.

134. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.9.2014, 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 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no heavy vehicle exceeding 24 tonnes as defined in the Road Traffic Ordinance, including container vehicle/trailer/tractor, as proposed by the applicant, was allowed to enter, park or operate at the site during the planning approval period;
- (d) no vehicle over 10m long was allowed to enter, park or operate at the site during the planning approval period;
- (e) the stacking height of materials stored at the site should not exceed 5m during the planning approval period;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.3.2012;
- (g) in relation to (f) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.6.2012;
- (h) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.3.2012;
- (i) in relation to (h) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.6.2012;

- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.3.2012;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.6.2012;
- (l) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.3.2012;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon 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.

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

- (a) the permission was given to the temporary warehouse for storage of construction material and recyclable material (including metal and plastic goods) with ancillary vehicle repair workshop under application. It did not condone to the parking of container trailers and tractors or 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 resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the lot owner should apply to his office to permit structures to be erected or regularise any irregularities on-site. The occupier should also apply for the occupation of government land concerned. If the application was approved, it would be subject to such terms and conditions including the payment of premium/fees. Moreover, his office did not provide maintenance works for or guarantee right-of-way on the short stretch of open government land through which the site was accessed. Ingress/egress to the site might require traversing Government Land Allocation No. TYL 1320 granted to the Civil Engineering Development Department (CEDD) for 'Road Works Ancillary to Hang Hau Tsuen Channel at Lau Fau Shan'. The Project Manager/New Territories North and West of CEDD should be consulted on any interface problem;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water flowing from the site to the nearby public roads

and drains through the run-in/out; and CEDD should be consulted on any interface issue between the application site and the nearby CEDD's project (Hang Hau Tsuen Channel at Lau Fau Shan);

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that planting opportunities were available along the southern and eastern boundaries of the application site;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that good practices should be adopted and necessary measures should be implemented to avoid causing disturbance to the nearby wooded areas and watercourse as well as ponds in the "Coastal Protection Area" zone;
- (i) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his department for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any unauthorised structures existed on site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new work, including temporary structure, for approval under the BO was required. The proposed warehouses, converted containers for office/guardroom uses, and open shed for vehicle repair were considered as temporary buildings

and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. 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 building plan submission stage. The requirements on provision of emergency vehicular access to all buildings under B(P)R 41D should be observed.

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/216 Proposed Pond Filling (by about 2m) for Permitted New Territories Exempted House in “Village Type Development” zone, Lots 1531 S.A (Part) and 1531 S.B (Part) in D.D. 129, Mong Tseng Tsuen, Ping Shan Heung, Lau Fau Shan, Yuen Long (RNTPC Paper No. A/YL-LFS/216)

Presentation and Question Sessions

136. Mr. Ernest C.M. Fung, STP/TMYL, reported that the replacement pages 7, 15 and 16 for the Paper had been tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed pond filling (by about 2m) for permitted New Territories Exempted House (NTEH);
- (c) the departmental comments were detailed in paragraph 10 of the Paper and highlighted below:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the proposed pond filling from the nature

conservation point of view. The site was abutting the fishponds in the Wetland Conservation Area (WCA) to the south which was continuous to the integral wetland system in Deep Bay. There were concerns on the possible ecological impacts of the proposed development on these nearby ponds. As such, the applicant should consider minimizing the filling area as far as possible. Besides, the Ecological Appraisal was inadequate in assessing the possible ecological impacts of the proposed development on the nearby ponds as there was no information on the surrounding habitats in the WCA which were ecologically important and prone to disturbance from the surroundings. The incomplete ecological baseline rendered the conclusion on the possible off-site impacts on the WCA scientifically unsound. Moreover, he did not support the proposed pond filling from the fisheries point of view as inactive ponds had the potential to be reverted to active aquaculture with proper maintenance; and

- (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective. Water pond was a valuable landscape resource and the proposed pond filling would reduce the provision of the landscape resource in the territory and change the existing topography. No landscape mitigation measure was proposed to compensate for the loss of the landscape resource on-site and mitigate the landscape impact;
- (d) during the statutory publication period of the application, five public comments from the Hong Kong Bird Watching Society (HKBWS), the Kadoorie Farm and Botanic Garden Corporation (KFBG), a Yuen Long District Council (YLDC) member, Designing Hong Kong Limited and World Wildlife Fund (WWF) Hong Kong were received. All the comments objected to the application mainly on the following grounds:
- (i) the site was located in the Wetland Buffer Area (WBA) between

Mong Tseng Tsuen and the adjacent WCA. Clearance of vegetation nearby would reduce the functionality of the site as a buffer zone. Construction works and the proposed village houses might directly affect wetland-dependent wildlife in the WCA;

- (ii) the dense vegetation surrounding the pond provided important habitats for waterbirds. Clearance of vegetation and the proposed pond filling would cause direct damage to dependent bird species;
- (iii) the site provided good habitat for a range of bird species. Insufficient information was provided to demonstrate that the proposed development would not have adverse ecological impacts on the surrounding areas;
- (iv) there was no existing authorised vehicular/pedestrian access to the site. Provision of a new road would cause increased disturbance to the wetlands nearby. Opening access to fishponds would lead to unauthorised dumping and fly-tipping;
- (v) the source of pond filling material was not known and there was a risk of pollution leakage which would contaminate the remaining part of the pond and affect its ecological value;
- (vi) fishponds in Yuen Long had been decreasing. The site should be reserved as “Conservation Area”;
- (vii) it might have negative off-site disturbance impact on the ecological value of the fishponds in the adjoining WCA;
- (viii) there should be more stringent planning control to reflect the planning intention of the WBA;
- (ix) the application did not comply with the Town Planning Board Guidelines No. 12B for Application for Developments within Deep

Bay Area; and

- (x) approval of the application would cause a direct wetland loss and set a precedent for similar cases in the future;

- (e) during the statutory publication period of further information to the application, four public comments from HKBWS, Designing Hong Kong Limited, KFBG and WWF were received. All the comments objected to the application with similar grounds raised before; and

- (f) 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 applicants proposed to fill up the site (with an area of about 132m²) by about 2m for NTEH development. Although NTEH development was always permitted in the “Village Type Development” zone, pond filling at the site required planning permission primarily to ensure that it would not result in adverse drainage and ecological impacts on the adjacent areas;

 - (ii) on the drainage aspect, while the Drainage Services Department (DSD) had no objection to the application, he noted the absence of drainage proposal in the submission and required a proper drainage system for the proposed pond filling;

 - (iii) the site fell within the WBA. According to the Town Planning Board (TPB) Guidelines No. 12B, the designation of WBA was intended to protect the ecological integrity of the fishponds and wetlands within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fishponds. The applicants had conducted an Ecological Appraisal for the site which concluded that as the ecological value of the site was low, significant adverse ecological impacts of the proposed

development was not anticipated. However, DAFC queried the adequacy of the Ecological Appraisal in assessing the possible ecological impacts of the proposed development on the nearby ponds, as well as its conclusion in view of the absence of information on the surrounding habitats in the WCA. He did not support the application from the ecological point of view due to the possible ecological impacts of the proposed development on the nearby fishponds in the WCA. Whilst the applicants indicated that they were prepared to provide additional/detailed assessment/study by way of approval conditions, it would neither be in the interest of the applicants or the TPB if the subsequent assessment/study demonstrated that off-site ecological impacts of the proposed pond filling on the surrounding areas could not be mitigated;

- (iv) the CTP/UD&L also had reservation on the application from the landscape planning perspective as water pond was a valuable landscape resource and the proposed pond filling would reduce the provision of the landscape resource in the territory and change the existing topography;

- (v) the applicants proposed to fill up the site, which was only a small portion of a pond. In this regard, the applicants indicated that they would carry out sheet-piling to ensure that the proposed filling works was confined to the application site without affecting the remaining areas of the pond. While the Director of Environmental Protection had no objection to the application, she was concerned about the possible noise/dust nuisance arising from the proposed sheet-piling/pond filling and advised that the applicants should refer to the 'Technical Memorandum on Noise from Percussive Piling', 'Air Pollution Control (Construction Dust) Regulation' and the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' for appropriate measures to abate the nuisance; and

- (vi) although similar applications No. A/YL-HT/58 and 72 for pond filling for NTEH development and/or agricultural use to the immediate southwest of the site were approved by the Committee in 2000 and 2001 respectively, it was noted that the applicants had not implemented the required drainage proposal/mitigation measures to address the associated flooding concerns, and part of the site was currently being used for lorry parking/open storage without planning permission, which would be subject to planning enforcement actions.

137. In response to a Member's enquiry, Mr. Ernest C.M. Fung said that although DSD indicated that he had no in-principle objection to the application, he also advised that the applicant had not included a drainage proposal in the submission and that a proper drainage system was required for the proposed pond filling.

Deliberation Session

138. In response to a Member's query, Mr. Ernest C.M. Fung said that although NTEH development was a permitted use within the "V" zone, planning permission for pond filling was required to ensure that it would not result in adverse drainage and ecological impacts on the adjacent areas. Since the applicant had not submitted drainage proposal and DAFC commented that the applicant's Ecological Appraisal was inadequate in assessing the ecological impacts of the proposed pond filling on the nearby ponds, the application could not be supported.

139. 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 applicants failed to demonstrate that the proposed pond filling would not cause adverse drainage, landscape and ecological impacts on the surrounding areas; and
- (b) the development was not in line with the Town Planning Board Guidelines

No.12B for Application for Developments within Deep Bay Area in that it might have negative off-site impacts on the ecological value of the Wetland Conservation Area.

[Professor Edwin H.W. Chan left the meeting at this point.]

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/265 Proposed Container Vehicles and Goods Vehicles Repair Yard
in “Open Storage” zone,
Lot 2568 S.B in D.D. 102, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/265)

Presentation and Question Sessions

140. 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 container vehicles and goods vehicles repair yard;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest one being in the immediate south of the site) and environmental nuisance was expected. Moreover, a total of 12 complaints were received in the past three years related to the site on air, noise, waste, water and miscellaneous aspects;
- (d) during the statutory publication period, 27 public comments were received. One of the comments from a Yuen Long District Council member objected

to the application because the site was in close proximity to the residential dwellings, and heavy vehicles, loading/unloading and workshop repairing activities would cause serious nuisance to residents nearby. A comment from the San Tin Rural Committee (STRC) stated that the STRC had received a complaint from the lot owner that he had not leased out the land for the planning application. The STRC was also concerned about the traffic and drainage impacts and noise nuisance as the site was in close proximity to residential settlements. The remaining 25 comments from private individuals objected to the application mainly on the grounds of traffic, drainage and environmental impacts of the proposed use on the nearby residents; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) while the proposed use did not contravene the planning intention of the subject “Open Storage” (“OS”) zone, there was a need to ensure that the use would not generate negative impacts on the surrounding areas. In this regard, there were residential settlements to the immediate south of the site, the nearest being 7m away. The container vehicles repair yard was not compatible with the surrounding residential developments and the proposed use would result in potential industrial/residential interface problem. Although there were open storage uses to the immediate west and north of the site, the open storage of tyres and construction material not involving container vehicle usage/repairs was always permitted in the “OS” zone and should not have significant adverse impacts on the surrounding areas;
 - (ii) DEP did not support the application because of the potential environmental nuisance to sensitive receivers in the vicinity of the site and along Ka Lung Road. There were also 12 pollution complaints received against the site over the past three years

regarding waste, noise, air and/or water aspects. The applied use was therefore expected to generate environmental nuisance on the surrounding areas. The Drainage Services Department also indicated that public complaints on drainage problem had been received and thus he required the submission and implementation of drainage proposal should the application be approved; and

- (iii) in view of DEP's adverse comments and strong local objections, as well as the lack of information in the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding area, the application was considered not in line with the Town Planning Board Guidelines No. 13E.

141. Members had no question on the application.

Deliberation Session

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

- the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the development would have adverse environmental and drainage impacts on the surrounding areas, and there was no information in the submission to demonstrate that these impacts could be adequately addressed.

[The Chairman thanked Mr. Ernest C.M. Fung, STP/TMYL, for his attendance to answer Members' enquires. Mr. Fung left the meeting at this point.]

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/525 Temporary Open Storage of New Coaches and New Vehicle Parts with Ancillary Workshop for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 560 (Part), 563 (Part), 564 (Part), 565 (Part), 618 S.C (Part) and 618 RP (Part) in D.D. 106, Kam Sheung Road, Yuen Long (RNTPC Paper No. A/YL-KTS/525)

Presentation and Question Sessions

143. 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 open storage of new coaches and new vehicle parts with ancillary workshop 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 (residential structures) located to the immediate west and in the vicinity of the site, and environmental nuisance was expected;
- (d) during the statutory publication period, five public comments were received from a Yuen Long District Council member, Designing Hong Kong Limited and three members of the public. All the comments objected to the application mainly on the grounds of non-compliance with the planning intention of “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone, adverse environmental impacts, nuisance to nearby residents and undesirable precedent, and that the applied use had been in operation for over 15 years and was not a temporary development; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
- (i) the planning intention of the “OU(RU)” zone was for the preservation of the character of the rural area. Non-conforming and undesirable industrial-related uses such as the subject open storage use should be gradually phased out to help achieve the implementation of the planning intention to upgrade the environmental quality of the area;
 - (ii) the land uses in the surrounding area were predominated by residential structures/dwellings/development, agricultural land and vacant/unused land with scattered open storage/storage yards, workshops and a warehouse. A proposed development of ten houses located to the immediate northeast of the site under Application No. A/YL-KTS/499 was recently approved by the Committee on 17.6.2011 on the consideration that the approved development would act as a catalyst to help achieve an early implementation of the planning intention of “OU(RU)” zone. In this regard, the Committee also considered that the non-conforming industrial-related uses to the immediate south of the site under Application No. A/YL-KTS/499, including the open storage use at the application site, should not continue/be further approved. Although the application site involved six previous approved applications (No. A/YL-KTS/36, 193, 340, 416, 470 and 479), the approval of a proposed development of ten houses under Application No. A/YL-KTS/499 was considered as a material change in planning circumstances. The continuation of the temporary open storage use at the application site would jeopardize the compatible permanent uses hence the planning intention of the “OU(RU)” zone, and contradict with existing and future residential land uses in the vicinity;

- (iii) despite previous approvals were given, the applicant failed to demonstrate genuine efforts in complying with the approval conditions, and was therefore not in line with the Town Planning Board Guidelines No. 13E. Approval conditions in relation to fire safety aspect were imposed in the three previously approved applications (No. A/YL-KTS/416, 470 and 479) for the same open storage use (with/without workshop) at the site. However, all the three planning permissions were subsequently revoked as the approval conditions on fire safety were not complied with by the specified time limit. The applicant claimed that he did not comply with the approval condition under Application No. A/YL-KTS/470 because such planning approval should be replaced by the planning approval under the last Application No. A/YL-KTS/479. However, it should be noted that it was the responsibility of the applicant to comply with the approval conditions of each approved application. Noting the applicant's repeated failures to comply with the approval conditions and that the fire service installations were yet to be accepted by the Director of Fire Services, the application did not warrant sympathetic consideration; and
- (iv) DEP did not support the application because of the potential environmental nuisance to sensitive receivers to the immediate west and in the vicinity of the site.

144. Members had no question on the application.

Deliberation Session

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

- (a) the planning intention of the "Other Specified Uses" annotated "Rural Use" ("OU(RU)") zone was for the preservation of the character of the rural area.

Non-conforming and undesirable industrial-related uses such as the open storage use at the application site within the zone should be gradually phased out to help achieve the implementation of the planning intention to upgrade the environmental quality of the area. The surrounding land uses in the vicinity were predominated by residential structures/dwellings/development, agricultural land and vacant/unused land. Besides, there had been material change in the planning circumstances upon approval of a proposed residential development to the immediate northeast of the site which would act as a catalyst to realise the planning intention. The continuation of the temporary open storage use at the site would jeopardize the compatible permanent uses hence the planning intention of the “OU(RU)” zone and contradict with existing and future residential land uses in the vicinity; and

- (b) the development did not comply with the Town Planning Board Guidelines No. 13E in that the applicant failed to demonstrate the genuine efforts in complying with the approval conditions of the previous planning applications, and that there were adverse departmental comments and public objections against the application.

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/545 Temporary Storage of Vehicles (Private Cars and Light Goods Vehicles) and Vehicle Parts with Vehicle Repairing Workshop for a Period of 3 Years in “Village Type Development” zone, Lot 291 (Part) in D.D. 109, Kam Sheung Road, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTS/545)

Presentation and Question Sessions

146. 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 storage of vehicles (private cars and light goods vehicles) and vehicle parts with vehicle repairing workshop for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as sensitive receivers (residential dwellings/structures) were located to the immediate east and in the vicinity of the site, and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application from the landscape planning point of view. While there was no existing vegetation on the site, residential houses were in close proximity, in particular the building line of three residential blocks was abutting the eastern boundary of the site. The development was considered not quite compatible with the surrounding village residential setting. However, no landscape mitigation measures were included in the development proposal to alleviate the adverse impact;
- (d) three public comments were received during the statutory publication period. While one of the comments agreed with the application without giving reason, the other two comments objected to the application mainly on the grounds that the operation hours of the development were too long; the use of heavy goods vehicles, loading/unloading and workshop activities would generate noise, dust and glare nuisances to the nearby residents and contaminate the soil; the container within the site would cause security problem as it would allow a convenient access for burglars entering the adjoining residential development; and there was already a garage/vehicle repairing workshop in the area; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper

which were summarised below:

- (i) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone. It was located amidst the highest concentration of village developments in Kam Tin in close proximity to major residential developments, namely Greenview Garden, Placid Groves, Kam Fung Garden and Noble Park. In particular, Blocks C, D and E of Greenview Garden abutted on the eastern boundary of the application site. Hence, the development involving open storage and workshop activities was incompatible with the rural and residential neighbourhood, and would likely cause nuisance to the nearby residents. While there were scattered open storage/storage yards, parking lots and workshops in the vicinity, most of them were suspected unauthorised developments subject to enforcement action taken by the Planning Authority. No strong planning justification had been given in the submission for a departure from the planning intention of the “V” zone, even on a temporary basis;
- (ii) the application was not in line with the Town Planning Board (TPB) Guidelines No. 13E in that there was no exceptional circumstances that warranted sympathetic consideration. There was no previous planning approval for similar open storage/workshop use granted for the site and there were adverse departmental comments and local objections against the application. In this regard, DEP did not support the application because of the potential environmental nuisance to the existing residential dwellings/structures located to the immediate east and in the vicinity of the site. From the landscape planning point of view, there was reservation on the application as the development was considered not quite compatible to the landscape character of the area and no landscape mitigation measures had been included in the submission to alleviate the adverse impact. There was also no information in the submission to demonstrate that the development would not cause adverse

drainage impact and the Drainage Services Department had requested the applicant to submit and implement a drainage proposal. In this connection, the applicant failed to demonstrate in the submission that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and

- (iii) though a few similar applications were approved by the Committee or the TPB on review, they were approved in the 1990s before the introduction of the locational assessment criteria under the TPB Guidelines No. 13B in October 2001. Since then, no similar application had been approved. A similar application (No. A/YL-KTS/512) for temporary open storage of construction material to the immediate west of the site was also recently rejected by the Committee on 26.11.2010. The approval of the current application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

147. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone on the Outline Zoning Plan, which was to reflect existing recognised and other villages, and to provide land considered suitable for village expansion. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development

within the zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. The development involving open storage and workshop activities was incompatible with the rural and residential neighbourhood. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the development under application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13E) in that there was no exceptional circumstance that warranted sympathetic consideration; there was no similar planning approval granted for the site; and there were adverse departmental comments and local objections against the application;
- (c) the applicant failed to demonstrate in the submission that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/546 Temporary Shop and Services (Real Estate Agency)
for a Period of 3 Years in “Village Type Development” zone,
Lot 1486 S.C (Part) in D.D. 106 and Adjoining Government Land,
Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/546)

Presentation and Question Sessions

149. 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 shop and services (real estate agency) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use 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 incompatible with the surrounding land uses which were predominated by residential structures/dwellings with a few scattered temporary uses, a petrol filling station, a real estate agency shop and vacant/unused land. The development would provide real estate agency service to serve some of the needs of the neighbouring residential developments. In view of its small scale and frontage onto Kam Sheung Road, the environmental nuisance generated by the development would unlikely be significant. A similar Application No. A/YL-KTS/513 located to the immediate north of the site had also been approved by the Committee on 10.12.2010. Relevant departments consulted had no adverse comment on the application. Although the “Village Type

Development” (“V”) zone was primarily intended for Small House development, the District Lands Officer/Yuen Long had no adverse comment on the application and advised that there was currently no Small House application at the site. Approval of the application on a temporary basis for a period of three years would not jeopardize the planning intention of the “V” zone;

- (ii) although an environmental complaint related to the concern on the potential water pollution resulting from construction of a septic tank within the site was received in 2010, the applicant had indicated that the underground septic tank had been constructed to treat the sewage generated by the toilet. Also, the Environmental Protection Department and the Drainage Services Department had no adverse comment on the application. To minimise other possible environmental nuisance caused by the proposed development, approval condition restricting the operation hours was recommended. In addition, approval conditions in relation to landscape, drainage facilities and fire service installations were recommended according to the advice of relevant departments.

150. Members had no question on the application.

Deliberation Session

151. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.9.2014, 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 9:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the implementation of the accepted 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 2.3.2012;

- (c) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.3.2012;
- (d) in relation to (c) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.6.2012;
- (e) 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 2.3.2012;
- (f) in relation to (e) 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 2.6.2012;
- (g) if the above planning condition (a) 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;
- (h) if any of the above planning conditions (b), (c), (d), (e) or (f) 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
- (i) 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.

152. 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) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the site comprised Old Scheduled Agricultural Lot held under the Block Government Lease. No structure was allowed to be erected without prior approval of the Government. Approval had not been given for the specified structure for container-converted office. The site was accessible from Kam Sheung Road via government land (GL) and private land. His office did not provide maintenance works on this GL or guarantee right of way. The lot owner and occupier of the GL concerned should apply to the Lands Department (LandsD) to permit structures to be erected or regularise any irregularities on the site. If the application was approved, it would be subject to such terms and conditions including the payment of premium or fee;
- (d) 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;
- (e) 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;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid damaging the trees near the site during the construction and operation stages;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should not cause any adverse drainage impact on the adjacent areas;
- (h) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. 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 the relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration;
- (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 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 prior to establishing any structure within the site. The applicant and his contractors should observe the 'Code of Practice on Working near Electricity Supplier Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorised structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorised Person had to 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.

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/542 Temporary Open Storage of Construction Machinery and Materials with Ancillary Office for a Period of 3 Years in “Undetermined” zone, Lots 2417 (Part), 2418 (Part) and 2421 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/542)

Presentation and Question Sessions

153. 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 open storage of construction machinery and materials with ancillary office 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 to the immediate north and in the vicinity of the site, and environmental nuisance was expected. Moreover, there was an environmental complaint against noise arising from metal cutting and dust on the site in late March 2011. During the two inspections conducted by DEP, only minor repairing works were observed at the site and no significant noise and dust nuisances were noted. DEP had given advice to the operator on the environmental requirements and replied to the complainant in mid April 2011. No further complaints were received since then;
- (d) during the statutory publication period, two public comments were received.

The first comment from a Yuen Long District Council member objected to the application as he considered that the repeated revocations of the previous planning approvals reflected the applicant's insincerity to comply with the approval conditions. The second comment from a resident who lived immediately next to the site complaining about the noise nuisance from the site which had seriously affected his daily living. There were often heavy crane vehicles with noisy engines travelling in and out of the site, causing vibration of the ground. Besides, repairing works for the crane vehicles were carried out within the site, making welding and hitting noise. The site also operated on Saturdays, Sundays and public holidays; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) although the applied use was not incompatible with the surrounding open storage yards and vehicle repair workshops in the area, the applicant had to demonstrate that all potential adverse impacts arising from the development could be adequately mitigated. As such, approval conditions in relation to the environmental, landscaping, drainage and fire safety aspects were imposed in the four previously approved applications (No. A/YL-TYST/318, 390, 465 and 513) for similar uses at the site. However, the approval conditions were repeatedly not complied with and the last three planning approvals were all revoked due to failure to comply with fire service installations (FSIs) related conditions, or breach of the conditions which prohibited the entry/exit of heavy vehicles. The applicant had been advised in the last approved Application No. A/YL-TYST/513 that sympathetic consideration would not be given to any further application if the planning permission was revoked again for non-compliance with approval conditions. Although the applicant claimed that he was not related to the applicant of the first two revoked cases, it was noted that the last revoked case was

submitted by the same applicant, and after revocation of the last planning approval, the storage use on the site had not ceased. The approval conditions of the last application related to FSIs were also not complied with. The applicant's intention and ability to comply with the approval conditions were therefore questionable. Against this background and noting the repeated failures to comply with the approval conditions of the three previous planning permissions, it was doubtful that the potential adverse impacts of the development could be duly addressed by way of imposing approval conditions. Under such circumstances, the development would cause adverse impacts on the surrounding areas and it did not comply with the Town Planning Board Guidelines No. 13E; and

- (ii) the applicant specifically stated in the current application that there would be heavy vehicles (crane vehicles and vehicles with lifting platform) of not exceeding 38 tonnes in weight and 11m in length to be parked on the site. However, the Commissioner for Transport advised that the width of the existing track might not be wide enough for use by heavy goods vehicles. DEP also expected that the development would induce environmental nuisance to the residential uses in the vicinity, in particular those to the immediate north of the site, and hence he did not support the application. When approving the last application, the approval condition prohibiting the use of heavy goods vehicles was imposed by the Committee with a view to mitigating the adverse environmental impact generated by the development on the sensitive receivers nearby. However, such a condition was breached by the applicant and the last approval was therefore revoked.

154. Members had no question on the application.

Deliberation Session

155. After deliberation, the Committee decided to reject the application. Members

then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the development involving parking/storage of heavy crane vehicles and vehicles with lifting platform would generate adverse environmental impact on the residential uses to the immediate north and in the vicinity of the application site;
- (b) the width of the vehicular access to the application site was inadequate for use by heavy vehicles which the applicant proposed for the operation of the development; and
- (c) the application involved three previously revoked planning permissions due to non-compliance with the approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/544 Temporary Open Storage of Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Packaging Activities for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lots 324 (Part), 325, 326 (Part), 327 S.E RP (Part), 1420 RP and 1421 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/544)

156. The Secretary reported that Ms. Anna Kwong had declared an interest in this item as she had current business dealings with PlanArch Consultants 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

157. 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 open storage of recycling materials (metal, plastic and paper) and used electrical/electronic appliances and parts with ancillary packaging activities 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 to the west and north and in the vicinity of the site, and environmental nuisance was expected;
- (d) during the statutory publication period, a public comment was received from a Yuen Long District Council member who considered that the storage of electrical products could cause land pollution through rainfall. Besides, the ancillary workshop and movement of goods would generate noise nuisance to the nearby residents; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of one year based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) a major part of the site (about 93.3%) fell within the “Undetermined” (“U”) zone and Category 1 areas under the Town Planning Board (TPB) Guidelines No. 13E where favourable consideration would normally be given to the application. The “U”

zone was generally intended for open storage use but was designated with this zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, the application site was accessed from Shan Ha Road instead of Kung Um Road and the Commissioner for Transport had no adverse comment on the application. Although about 6.7% of the site fell within the “Village Type Development” (“V”) zone, the District Lands Officer/Yuen Long advised that there was no current Small House application within this part of the “V” zone. The previous approvals for similar open storage uses on the site also covered this area. It was considered that approval of the application on a temporary basis would not frustrate the long-term use of the area;

- (ii) the application was generally in line with the TPB Guidelines No. 13E in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. There were also similar applications in this part of the “U” zone, i.e. Category 1 areas, that had been approved with conditions;

- (iii) the development was not incompatible with the surrounding areas which were mixed with open storage yards, warehouses and workshops. The land immediately abutting the site within the “V” zone was also mainly occupied by open storage and warehouse uses. Although DEP did not support the application as there were sensitive receivers of residential uses to the west and north (about 30m to 40m away) and in the vicinity of the site, there had not been any environmental complaint in the past three years. The applicant also proposed not to operate the site during night time between 11:00 p.m. and 7:00 a.m., and to store and package the used electrical/electronic appliances and parts only under covered structures on paved grounds. It was expected that the development would not generate significant environmental impact on the surrounding areas if the applicant’s suggested measures were implemented accordingly. To address

DEP's concerns, approval conditions restricting the operation hours, restricting the storage and handling of used electrical/electronic appliances and parts within covered structures on paved grounds only, and prohibiting workshop activities other than packaging were recommended;

- (iv) the last two planning approvals for similar open storage use under Applications No. A/YL-TYST/404 and 489 submitted by the same applicant were revoked due to non-compliance with the approval conditions which prohibited carrying out of workshop activities (for Application No. A/YL-TYST/404) and storage of electronic waste (for both applications), despite other conditions on the submission and implementation of fire service installations (FSIs) proposal had been complied with during the respective approval periods. While the applicant did not propose to store electronic waste in the previous applications, he proposed to add used electrical/electronic appliances and parts as new storage items in the current application and undertook to store such items within covered structures on paved grounds only. Given the applicant's commitment and the imposition of a relevant approval condition to ensure implementation of the committed measures, the application might be tolerated but subject to a shorter approval period of one year to monitor the situation on-site. However, the applicant would be advised that sympathetic consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;

- (v) other than DEP, government departments consulted generally had no adverse comment on the current application. Relevant approval conditions requiring the maintenance of existing trees and drainage facilities, the submission of a record of the existing drainage facilities and the submission and implementation of FSIs proposal were recommended to address relevant departments' technical concerns; and

- (vi) regarding the public comment raising concern on the possible environmental impact caused by the development, relevant approval conditions had been recommended to address the environmental concerns.

158. Members had no question on the application.

Deliberation Session

159. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 2.9.2012, 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 11:00 p.m. and 7:00 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 was allowed on the application site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste was allowed outside the concrete-paved covered structures on the application site at any time during the planning approval period;
- (d) no dismantling, repairing, cleansing or other workshop activities, except ancillary packaging activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) the existing trees on the application site should be maintained at all times during the planning approval period;

- (f) the existing drainage facilities implemented under Application No. A/YL-TYST/186 on the application site should be maintained at all times during the planning approval period;
- (g) 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 2.12.2011;
- (h) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.12.2011;
- (i) in relation to (h) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.3.2012;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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;
- (k) if any of the above planning conditions (g), (h) or (i) 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
- (l) 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.

160. 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) a shorter approval period of one year was allowed to monitor the situation on the site and shorter compliance periods for approval conditions were given correspondingly;
- (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 owners of the lots, other than Lots 325, 326 and 1420 RP in D.D. 119, should apply to his office to regularise any irregularities on-site. If the application was approved, it would be subject to such terms and conditions including the payment of premium or fee. Besides, the site was accessible through a long stretch of informal village track on government land and other private land extended from Shan Ha Road. His office did not provide maintenance works for this track or guarantee right-of-way;
- (f) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (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 Shan Ha 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 minimise any potential environmental nuisances;

- (i) 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;
- (j) to note the comments of the Director of Fire Services on the requirements in formulating fire service installations (FSIs) proposal as detailed in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorised structures on-site which were liable to action under section 24 of the Buildings Ordinance (BO) should be removed. Moreover, the granting of planning approval should not be construed as condoning to any unauthorised structures existed on site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including temporary structures, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage. The requirements on the provision of emergency vehicular access to all buildings under B(P)R 41D should also be observed; and
- (l) 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 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 the electricity supply lines.

Agenda Item 46

Section 16 Application

[Open Meeting]

A/YL-TYST/545 Temporary Community Based Recyclable Collection Centre (including Plastics, Paper and Metals) for a Period of 3 Years in "Residential (Group D)" zone, Lots 955 S.B (Part), 961 (Part), 962 (Part), 963 (Part), 964 (Part), 965 (Part) and 969 (Part) in D.D. 121 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/545)

161. The Secretary reported that on 18.8.2011, 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 public comments on the application.

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

[The Chairman thanked Mr. Kepler S.Y. Yuen, STP/TMYL, for his attendance to answer Members' enquires. Mr. Yuen left the meeting at this point.]

Agenda Item 47

Any Other Business

163. There being no other business, the meeting closed at 5:25 p.m..