

TOWN PLANNING BOARD

**Minutes of 455th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 6.12.2011**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Professor Edwin H.W. Chan

Dr. W.K. Lo

Dr. W.K. Yau

Chief Traffic Engineer/New Territories East,
Transport Department
Mr. K.C. Siu

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

Assistant Director/New Territories
Lands Department
Mr. Edwin W.K. Chan

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

Secretary

Absent with Apologies

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C. W. Lau

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Dr. C.P. Lau

Mr. Stephen M.W. Yip

Ms. Anita W.T. Ma

Assistant Director (2), Home Affairs Department
Mr. Eric Hui

In Attendance

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

Chief Town Planner/Town Planning Board
Miss Chu Hing Yin

Town Planner/Town Planning Board
Ms. Cindy K.F. Wong

Agenda Item 1

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

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

Agenda Item 2

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-LI/17 Proposed House (New Territories Exempted House)
in “Green Belt” zone, Lot No. 1613 in D.D.3,
Kam Lo Hom, Lamma Island
(RNTPC Paper No. A/I-LI/17)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House);
- (c) departmental comments - the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the site was located away from the village and approval

of the application would set an undesirable precedent, attracting similar developments within the “Green Belt” (“GB”) zone. The cumulative effect would adversely affect the integrity of the “GB” zone as an effective green buffer;

- (d) during the first three weeks of the statutory public inspection period, which ended on 11.11.2011, three public comments were received. Among them, one was submitted by Living Lamma (a local residents’ organisation); and the remaining two were submitted by members of general public. The three commenters objected to the proposed development mainly on the grounds that developments in the “GB” zone would lead to further degradation of the environment of Lamma Island; the site lacked infrastructure to support housing development; construction of access road to the proposed development might cause damage to the ecological and landscape value of the “GB” area; and the proposed development would cause adverse environmental, traffic and sewage impacts; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the application proposed to replace an existing 1-storey village house (roofed over area of about 55.7m²) at the site by a 3-storey house with a roofed over area of about 55.28 m². As advised by DLO/Is of LandsD, the development parameters of the proposed house (NTEH) followed those permitted under the lease. Given that the application site had a building status under the lease, the application could be approved under a very exceptional circumstance in according with the Interim Criteria for Consideration of Application for NTEH/Small House development in the New Territories (Interim Criteria);
 - (ii) the application mainly involved an in-situ redevelopment and would not result in clearance of vegetation and felling of trees. No adverse impacts on the surrounding area were envisaged. In this regard,

concerned government departments including the Director of Agriculture, Fisheries and Conservation, Chief Engineer/Harbour Area Treatment Scheme, Drainage Services Department, Chief Engineer/Development(2), Water Supplies Department, Chief Highway Engineer/NT East, Highways Department, Commissioner for Transport, the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department had no objection to the application. Hence, the proposed redevelopment was considered to be in line with the Interim Criteria and the Town Planning Board Guidelines for Application for Development within “Green Belt” zone (TPB-PG No. 10) in that the proposed development would not have adverse traffic, environmental, drainage, sewerage and geotechnical impacts on the surrounding areas;

- (iii) regarding CTP/UD&L, PlanD’s concerns that the proposed development might affect the “GB” zone, it should be noted that the current application was an in-situ redevelopment of an existing house at the site and no tree felling would be involved. To address CTP/UD&L’s concerns, an advisory clause requiring the applicant to take necessary action to prevent disturbance to the existing trees nearby was suggested; and
- (iv) regarding the public concerns on the traffic impact of the proposed development, the Commissioner for Transport advised that as there was only a footpath leading to the proposed development, no adverse traffic impact was envisaged. Regarding the public concerns on the drainage, sewerage, water supplies and vegetation issues of the proposed development, relevant government departments consulted had no adverse comments on the application.

3. Members had no question on the application.

Deliberation Session

4. 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 6.12.2015, 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 submission and implementation of drainage and sewerage proposals to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Islands, Lands Department (LandsD) that:
 - (i) although the revised roofed over area and height were in line with lease conditions in New Grant No. 3889, lease modification might still be required as the existing lease conditions did not cover the erection of projections, such as overhang, air-conditioner hood, etc.;
 - (ii) the government land surrounding the site was covered by Government Land Licence No. C7393 for cultivation and chicken shed purposes. The proposed projections, such as balconies, canopy, air-conditioner hoods and overhangs, would project over the licensed area might be subject to the decision of District Lands Office Conference; and
 - (iii) Certificate of Exemption under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) might be issued subject to no objection from the Geotechnical Engineering Office of the Civil Engineering and Development Department (CEDD) and the Drainage Services Department;
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that as there were existing trees on the periphery of the

application site, the applicant should ensure that all works would be confined to the application site and that precautionary measures and good site practice would be adopted to avoid any disturbances to the nearby trees and environ;

- (c) to note the comments of the Director of Civil Engineering and Development Department (CEDD) that the site formation plan should be submitted to the Buildings Department for approval. Any effect of the proposed development on the stability of adjacent slope features, or vice versa, and any necessary supporting measures should be addressed in the site formation submission to the Buildings Department for approval;
- (d) to note the comments of the Chief Engineer/Harbour Area Treatment Scheme, Drainage Services Department that to ensure the stability of the adjoining slope, any drainage and sewerage proposal in connection with the proposed development should be commented by the Head of the Geotechnical Engineering Office, CEDD before commencing its construction;
- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for the provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD standard; and
- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred via LandsD.

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-NP/14 Proposed Minor Relaxation of Building Height Restriction
from 7.62m to 12m for Permitted Religious Institution Use
in “Government, Institution or Community (2)” zone,
Lot 236 (Part) in D.D. Ngong Ping, Po Lin Monastery,
Ngong Ping, Lantau Island
(RNTPC Paper No. A/I-NP/14)

Presentation and Question Sessions

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

- (a) the site was the subject of a planning application (No. A/I-NP/13) for minor relaxation of building height (i.e. from 7.62m to 12m) previously approved by the Committee on 18.9.2009. As compared to the approved application, the current application involved a larger site area from 266.86m² to 292.224m² and a corresponding increase in GFA from 359.146m² to 408.81m²;
- (b) the proposed minor relaxation of building height restriction from 7.62m to 12m for permitted religious institution use;
- (c) departmental comments – no adverse comment from concerned government departments was received;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Islands); 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 drum and bell towers would form an integral part of the Po Lin Monastery and were in line with the planning intention of “Government, Institution or Community (2)” zone intended for religious institution use. The site was the subject of a previously approved planning application (No. A/I-NP/13) for minor relaxation of building height (i.e. from 7.62m to 12m). There was no change to the previously approved building height of the proposed drum and bell towers (i.e. 12m) in the current application. With the increase of the site area from 266.86m² to 292.224m² (about 9.5% increase), the GFA of the towers would also be increased by about 50m² from 359.146m² to 408.81m² (about 13.8% increase). The resultant development bulk of the proposed drum and bell towers was considered compatible with the design and scale of the surrounding development, and would visually blend in with the architectural character of the Monastery.

7. In response to a Member’s query, Mrs. Margaret Lam said that the application site was the subject of a previous application for the same use. The current application, however, involved a larger area.

Deliberation Session

8. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board.

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

- (a) to note the comments of the District Lands Officer/Islands, Lands Department that lease modifications would be required in respect of :
 - (i) amending the maximum gross floor area and site coverage limits under SC (12)(c) and SC (12)(d) in order to permit any excessive gross floor area and site coverage resulting from the proposal, subject to premium to be assessed; and

- (ii) relaxing the building height from 7.62m to 12m above the mean formation level for the portion of the lot upon which the proposed bell tower and drum tower were to be erected, subject to premium to be assessed;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that protective measures should be provided to preserve existing trees within 5m from the application site boundary;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the applicant should comply with the “Conditions for Working within Water Gathering Grounds”; and
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) and Licensing Unit, Buildings Department (BD) that submission of plan to BD to demonstrate compliance with the Buildings Ordinance was required.

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

Sha Tin, Tai Po and North District

[Mr. David Y.M. Ng, Ms. Doris S.Y. Ting, Mr. Anthony K.O. Luk 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 4

Section 12A Application

[Open Meeting]

Y/NE-KTS/4 Application for Amendment to the Approved Kwu Tung South
Outline Zoning Plan No. S/NE-KTS/12 from
“Government, Institution or Community” to “Residential (Group C) 2”,
Lot 1145 RP in D.D. 92, Hang Tau Road, Kwu Tung South,
Sheung Shui
(RNTPC Paper No. Y/NE-KTS/4)

10. The Secretary reported that Ms. Anna S. Y. Kwong declared an interest in this item as she had current business dealings with the Vision Planning Consultants Limited, one of the consultants of the application. The Committee noted that Ms. Kwong had tendered an apology for being not able to attend the meeting.

11. The Secretary reported that on 17.11.2011, the applicant requested for deferment of the consideration of the application for two months in order to allow time to address departmental comments on the application.

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-HH/10 Proposed Rebuilding of Two Houses
(New Territories Exempted Houses)
in “Unspecified Use” zone,
Lots 171, 172 and 180, in D.D. 283, and Adjoining Government Land,
Hoi Ha Village, Sai Kung North
(RNTPC Paper No. A/DPA/NE-HH/10)

Presentation and Question Sessions

13. Mr. David Y.M. Ng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed rebuilding of two houses (New Territories Exempted Houses);
- (c) departmental comments – no adverse comment from concerned government departments was received;
- (d) during the first three weeks of the statutory publication period, one public comment from Designing Hong Kong Limited was received. It objected to any further development in Hoi Ha until a sustainable plan suitable for the area and the environment had been agreed upon; 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 application site was entirely within the village ‘environs’ of Hoi Ha Village. The proposed NTEH, which were compatible in size and height of Small House, were not incompatible with the surrounding areas mainly occupied by village houses of Hoi Ha village proper. Regarding the

public comment that granting of applications should be done as part of the overall plan rather than under a piecemeal manner, it should be noted that it was not the intention of the development permission area plan to prohibit development but rather to establish planning control of the area pending detailed analysis and studies to establish land uses in the course of preparing an outline zoning plan.

14. Members had no question on the application.

Deliberation Session

15. 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 6.12.2015, 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; and
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Director of Agriculture, Fisheries and Conservation that any development at the area must not cause any damage or pollution to the water body and the environment of the marine park, nor cause any adverse impacts to the habitat and marine lives therein. In particular, the proposed development must not have any sewage/drainage directing into the Marine Park;
- (b) to note the comments of the Chief Engineer/Development(2), Water

Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services with the private lots to WSD's standards. The water mains in the vicinity of the site could not provide the standard pedestal hydrant;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that no existing public stormwater drains maintained by DSD were available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (d) for works to be undertaken outside the lot boundary, the applicant should consult District Lands Office/Tai Po, Lands Department (DLO/TP, LandsD) and seek consent from the relevant lot owners before commencement of the drainage works;
- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the following measures:
 - (i) for the site within the preferred working corridor of high voltage

overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;

- (ii) prior to establishing any structure within the site, the applicant or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the applicant or his contractors should observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines;
- (f) to note the comments of the Director of Environmental Protection that there was no existing or planned public sewerage for the area, and there was a water course at about 10 metres from the site boundary which should be protected from expedient discharges;
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD; and
- (h) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to the DLO/TP, LandsD to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP No. APP-56. If such exemptions were not granted, the applicant should submit site formation plans to the Building Department in accordance with the provisions of the Buildings Ordinance.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/149 Temporary Lorry and Container Trailer Parking with Ancillary Vehicle Repair Workshop for a Period of 3 Years in “Agriculture” zone and an area shown as ‘Road’, Lots 879 S.ARP, 879 S.BRP (Part) and 880 S.CRP in D.D. 92 and adjoining Government Land, Kwu Tung North, Sheung Shui (RNTPC Paper No. A/NE-KTN/149)

Presentation and Question Sessions

17. 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 lorry and container trailer parking 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 were domestic structures in the vicinity of the application site. However, there was no complaint related to the application site in the past three years (from 2008 to third quarter of 2011). The Chief Town Planner/Studies and Research, Planning Department (CTP/SR, PlanD) advised that the site formation works for the Kwu Tung North New Development Area (KTN NDA) was tentatively scheduled to commence in 2017 under the “North East New Territories New Development Areas Planning and Engineering Study - Investigation” (NENT NDAs Study). She had no objection to the proposed temporary use for three years;
- (d) two public comments were received during the first three weeks of the

statutory publication period. One comment was from a North District Council member who had ‘no comment’ on the application. Another commenter was the Village Representative of Kwu Tung (South) Village who raised objection to the application mainly on grounds of adverse traffic impact, road congestion and pedestrian safety that might be brought by the application; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use 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) the use under application was considered generally in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that the application was the subject of previous approved applications for the same use and the applicant complied with all the approval conditions for applications No. A/NE-KTN/82, 191 and 111. Although the last approved planning application (No. A/NE-KTN/133) was revoked by the Board due to non-compliance of approval conditions, the applicant had submitted technical proposals on landscape, drainage and traffic arrangement under the current application;
 - (ii) the application site fell within KTN NDA under the NENT NDAs Study. As the tentative schedule of site formation work for the NDA was in 2017, the application for a temporary period of three years until December 2014 would not pose as a constraint to the future development of the NDA;
 - (iii) although the development was not in line with the planning intention of “Agriculture” zone, the application site had been used for the lorry and container trailer park for a long time under the previous planning approvals. The development under application was not incompatible with the surrounding land uses;

- (iv) although DEP did not support the application, there was no environmental complaint received relating to the application site in the past three years. Given the reduction in number of parking spaces from 12 to 9 in the current application, it was anticipated that potential environmental nuisance should be reduced. To address DEP's concern, it was recommended to impose approval conditions restricting the operation hours and number of parking spaces;
- (v) as regards the public comment raising objection to the application, concerned departments had no adverse comments on the application; and
- (vi) as the last planning approval was revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance.

18. Members had no question on the application.

Deliberation Session

19. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.12.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m. from Mondays to Fridays, and after 1:00 p.m. on Saturdays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no more than nine parking spaces for lorry and container trailer, as proposed by the applicant, were allowed on the application site during the

planning approval period;

- (d) the vehicular access, parking and loading/unloading arrangement within the application site should be maintained during the planning approval period;
- (e) the existing drainage facilities on the application site should be properly maintained and rectified if they were found inadequate/ineffective during the planning approval period;
- (f) the submission of a condition survey with photographic records of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.3.2012;
- (g) 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 6.3.2012;
- (h) in relation to (g) 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 6.6.2012;
- (i) the submission of landscape and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or to the TPB by 6.3.2012;
- (j) in relation to (i) above, the implementation of tree preservation and landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.6.2012;
- (k) 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

- (l) if any of the above planning conditions (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.

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

- (a) shorter compliance periods for approval conditions were granted in order to closely monitor the situation in compliance of approval conditions;
- (b) 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;
- (c) the permission was given to the use/development under application. It did not condone storage of wrecked vehicles, parking of buses, coaches, private cars which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (d) to note the comments of the Commissioner for Transport that:
 - (i) the vehicular access to the application site was via a strip of land between the application site and Castle Peak Road. The strip of land was not managed by Transport Department. The land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly; and
 - (ii) to seek comments from the Civil Engineering and Development

Department on 'Cycle Tracks Connecting North West New Territories with North East New Territories' as the proposed cycle track was running in front of the application site.

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- (i) if the existing structures were erected on leased land without the approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works were to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (iii) 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 an acceptance of any existing building works or UBW on the application site under BO;
 - (iv) if the proposed use under application was subject to the issue of a licence, any existing structures on the application site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority;
 - (v) the temporary converted containers for site office/storage/rest rooms/toilet were considered as temporary buildings which were

subject to control under the Building (Planning) Regulations (B(P)R) Part VII;

- (vi) the site should be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access should be provided under the B(P)R 41D;
 - (vii) if the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at building plan submission stage; and
 - (viii) formal submission under the BO was required for any proposed new works, including any temporary structures.
- (f) to note the comments of the Director of Fire Services that:
- (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed application site, fire service installations (FSIs) would need to be installed;
 - (ii) except where building plan was circulated to the Centralized Processing System of BD, the applicant was required to send the relevant layout plans to the Fire Services Department incorporated with the proposed FSIs for approval. The applicant should note that :
 - (a) the layout plans submitted should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the location of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans.
- (g) to note the comments of the Chief Engineer/Development (2), Water

Supplies Department (WSD) that:

- (i) 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 standards; and
- (ii) the application site was located within the flood pumping gathering ground;
- (h) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area; and
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that more than 50% of the existing trees in the sites were in fair to poor health condition. The applicant was required to preserve the existing trees and replace the dead trees and trees in poor health condition.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/150 Temporary Open Storage of Personal Miscellaneous Items
for a Period of 3 Years in "Agriculture" and "Green Belt" zones,
Lot No. 420 (Part) in D.D. 92, Long Valley, Sheung Shui
(RNTPC Paper No. A/NE-KTN/150)

Presentation and Question Sessions

21. 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 open storage of personal miscellaneous items for a period of three years;

[Dr. W. K. Yau arrived to join the meeting at this point.]

- (c) departmental comments – the departmental comments were detailed in paragraph 10 of the Paper and highlighted below:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as active agricultural activities were noted in the immediate vicinity of the subject site and the site had high potential for agricultural rehabilitation. Besides, the application site was located in the Long Valley and Ho Sheung Heung Priority Site which was an ecologically sensitive area. The application site was located in the vicinity of management areas under a Nature Conservation Management Agreement Project. However, there was no information in the application to demonstrate that the proposed development would not generate adverse ecological impacts on the Priority Site and any associated wildlife;
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application. The application site was situated in an area of rural landscape character and the proposed use was incompatible with the surrounding environment. In addition, half of the site was located in the “Green Belt” (“GB”) zone. Approval of the application would set an undesirable precedent and attract similar applications in the “GB”

zone. As the existing mature trees in the green belt would be affected, the landscape quality of the natural buffer would deteriorate and intactness of the “GB” zone would be undermined.

- (d) the District Officer/North, Home Affairs Department (DO/N, HAD) advised that the Chairman of Sheung Shui District Rural Committee, Indigenous Inhabitant Representatives (IIR) and Resident Representatives (RR) of Tsung Pak Long and also IIR of Yin Kong raised objection to the application. They were concerned about the lack of proper vehicular access to the application site and the adverse impacts on the burial ground, Fung Shui and landscape to the vicinity. Industrial uses on agricultural land had also caused much nuisance to residents in the surroundings.
- (e) two public comments from a general public and a North District Council Member were received during the first three weeks of the statutory publication period. The general public opposed the application on the grounds that the applied use was not compatible with the planning intentions of “Agriculture” (“AGR”) and “Green Belt” (“GB”) zones. The proposed development would cause adverse environmental, landscape, traffic and drainage impacts on the surrounding areas. The North District Council Member had indicated “no comment” on the application; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper which were summarised below:
 - (i) over half of the application site fell within an area zoned “AGR” on the OZP. The use under application was not in line with the planning intention of the “AGR” zone. No strong justification had been provided in the submission for a departure from the planning intention, even on a temporary basis;
 - (ii) about half of the application site fell within an area zoned “GB” on the

OZP. The use under application was not in line with the planning intention of the “GB” zone. There was a general presumption against development within the “GB” zone. No strong justification had been provided in the submission for a departure from the planning intention, even on a temporary basis;

- (iii) the application did not comply with Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that the application site was not subject to any previous approval for similar open storage use. There were adverse departmental comments and local objection to the application;
- (iv) the application did not comply with the TPB Guidelines for Application for Development within Green Belt Zone (TPB PG-No.10) in that there was a general presumption against development in the “GB” zone and there was no exceptional circumstance which warranted the approval of the current application;
- (v) the proposed development was considered not compatible with the surrounding areas which were predominately rural in character with both active and fallow agricultural land in the north and domestic structures in the southwest;
- (vi) the application site was located within the Long Valley and Ho Sheung Heung Priority sites which were ecologically sensitive. There was no information in the submission to demonstrate that the proposed development would not have adverse ecological impact on the Priority Site and any associated wildlife; and
- (vii) no other similar application within the same “GB” zone was previously approved by the Committee. Approval of the current application might create undesirable precedent for similar application within “GB” zone. The cumulative impact of approving these applications would result in general degradation of the environment and undermine the

intactness of the “GB” zone.

22. Members had no question on the application.

Deliberation Session

23. The Chairman noted that the site fell within the Kwu Tung North New Development Area (KTN NDA) under the North East New Territories New Development Areas Planning and Engineering Study – Investigation (The NENT NDAs Study). As the site would be required for development of KTN NDA, a temporary departure from the planning intention of the zoning of the site on the outline zoning plan (OZP) might be tolerated. However, given that the subject application involved using a large site for open storage of personal miscellaneous items and some technical issues had yet to be resolved, sympathetic consideration could not be given. The Secretary pointed out that as The NENT NDAs Study had yet to be finalised and the “AGR” and “GB” zonings of the site on the statutory plan had not been revised, the consideration of the subject application should be based on the planning intention of the zonings of the site as stipulated on the current OZP. Members agreed.

24. 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” zone in Kwu Tung North area which was primarily to retain and safeguard good 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. The development was also 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 and there was a general presumption against development within this zone. There was no strong planning justification in the submission for a departure from such

planning intentions, even on a temporary basis;

- (b) the application did not comply with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that there was no previous planning approval granted to the application site and no technical assessment/proposals were submitted to demonstrate that the proposed uses would not generate adverse landscape and ecological impacts on the surrounding areas, and there were adverse departmental comments and local objection against the application;
- (c) the application did not comply with the TPB Guidelines for Application for Development within Green Belt Zone (TPB PG-No.10) in that there was a general presumption against development and there was no exceptional circumstances which warranted the approval of the current application, and the proposed development would affect existing mature trees in the vicinity and cause adverse landscape impacts on the surrounding area;
- (d) the application site was located within the Long Valley and Ho Sheung Heung Priority Site. The applicant had failed to demonstrate that the development under application would not generate adverse ecological impacts on the Priority Site and any associated wildlife; and
- (e) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such application would result in general degradation of the environment and undermined the integrity of the “GB” zone.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/449 Proposed Public Utility Installation (Electricity Package Substation)
in “Village Type Development” zone,
Government Land in D.D. 83, Tung Kok Wai,
Lung Yeuk Tau, Fanling
(RNTPC Paper No. A/NE-LYT/449)

Presentation and Question Sessions

25. 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 public utility installation (electricity package substation);
- (c) departmental comments – no adverse comment from concerned government departments was received;
- (d) two public comments were received during the first three weeks of the statutory publication period. A North District Council member supported the application as it would serve the villagers, while one member of the public objected to the application as there was similar installation at nearby Tsz Tong Tsuen and it might cause adverse health impacts on the villagers; 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 utility installation (electricity package substation) was for the provision of adequate electricity supply to the existing villages and future developments in the vicinity. The proposed electricity package

substation was small in scale (about 12m²) and was considered not incompatible with the rural character of the surrounding areas and would unlikely cause adverse environmental, landscape, drainage and traffic impacts on the surrounding areas. Regarding the local concern on the adverse health impacts on the proposed development, the Director of Health had pointed out that according to the World Health Organization, with the compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public.

26. Members had no question on the application.

Deliberation Session

27. 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 6.12.2015, 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 design and provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note of the comments of the Director of Fire Services as follows:
 - (i) emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by Buildings Department; and
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;

- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department 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 his department's standards;

- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that if land adjacent to the site was available, screen tree planting should be provided on the periphery of the site to minimize any potential impact arising from the utility structure and to enhance the existing environment; and

- (d) to note the comments of the Director of Health that according to the World Health Organization (WHO), it was important to comply with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines (1998). With the compliance with the guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. 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 public utility installation (electricity package substation).

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/377 Renewal of Planning Approval for Temporary Open Storage of Construction Materials under Application No. A/NE-TKL/311 for a Period of 3 Years until 9.12.2014 in “Agriculture” and “Village Type Development” zones, Lots 1507 S.B RP (Part), 2022 S.B RP (Part), 2036 (Part), 2037-2039, 2040 (Part), 2041 (Part) and 2042 (Part) in D.D. 76 and Adjoining Government Land, Leng Tsai, Sha Tau Kok Road, Fanling (RNTPC Paper No. A/NE-TKL/377)

Presentation and Question Sessions

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

- (a) renewal of planning approval under application No. A/NE-TKL/311 for temporary open storage of construction materials which was approved by the Committee for a period of three years until 9.12.2011 for a period of three years;
- (b) departmental comments – no adverse comment from concerned government departments was received;
- (c) two public comments were received during the first three weeks of the statutory public inspection period. One of which from a North District Council member stating no comment on the application, while the other

public commenter represented a village nearby raised objection to the application as follows:

- (i) the application site was too close to the residents. A few Small Houses under construction were in the vicinity of the application site, while some Small House applications were under processing;
 - (ii) the air quality became worse as the development used metallographic polisher to clean the surface of the construction materials at the site. It had caused a number of dust blow to the nearby residential area and this had affected residents' health; and
 - (iii) a few agricultural land near the site was still active. The application caused pollutants to the underground watercourse which affected the cleanness of the soil and harvest of the crop; and
- (d) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
- (i) the application site was the subject of five previously approved applications for the same use since 1992 with the last application (No. A/NE-TKL/311) approved by the Committee until 9.12.2011. The application generally complied with Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB-PG No. 34A) in that there were no material changes in the planning circumstances since the granting of the previous approval. All approval conditions for the application under A/NE-TKL/311 had been complied with;
 - (ii) regarding the public comments on adverse environmental impact, concerned departments had no adverse comments on the application.

To address the environmental concern, approval conditions restricting the operation hours and workshop activities as well as maintenance of peripheral fencing were recommended; and

- (iii) as the potential for agricultural rehabilitation of the application site was low, the approval of the application on a temporary basis would not frustrate the long-term planning intention of the area.

30. A Member asked whether the maintenance of the 2.5m-high boundary hoarding as required by the Director of Environmental Protection had been incorporated in the approval condition. Ms. Doris Ting replied that a 2.5m-high peripheral fencing had already been erected on the site, and it was suggested to stipulate an approval condition (e) on the maintenance of the peripheral fencing.

Deliberation Session

[Mr. K. C. Siu returned to join the meeting at this point.]

31. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 10.12.2011 until 9.12.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 6:00 p.m. and 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, as proposed by the applicant, on the application site during the planning approval period;
- (c) no workshop activities were allowed on the application site, as proposed by the applicant, during the planning approval period;
- (d) the stacking height of the materials stored within five metres of the

periphery of the site should not exceed the height of the boundary fence during the planning approval period;

- (e) the peripheral fencing and paving of the application site should be maintained during the planning approval period;
- (f) the submission of drainage proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.6.2012;
- (g) in relation to (f) above, the implementation of drainage proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.9.2012;
- (h) the submission of landscape and tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 9.6.2012;
- (i) in relation to (h) above, the implementation of landscape and tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 9.9.2012;
- (j) the submission of proposals on fire-fighting access, water supplies for fire-fighting and fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.6.2012;
- (k) in relation to (j) above, the provision of fire-fighting access, water supplies for fire fighting and fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.9.2012;

- (l) 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
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note the comments of the District Lands Officer/North, Lands Department that the owner(s) of the lots should be advised to apply to his office for Short Term Waivers (STWs) and Short Term Tenancy (STT) for the regularization of the structures erected and the illegal occupation of government land. There was no guarantee that the STWs and STT would be granted to the applicant(s). If the STWs and STT were granted, the grants would be made subject to such terms and conditions to be imposed as the Government should deem fit to do so including the payment of STWs and STT fees/rent;
- (b) to note the comments of the Director of Fire Services that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the site and building plan submission was not required, 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 locations of the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of the plans. FSIs should be provided according to the approved proposal;

- (c) 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 sewerage treatment/disposal facilities for the proposed development;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the site was located within the flood pumping gathering ground; and
- (e) 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 minimize any possible environmental nuisances.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/757 Proposed House in “Village Type Development” zone,
Lots 221 RP (Part), 500 (Part) and 511 (Part) in D.D. 187,
Hin Tin, Sha Tin
(RNTPC Paper No. A/ST/757A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house;

- (c) departmental comments – the Chief Town Planning/Urban Design & Landscape, Planning Department (CTP/UD&L, Plan D) had reservation on the application. It was considered that the proposed house was not incompatible with the surrounding village development within the “Village Type Development” (“V”) zone. However, the submitted information was insufficient to reflect the existing trees within and adjacent to the application site. While the site formation works of the proposed access outside the application site would likely affect the existing trees, there was no submission regarding the landscape impact and treatment along the access road. Information of the existing trees, including tree size, health condition and amenity value had not been submitted and the impact on landscape resources could not be fully ascertained. The landscape proposal was also inadequate. There was no information regarding landscape planning on the proposed planning area and the application site boundaries;
- (d) during the first three weeks of the statutory publication period, three public comments objecting to the application were received and were summarised below:
- (i) the Chairman of the Sha Tin Rural Committee commented that there was insufficient land available in the subject “V” zone for village type development. In view of the sheer size of the house, it was difficult to assess the real intended use of the proposed development;
 - (ii) another public comment was submitted by a group of villagers of Hin Tin Village (61 signatures). They objected to the application on grounds that it was not supported by any impact and risk assessments and some trees were felled before submission of the application. The proposed house would adversely affect the health, safety, convenience and general welfare of the community. In particular, the proposed house, covering an area of 283.28 m² was not compatible with a standard NTEH (65.03 m²) in the surrounding area. The submitted floor plans could be easily converted to columbarium use which would

cause adverse environmental, health and traffic impacts on the area;

- (iii) the third public comment was submitted by the village representatives of Sheung Keng Hau Village. The ground of objection was mainly against the potential conversion of the premises to a columbarium.
- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below:
- (i) the development scale of the proposed two-storey house did not contravene the building height restriction under the outline zoning plan, which specified that no new development should exceed a maximum building height of 3 storeys (8.23m). Besides, the development intensity of the proposed house with a plot ratio of 0.44 and a site coverage of 22% was not incompatible with the adjacent land uses which mainly comprised village houses;
 - (ii) the application site comprised agricultural lot with a portion converted into house status under the lease. The gross floor area and number of storey of the proposed house did not exceed the development parameters allowed under the lease, although the 25 feet (about 7.62 m) height restriction in the lease might need to be modified to 27 feet (about 8.23 m);
 - (iii) the proposed development of a single house with two parking spaces would unlikely create adverse traffic, environmental, drainage and sewerage impacts on the area. Regarding CTP/UD&L's concern, on the potential adverse landscape impact of the proposed house, it could be addressed by imposing a condition requiring the submission of tree preservation and landscape proposals; and
 - (iv) regarding the concerns raised by the public comment, it should be noted that the current application was for house development instead

of columbarium and an advisory clause would be included to remind the applicant that any change of use would be subject to enforcement. Given its limited scale, the proposed development would unlikely create adverse traffic, environmental, drainage and sewerage impacts on the area. Relevant government departments consulted had no objection to the application.

34. Members had no question on the application.

Deliberation Session

35. The Chairman asked whether the Director of Environmental Protection had any comments on the application for the proposed house use as it was surrounded by an open-air car park. Mr. H. M. Wong replied that the car park was indeed surrounded by many houses and the interface problem was an already existed issue. With the proposed house development, the car park would be reduced in size and gradually be phased out resulting in improvement in the environment and as such he had no objection to the application.

36. 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 6.12.2015, 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 submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Shu Tin, Lands Department (LandsD) that if planning approval to the current application (i.e. for a proposed house) was given, the lot owner would have to apply to the LandsD for lease modification to relax the height from 25 feet to 27 feet so as to implement the proposal and if the

application was approved by LandsD acting in its capacity as landlord as its sole discretion, LandsD might impose such conditions as it deemed appropriate, including, inter alia, payment of premium;

- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that for provision of water supply to the application site, the applicant might need to extend the inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards;
- (c) to note the comments of the Director of Fire Services that:
 - (i) the provision of fire service installations and water supplies for fire fighting to the satisfaction of his department. 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 (BD); and
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) and Licensing Unit, BD that:
 - (i) the permitted plot ratio and site coverage should be determined under Building (Planning) Regulations (B(P)R) 19(3) if there was no specified street under B(P)R 18A abutting the application site;
 - (ii) provision of access for the purpose of emergency vehicles, persons with disability, etc. should be further considered under the Buildings Ordinance (BO) upon building plan submission;

- (iii) Authorized Person must be appointed to coordinate all new building works in accordance with the BO and submit plans for BD's approval; and
- (iv) detailed comments on the works would be given upon submission of plans;
- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the 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; and
- (f) the approval was for house development instead of columbarium. Any change of use would be subject to enforcement action by the Planning Authority.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/767 Proposed Two Houses in "Village Type Development" zone,
Lot 429 in D.D. 177, Lok Lo Ha Village, Sha Tin
(RNTPC Paper No. A/ST/767)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed two houses;
- (c) departmental comments – no adverse comment from concerned government departments was received;
- (d) seven public comments were received during the first three weeks of the statutory publication period. A Sha Tin District Council Member supported the application on the grounds that the village representatives had been consulted and they supported the application. Six villagers of Lok Lo Ha objected to the application on the grounds that there were insufficient supporting facilities (such as car parks and places for leisure and recreational uses); the proposed development would induce adverse landscape impact and slope safety problem; the existing footpath was narrow and the drainage capacity could not cater for the proposed development; and the proposed houses would affect the ‘fung shui’ of the Lok Lo Ha Village; and
- (e) the Planning Department (PlanD)’s views –PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below:
 - (i) the development scale of the houses, i.e. each of 2 storeys and one cockloft with a building height of 7.55m, did not contravene the restrictions under the outline zoning plan which specified that no new development should exceed a maximum building height of 3 storeys (8.23m). The proposed building bulk and height of the development were considered not incompatible with the surrounding village environment;
 - (ii) the total gross floor area (GFA) of 252.76m² (excluding a total area of 56.37m² for the cocklofts) under application did not exceed the development parameter allowed under the lease. Nevertheless, Chief Building Surveyor/New Territories East, Buildings Department

advised that cockloft was generally accountable for GFA calculation. With cocklofts included, the total GFA of the proposed development would amount to 309.13m², which might require a fresh planning application. In this regard, an approval condition and an advisory clause on the GFA requirement were recommended; and

- (iii) regarding the concerns of the public comments, it was considered that the proposed development would not impose significant impacts on the surrounding area nor overstrain the capacity of existing and planned infrastructure. Relevant government departments consulted had no adverse comments on or no objection to the application.

39. Members had no question on the application.

Deliberation Session

40. 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 6.12.2015, 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 two houses were subject to a total Gross Floor Area (GFA) of not more than 252.76m²;
- (b) the submission and implementation of landscaping proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the submission of a Geotechnical Planning Review Report and implementation of the necessary geotechnical remedial works identified therein, in respect of the slopes adjacent to the application site to the

satisfaction of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB; and

- (e) the design and provision of sewage treatment facilities/sewer connections to the application site to the satisfaction of the Director of Environmental Protection or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Shu Tin, Lands Department that lease application for the proposed development should be made to the Lands Department (LandsD). However, LandsD acting in the landlord capacity had no obligation to approve such application;
- (b) to note the comments of the Chief Building Surveyor/New Territories East, Buildings Department that as the site did not abut a “Specified Street” of not less than 4.5m wide, the development intensity (i.e. plot ratio and site coverage) should be subject to determination under Building (Planning) Regulations 19(3) upon formal submission of building plan. The cocklofts were accountable for GFA. The proposal should be provided with emergency vehicular access, site access and means of escape to street, and might need to be resolved with Fire Services Department and LandsD;
- (c) to note that if the total GFA of the proposed houses exceeded 252.76m², a fresh planning application might be necessary;
- (d) 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;
- (e) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that public sewerage connection was available at Lok Lo Ha Village for connection to the application site. Relevant drainage record plan was attached at Drawing A-11 of the Paper. It should be

noted that information shown on the record drawing was subject to verification on site and no guarantee could be given that this was a complete record. The applicant and/or his Authorised Person (AP) should verify the actual site conditions by sub-surface explorations. In the event that the lot owner/AP required to construct a new sewerage connection under the development, Form HPB1 should be submitted to the Drainage Services Department. Moreover, the lot owner/AP should obtain the consent of relevant owners and/or maintenance parties when constructing/connecting to the drainage systems outside the lot, no matter the drainage system was on government or private land;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that clarification on boundary treatment for the proposed development with visual illustrations should be provided to demonstrate that the proposed development would not have adverse visual impact on the surrounding areas;
- (g) to note the comments of the Chief Engineer/Development (2), Water Services Department that the existing water mains within the site would be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development. Subject to availability of alignment for necessary water main diversion, if it was not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the centreline of the water main shown on Plan A-2 of the Paper, and no structure should be erected over this waterworks reserve and such area should not be used for storage purposes; and
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:

- (i) 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 published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
- (ii) 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; and
- (iii) 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 the electricity supply lines.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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/429B)

Presentation and Question Sessions

42. 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 – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the planning application from agricultural point of view as the site had high potential of rehabilitation for agricultural activities. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application as there were concerns that the excavation required during site formation would damage the roots zones of the two trees, *Celtis sinensis* (朴樹) and *Macaranga tanarius* (血桐) near the application site;
- (d) one public comment from Designing Hong Kong Limited was received during the first three weeks of the statutory publication period. It objected to the application as the site fell within the “Agriculture” (“AGR”) zone without a sustainable village layout plan and the approval of the application would adversely affect the environment of the surrounding areas; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the application was 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 House had more than 50% of the footprint falling within the village ‘environs’ . 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;

- (ii) the site was located within the water gathering ground (WGG). As advised by Chief Engineer/Project Management, Drainage Services Department, public sewers were planned in the area to the south of the site under the Project 4332 DS, 'Lam Tsuen Valley Sewerage', and it was technically feasible for the applicant to extend his sewer to the nearest connection point of the proposed sewerage system;
- (iii) regarding CTP/UD&L's concern on the landscape impact of the proposed Small House, the applicant would be advised to avoid direct impacts on the trees and to seek professional advice for tree works. It was also recommended to stipulate an approval condition requiring the applicant to submit and implement landscape proposal; and
- (iv) regarding the concern raised by the public comments on the adverse impact of the proposed Small House on the environment, it was considered that the proposed Small House generally complied with the Interim Criteria and the approval of the subject application would be in line with the previous decisions of the Committee on Small House application.

43. Members had no question on the application.

Deliberation Session

44. In response to the Chairman's enquiry, Ms. Lisa Cheng advised that the two trees *Celtis sinensis* (朴樹) and *Macaranga tanarius* (血桐) were outside the application site boundary.

45. 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 6.12.2015, 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;
- (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 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.

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

- (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) the applicant was required to 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 lot(s) concerned 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 Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that direct impacts on the trees should be avoid and the applicant should seek professional advice for tree works before carrying out any site formation works;
- (f) to note the comments of the Director of Environmental Protection that the applicant should take up full ownership, construction and maintenance responsibility 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;
- (g) to note the comments of the Commissioner for Transport that the existing village access nearby was not under his management. The applicant should check with the lands authority on the land status of the village access and clarify with the management and maintenance authorities on the management and maintenance responsibilities of the village access accordingly;
- (h) 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 Lands Department (LandsD);
- (i) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department to make necessary submissions to the District Lands Officer/Tai Po (LandsD) to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in Practice Notes for Authorized Persons (PNAP) APP56. If such exemption was not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or

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

- (i) 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 published by PlanD, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) 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; and
 - (iii) 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/or his contractors when carrying out works in the vicinity of electricity supply lines; and
- (k) to note that 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 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/437 Proposed Filling of Land for Five Houses
(New Territories Exempted Houses – Small Houses)
in “Agriculture” and “Village Type Development” zones,
Lots 63 S.A, 63 S.B, 63 S.C, 63 RP (Part), 64 S.A, 64 S.B, 64 S.C,
64 S.D, 64 S.E, 64 S.F, 64 RP (Part) and 66 (Part) in D.D. 8,
Shui Wo Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/437)

Presentation and Question Sessions

47. The Secretary reported that Ms. Anna S. Y. Kwong declared an interest in this item as she had current business dealings with the Arthur Yung & Associates Company Limited, one of the consultants of the application. The Committee noted that Ms. Kwong had tendered an apology for being not able to attend the meeting.

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

- (a) the applicant was to seek planning permission for filling of land with an average filling level of about 2m for constructing of 1 to 4m-high retaining wall for development of five houses (NTEHs) at the platform at 78 mPD;
- (b) the proposed filling of land for five houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site, which was partly within the “Agriculture” (“AGR”) zone, had high potential of rehabilitation for agricultural activities;

- (d) one public comment was received during the first three weeks of the statutory publication period. The public comment was against the application on the grounds of traffic and infrastructural impacts arising from an increase of house developments in the area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below:
 - (i) the site fell within the “AGR” and “Village Type Development” (“V”) zones on the Outline Zoning Plan and planning permission was only required for proposed filling of land in the portion zoned “AGR”. The application site was at about 73.5 to 78 mPD in a low-lying area with no significant vegetation. The applicant pointed out that the works were required for slope stabilization and site formation for the proposed development and the size of the platform was the minimum size required. In this regard, CTP/UD&L had no comment on the application from the urban design and landscape planning perspective;
 - (ii) regarding DAFC's comment, it was noted that the proposed filling of land for site formation was mainly confined to the “V” zone and only about 26.3 m² (i.e. about 2.3% of the site) of site formation works area fell within the “AGR” zone. Hence, the impact on the agricultural land and its vicinity would be minimal. Other relevant government departments had no adverse comment/objection to the application; and
 - (iii) as regards the public comment, it should be noted that the proposed five houses in the application were permitted as of right within the “V” zone, where land was considered suitable for development of Small Houses by indigenous villagers.

49. Members had no question on the application.

Deliberation Session

50. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.12.2015, 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 implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) the applicant should resolve any land issue relating to the development with the concerned owners of the application site;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department that consent from the affected private lot owners of adjoining lots should be obtained if the proposed site formation work and retaining wall would be undertaken outside the lot boundaries;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that proper stormwater drainage system should be provided to the satisfaction of his office to intercept all stormwater falling onto the concerned lots and flowing towards these lots from adjoining areas, to convey the runoff to proper discharge point and to maintain the drainage system properly, to rectify the system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system. The applicant should also note the

detailed comments on the drainage aspect of the proposed development in Appendix II of the Paper;

- (d) to note the comments of the Chief Engineer/Project Management, DSD that the future connection point of the public sewerage system was on the eastern side of the site at 73.8 mPD as shown on Plan A-2 of the Paper and the applicant should plan his sewerage system for easy future connection. For detailed information, the applicant might contact his Consultant, Ove Arup & Partner at Tel. No. 2268 3404;
- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicant/contractor should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant/contractor should carry out the following measures:
 - (i) 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;
 - (ii) 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 contractor when carrying out works in the vicinity of the electricity supply lines; and
- (f) to note that 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 14

Section 16 Application

[Open Meeting]

A/NE-LT/438 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lots 258 S.A ss.2 and 258 S.C in D.D. 8, Tai Mong Che,
Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/438)

52. The Secretary reported that on 25.11.2011, the applicant requested for deferment of the consideration of the application for one month in order to allow time for the applicant to resolve issues on the sewerage connection for the proposed house.

53. 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 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/440 Proposed Four Houses
 in “Agriculture” and “Village Type Development” zones,
 Lots 1583, 1584, 1585, 1586, 1587, 1588, 1589 and 1590 in D.D. 10,
 Ng Tung Chai, Lam Tsuen, Tai Po
 (RNTPC Paper No. A/NE-LT/440)

54. The Secretary reported that on 5.12.2011, the applicant requested for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address comments from government departments.

55. 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 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

Further consideration of Application No. A/NE-TK/365
Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Government land in D.D. 27, Sha Lan Village, Tai Po
(RNTPC Paper No. A/NE-TK/365A)

Presentation and Question Sessions

56. 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 – the application had been considered by the Committee on 19.8.2011. Members noted that the application site, which was previously covered with vegetation, had recently been cleared of vegetation and paved with concrete and the slope profile had also been disturbed. After deliberation, the committee decided to defer a decision on the application as requested by the Planning Department in order to allow more time for investigation on the recent site formation/clearance works undertaken on the application site to ascertain whether any unauthorised development was involved that might constitute an abuse of the planning application process;
- (b) further consideration of the proposed house (New Territories Exempted House – Small House);
- (c) the suspected unauthorised development was forwarded to Chief Town Planner/Central Enforcement & Prosecution, Planning Department (CTP/CEP, PlanD) and District Lands Officer/Tai Po, Lands Department (DLO/TP, Lands D) for investigation. The CTP/CEP, PlanD and the DLO/TP, LandsD noted that while part of the site and the adjoining area were cleared of vegetation and paved with concrete, a small portion of the site was still covered with vegetation. They both believed that the vegetation clearance and the stretch of concrete laid on the application site were likely to be associated with the construction works undertaken for the two Small Houses (No. 248 and 249) within the “Village Type Development” (“V”) zone. These two Small Houses were located to the south and southeast of the application site. There was no evidence that the site formation/clearance works were carried out by the applicant nor that there was prima facie evidence to indicate that the unauthorised development was of such a nature that it might constitute an abuse of the planning application process;

- (d) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 4 of the Paper which were summarised below:
- (i) the investigation of the suspected unauthorised development on site found that there was no evidence indicating that the applicant was involved in undertaking the unauthorised works. Evidence on site suggested that construction of Small Houses in the vicinity of the “Green Belt” (“GB”) zone had encouraged encroachment of the vegetated slopes which had affected an area larger than the application sites and required site formation works involving cutting of slopes, possible felling of trees and clearance of vegetation. Such site formation works could cause adverse landscape impacts on the natural vegetated slopes within “GB” zone;
 - (ii) the CTP/UD&L of PlanD objected to the application and pointed out that the site had recently been cleared of vegetation and paved over and the slope profile had been disturbed. In this regard, the applicant had not provided any information in the submission on the extent of slope works required, whether the vegetated area outside the site boundary would be affected and how the adverse impact could be mitigated. CTP/UD&L, PlanD also raised concern on the approval of this application as it would encourage similar Small House applications encroaching onto the “GB” zone, resulting in uncontrolled urban sprawl and degradation of existing landscape resources in the area;
 - (iii) the proposed development on land entirely within the “GB” zone was considered not in line with the planning intention of the 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 as the proposed Small House would involve vegetation clearance and site formation works. There was also a general presumption against development within the “GB” zone. The proposed NTEH/Small House development did not meet the

Interim Criteria for Consideration of Application for NTEH/Small House development in New Territories (Interim Criteria) and did not comply with the Town Planning Board Guidelines for Application for Development within “GB” zone in that the proposed development and associated site formation works would cause adverse landscape impacts on the surrounding environment. Approval of the application would encourage similar Small House applications encroaching onto the remaining green natural slope that had significant landscape value; and

- (iv) the current application was similar to the Applications No. A/NE-TK/280 and 306, which were rejected by the Board, in that the application sites were entirely within the “GB” zone and located on similar terrain level and close to the steep natural hillsides covered with trees.

57. Members had no question on the application.

Deliberation Session

58. In response to the Chairman’s enquiry, Ms. Lisa Cheng advised that, with reference to aerial photos taken in 2009 as shown in Plan FA-3 of the Paper revealed that the site and its surrounding area were a piece of sloping vegetated land. Sign of vegetation clearance was observed at the locality of the site from the aerial photo taken in 2010. As shown in the latest aerial photo taken in May 2011 (Plan FA-3 of the Paper), there were site formation works on the two NTEH sites (No. 248 and 249) within the “V” zone and the immediate surrounding area of the site had been cleared up (including the application site) and a stretch of land had been paved with concrete. As such, it was believed that the vegetation clearance and the stretch of concrete laid on the application site was likely to be associated with the construction works undertaken for the two Small Houses (No. 248 and 249) within the “V” zone located to the south and southeast of the application site.

59. In response to a Member’s query, Ms. Lisa Cheng said that the Houses No. 248 and 249 were within the “V” zone and planning permissions for these houses were not required. Regarding the proposed Small House under applications No. A/NE-TK/300 and

320, they were approved by the Committee on 5.3.2010 and 24.9.2010 respectively mainly on consideration that the sites met the Interim Criteria, and although the sites were located at the bottom of a natural hillside, there was no existing tree on the sites. Regarding the proposed Small House under Applications No. A/NE-TK/280 and 306, they were rejected by the Committee/the Board on review on 11.9.2009 and 11.6.2010 respectively for the reasons of being not in line with the planning intention of the “GB” zoning, causing adverse landscape impact and setting undesirable precedent.

60. A Member noted that there was no evidence to demonstrate that the clearance of vegetation was done by the applicant. However, this Member considered that the application could not be supported as the site was at the fringe of the densely vegetated slope. The construction of the proposed Small House on the application site would likely involve cutting of slopes/building of raised platform and the associated works activities that would cause adverse impacts on the surrounding natural slopes. Members agreed.

61. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 5.1 of the Paper and considered that they were appropriate. The reasons were :

[Dr. W.K. Lo arrived to join the meeting.]

- (a) the proposed development was not in line with the planning intention of the “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. The applicant failed to provide information in the submission to justify a departure from this planning intention;
- (b) the application did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories and the Town Planning Board Guidelines for Application for Development within “GB” zone in that the proposed development would involve clearance of vegetation and site formation works that could cause

adverse impacts on the surrounding natural landscape; and

- (c) 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 a general degradation of the environment and landscape quality of the area.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/372 Proposed House (New Territories Exempted House – Small House)
 in “Green Belt” zone,
 Lot 550 in D.D. 28 and Adjoining Government Land,
 Tai Mei Tuk, Tai Po
 (RNTPC Paper No. A/NE-TK/372)

Presentation and Question Sessions

62. 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 – Small House) ;
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site was outside the “Village Type Development” (“V”) zone and the village ‘environs’ of Lung Mei/Wong Chuk Tsuen & Tai Mei Tuk. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application since the site fell within the “Green Belt” (“GB”) zone which was a wooded area. Development of the proposed Small House would

require tree felling/trimming on the edge of a woodland. The Commissioner for Transport (C for T) advised that he had reservation on the application. He considered that such type of development should be confined within the “V” zone as far as possible. Notwithstanding, as the subject application only involved construction of a Small House, he considered that the application could be tolerated unless it was rejected on other grounds. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as there were several mature woodland trees in good condition within and adjacent to the site and the proposed Small House development required tree felling. Therefore, significant impact on landscape resources was anticipated. The accumulative effects of similar developments would result in urban sprawl and further degradation of landscape quality;

- (d) one public comment from Designing Hong Kong Limited was received during the first three weeks of the statutory publication period. It objected to the application for the reasons that the area was zoned “GB”; the zoning intention and character of the area were incompatible with urban sprawl; and the area lacked a plan for a sustainable layout of infrastructure and 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. The proposed development was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. Although there was a general shortage of land in meeting the future Small House demand in the concerned villages, 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 (the Interim Criteria) as the site was entirely outside the “V” zone and the village ‘environs’ of any recognised villages. As no similar planning application for Small

House development outside the “VE” had been approved in the vicinity, approval of the application would set an undesirable precedent for other similar applications in the area. Moreover, the DAFC had reservation on the application from tree preservation point of view and the CTP/UD&L of PlanD objected to the application from landscape planning point of view both raising concerns on the adverse impacts caused by the proposed development on the subject “GB” zone.

63. Members had no question on the application.

Deliberation Session

64. 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” 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;
- (b) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories as more than 50% of the footprint of the proposed Small House was outside the “Village Type Development” zone and the village ‘environs’ of any recognised villages; and
- (c) the approval of the application would set an undesirable precedent for other similar applications in the area.

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

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

Tuen Mun and Yuen Long District

Agenda Item 18

Section 12A Application

[Open Meeting]

Y/YL-TT/2 Application for Amendment to the
Draft Tai Tong Outline Zoning Plan No. S/YL-TT/15 from
“Agriculture” and “Open Storage” to “Village Type Development”,
Various Lots in D.D. 117 and Adjoining Government Land,
Tai Tong, Yuen Long
(RNTPC Paper No. Y/YL-TT/2)

65. The Secretary reported that Ms. Anna S. Y. Kwong and Mr. Stephen Yip declared an interest in this item as they had current business dealings with the Environ Hong Kong Limited., one of the consultants of the application. The Committee noted that Ms. Kwong and Mr. Yip had tendered an apology for being not able to attend the meeting.

Deliberation Session

66. The Secretary reported that on 18.11.2011, the applicant requested for deferment of the consideration of the application for two months in order to allow time for the applicant to address departmental comments on the application.

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

be granted unless under very special circumstances.

[Mr. C.C. Lau, Mr. K.C. Kan, Mr. Vincent T.K. Lai and Mr. Ernest C.M. Fung, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/422 Proposed Flats (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/422A)

Presentation and Question Sessions

68. The Secretary reported that Mr. Stephen Yip declared an interest in this item as he had current business dealings with the Environ Hong Kong Limited., one of the consultants of the application. Ms. Anna S. Y. Kwong also declared an interest in this item as she had current business dealings with the Environ Hong Kong Limited and BMT Asia Pacific Limited., consultants of the application. The Committee noted that Ms. Kwong and Mr. Yip had tendered an apology for being not able to attend the meeting.

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

- (a) background to the application;

- (b) the proposed development was for a block of 21-storey government staff quarters providing 140 flats for staff of Fire Services Department, Immigration Department, Customs and Excise Department and Correctional Services Department;

- (c) departmental comments – no adverse comment from concerned government departments was received;
- (d) during the first three weeks of the statutory public inspection period, which ended on 16.8.2011, eight public comments were received. Their comments were summarised below:
 - (i) a member of Tuen Mun District Council (TMDC) objected to the application on the grounds that the 21-storey development would create wall effect and have adverse impacts on the nearby residential developments. She requested for a reduction in the building height of the proposed development;
 - (ii) the Mass Transit Railway (MTR) Corporation commented that the site was in close proximity to the West Rail and the Light Rail and their noise generation would be of concern. MTR Corporation requested the applicant to assess and evaluate the potential noise nuisance from rail operation of the two rails to future tenants and to incorporate and implement adequate noise mitigation measures at the proposed development in order to meet DEP's noise limit; and
 - (iii) the remaining six individual commenters either strongly objected or had adverse comments on the application. Their main concerns were that the proposed development would have adverse air ventilation and visual impacts on the nearby residential developments; it would create and worsen wall effect in the area; there was a lack of community facilities, shopping centres and eating places in the area; government complex, shopping centres, recreational facilities, library and parks were required instead of a government staff quarters; and the increase in population in the area would add pressure on the existing infrastructure, create traffic problems and worsen the problem of lack of public recreation facilities in the area.

- (e) On 18.10.2011, further information was received and was required to be published for public inspection. During the first three weeks of the public inspection period which ended on 8.11.2011, one public comment from the Incorporated Owners of Siu Hong Court was received. While appreciating the landscape enhancement to the area, it suggested that the colour scheme and finishing materials of the proposed development should match with the surrounding area; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below:
 - (i) the site was zoned “Residential (Group E)” (“R(E)”) zone on the Outline Zoning Plan (OZP). The “R(E)” zone was intended for a government quarters development with the provision of environmental mitigation measures. The zoning was to facilitate appropriate planning control over the scale, design and layout of development, taking account of various environmental constraints. The proposed development for government quarters is in line with the use intended for this site. The proposed development with an overall building height not exceeding 70mPD and GFA of 9,875m² also complied with the building height and gross floor area restrictions stipulated on the OZP for the site;

 - (ii) the site was located in an area predominantly occupied by GIC uses and residential developments. The site was previously occupied by the staff quarters for the Fire Services Department which was also 21-storey (about 68mPD) in height. The proposed development with a building height of 69.9mPD was considered not incompatible with the surrounding land uses. In this regard, the Chief Architect/Advisory & Statutory Compliance Division, Architectural Services Department and the Chief Town Planner/Urban Design and Landscape, Planning Department had no adverse comment on the proposed development from the visual and urban design perspective;

- (iii) the proposed development was considered acceptable in environmental, traffic and visual terms. The Director of Environmental Protection had no objection to the application as practical noise mitigation measures such as use of setback from Tuen Mun Road, and provision of a 5.7m-high feature wall and double glazing windows to alleviate the road traffic noise impact had been adopted. Buffer distances would also be provided between the proposed air sensitive uses and the nearby roads in accordance with the Hong Kong Planning Standards and Guidelines. To reduce the potential visual impact of the western façade, the applicant had proposed additional external elements, including landscaping and additional fenestrations. The applicant also proposed vertical greening elements to soften the noise barrier. In this regard, CTP/UD&L, PlanD considered that with the proper implementation of the proposed landscaping by way of approval condition, there would not be any adverse visual impact arising from the proposed development; and
- (iv) regarding the public comments, various environmental mitigation measures had been adopted and concerned departments had no objection to the application. Besides, there were no major changes in the nature of use and development bulk as compared with the former government staff quarters at the site.

70. Members had no question on the application.

Deliberation Session

71. A Member suggested to add an advisory clause to remind the applicant that markings should be added on the glass wall of the proposed noise barrier to be provided on the site. This would help to prevent birds flying onto the glass wall. Members agreed.

72. 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 6.12.2015, 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 landscape master plan to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of emergency vehicular access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of the Fire Services or of the TPB;
- (c) the design and provision of parking facilities and loading/unloading spaces for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the design and implementation of the improvement works to the access road to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the submission and implementation of drainage proposal for the proposed development to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the design and provision of gas risk mitigation measures to the satisfaction of the Director of Electrical and Mechanical Services or of the TPB; and
- (g) the design and provision of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB.

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

- (a) to add markings onto the glass wall of the noise barrier to prevent the collision of birds onto the glass wall;

- (b) to note the comments of the Commissioner for Transport as follows:
 - (i) any revised car parking provision for residential car park due to operational need should be supported by the client departments; and
 - (ii) if it was the intention of the applicant to improve the existing access road, attention should be drawn to the steep gradient, narrow width and small turning radii of the short section of the access road. Consideration should be given to the access of heavy goods vehicles to and from the development and appropriate road improvement measures should be included as necessary;

- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) as follows:
 - (i) the applicant was responsible for his own access arrangement;
 - (ii) if any run-in/out was approved by the Transport Department, the applicant should construct it according to HyD Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, to match the existing pavement condition. In addition, adequate drainage measures should be provided at the entrance to prevent surface water flowing out from the lot onto the public road/footpath via the run-in/out; and
 - (iii) the applicant should ensure that his proposed drains to be laid under the public roads in the vicinity of the site should comply with the minimum cover requirements for utilities as stipulated in HyD Technical Circular No. 3/90;

- (d) to note the comments of the Director of Fire Services as follows:
 - (i) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from

relevant licensing authority; and

- (ii) the emergency vehicular access provision should comply with the standard stipulated in Part VI of the “Code of Practice for Means of Access for Fire Fighting and Rescue” under the Building (Planning) Regulation 41D.
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department as follows:
- (i) direct public stormwater drainage connection for the development was not available. The applicant should arrange his own stormwater disposal facilities to cater for rain water falling on or flowing to his site to his satisfaction; and
 - (ii) direct public sewerage connection for the site was not available according to drainage record plan.
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that replacement and rehabilitation of watermains were carrying out within the WSD’s land allocation adjacent to the site. The applicant could contact WSD for details of the waterworks; and
- (g) to note the comments of the Government Property Administrator (GPA) that the proposed project to construct government staff quarters at the subject site, including the number and grade mix of quarter units to be constructed, the number and space requirement of facilities such as carparking space to be provided etc., was subject to GPA’s endorsement.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/223 Renewal of Planning Approval for Temporary Open Public Vehicle Park (Private Car Only) under Application No. A/TM-LTY Y/193 for a Period of 2 Years in “Residential (Group C)” zone, Lots 1141 RP (Part), 1142 S.A RP , 1143 RP (Part), 1147 RP (Part) in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun (RNTPC Paper No. A/TM-LTY Y/223)

Presentation and Question Sessions

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

- (a) renewal of planning approval for temporary open public vehicle park (private car only) under application No. A/TM-LTY Y/193 which was approved by the Committee on 18.12.2009 until 18.12.2011 for a period of two years;
- (b) departmental comments – no adverse comment from concerned government departments was received;
- (c) one public comment was received during the first three weeks of the statutory publication period. A Tuen Mun District Councillor did not support the application on the ground that the continued parking of vehicles would generate noise and affect the residents; and
- (d) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of two years based on the assessments set out in paragraph 12 of the Paper which were summarised below:

- (i) the site fell within an area zoned “Residential (Group C)” which was primarily for low-rise, low-density residential developments. Although the temporary development was not a residential development, it could serve to meet some of the vehicle parking demand in the area. As there was no proposed residential development at the site for the time being, the approval of the temporary development for a period of two years would not jeopardize the long-term planning intention for the site;
- (ii) the application was in line with the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) in that there had been no material change in the planning circumstances since the previous approval and the approval conditions of the previous application had been complied with. Furthermore, the two-year approval period sought was of the same length as the previous approved application;
- (iii) the proposed temporary vehicle park for parking of private cars was not expected to generate excessive environmental nuisance and all the government departments consulted had no objection or adverse comment on the application;
- (iv) the site was the subject of three previous approved applications for temporary open public vehicle park. Approving the application was in line with the previous decisions of the Committee; and
- (v) to address the concern raised by the public comments on the adverse noise impact of the applied use, approval conditions on restricting the operation hours and prohibiting medium and heavy goods vehicles and coaches were recommended.

75. Members had no question on the application.

Deliberation Session

76. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years from 19.12.2011 to 18.12.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no car washing, repairing, dismantling and workshop activities should be undertaken within the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance, or coach, was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance, or coach, was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (f) the existing 2.5m-high solid fence at the northern and western boundary of the application site should be maintained at all times during the planning approval period;
- (g) the existing trees and landscape planting on the application site should be maintained at all times during the planning approval period;

- (h) the car park layout and vehicular access arrangement accepted by the Commissioner for Transport should be maintained at all times during the planning approval period;
- (i) the site was next to an archaeological excavation for construction of Kong Sham Western Highway. Architectural features and artifacts of the Qing Dynasty were discovered. As the site was of archaeological potential, no excavation should be undertaken without prior written approval from the Antiquities and Monuments Office, Leisure and Cultural Services Department;
- (j) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (k) in relation to (j), the submission of record photos demonstrating satisfactory maintenance of the drainage facilities within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.6.2012;
- (l) the provision of the accepted fire service installations on the application site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2012;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) 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 conditions (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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the temporary development with the concerned landowner;
- (b) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that according to his recent site inspection, three structures with a total built-over area of 16.2m² were found erected on Lots 1143 RP and 1147 RP in D.D. 130 and the adjoining government land. The owners of Lots 1143 RP and 1147 RP in D.D. 130 would need to obtain a Short Term Waiver (STW) from his office for erection of the structures on the lots and the occupier was required to obtain a Short Term Tenancy (STT) from his office for occupation of the government land. There was no guarantee that the STW and STT applications would be approved and he reserved his comment on such. The applications would be considered by the LandsD acting in the capacity as the landlord at its sole discretion. In the event that the STW and STT applications were approved, they would be subject to such terms and conditions as the Government should deem fit to do so, including charging of waiver fee and tenancy rent, deposits and administrative fee;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that for any unauthorized building works (UBW) erected on leased land, enforcement action might be taken by the Buildings Authority to effect their removal in accordance with the BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the Buildings Ordinance. The applicant should also note other comments as detailed in the Paper;

- (d) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (e) to note the comments of the Director of Environmental Protection that in view of the public comment, the applicant was requested to liaise with the relevant commenter to address his concerns and it was prudent to consider selecting another location for the use to avoid environmental nuisance to the public; and
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that root collars of existing trees were observed being covered by concrete, which restricted the root growth and could adversely affect the tree health. In order to enhance the growing environment for the trees, the concrete surface at 1m surrounding the tree trunks was recommended to be broken up.

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/358 Renewal of Planning Approval under Application No. A/YL-PS/315
for Temporary Cultivation Ground for a Period of 2 Years
in “Comprehensive Development Area”, “Open Space”
and “Residential (Group A) 2” zones,
Government Land near Aster Court in Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-PS/358)

Presentation and Question Sessions

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

- (a) renewal of planning approval under application No. A/YL-PS/315 for temporary cultivation ground, which was approved by the Committee on 29.12.2010 until 29.1.2012, for a period of two years;
- (b) departmental comments – no adverse comment from concerned government departments was received;
- (c) one public comment from the Chairman of Incorporated Owners of Beauty Court was received during the first three weeks of the statutory publication period. The commenter objected to the renewal application and requested the Government to implement the open space on the subject site for local residents as early as possible; and
- (d) the Planning Department (PlanD)'s views –PlanD considered that the temporary use could be tolerated for a period of two years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) a majority of the site (78.6%) fell within an area zoned “Open Space” (“O”) on the outline zoning plan (OZP) and the Director of Leisure and Cultural Services (DLCS) had no objection to using the site for a proposed temporary cultivation ground for two years. There was also no known development proposal concerning the portions of the site falling within the “Residential (Group A)” (“R(A)”) (20.3%) zone and “Comprehensive Development Area” (“CDA”) zone (2.2%) on the OZP. As such, granting approval to the application on a temporary basis would not frustrate the long-term planning intention of the subject “O”, “R(A)” and “CDA” zones;
 - (ii) the application was in line with the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance

with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) in that there had been no material change in the planning circumstances since the previous temporary approval was granted; there were no adverse planning implications arising from the renewal of the planning approval; all the planning conditions under the previous approval had been complied with; and the approval period sought (i.e. 2 years) was considered reasonable;

- (iii) the development, which was mainly for recreational hobby farming was not incompatible with the surrounding medium-rise residential developments. In view of the nature of the development, it was unlikely that the development would create significant adverse environmental, drainage and landscape impacts on the surrounding areas; and
- (iv) regarding the public comment on the delay to the implementation of the subject "O" zone, it should be noted that there was currently no development programme for the subject open space and the Director of Leisure and Cultural Services had no in-principle objection to grant temporary approval to the application.

79. Members had no question on the application.

Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years from 30.1.2012 to 29.1.2014, 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 5:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no public announcement system, loudspeaker or any form of audio

amplification system, as proposed by the applicant, was allowed to be used on the site at any time during the planning approval period;

- (c) the existing landscape planting on the site should be maintained at all time during the planning approval period;
- (d) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) the submission of the condition record of the existing drainage facilities on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.7.2012;
- (f) the submission of fire service installation proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.7.2012;
- (g) in relation to (f) above, the provision of fire service installations proposed within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.10.2012;
- (h) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of

Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the tenancy area under Short Term Tenancy No. 2368 was about 5,380m² which was different from that stated in the application form;
- (b) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any possible environmental nuisances;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should provide adequate drainage measures along the site boundary to prevent surface water flowing from the site onto the nearby public footpaths and drains;
- (d) to note the comments of the Director of Leisure and Cultural Services that the Short Term Tenancy would have to terminate without compensation when the Yuen Long District Council would decide kicking off the development programme of the planned open space at the site and the applicant should exercise every effort to ensure the access, daily operation and users of the Hung Tai Road Sitting-out Area (GLA-TYL 503) to the south-west of the site would not be obstructed or affected;
- (e) to note the comments of the Director of Fire Services (D of FS) that the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval. In formulating FSIs proposal for the proposed structures, the applicant should make reference to the requirements that for other storages, open sheds or enclosed structure with a total floor area of less than 230m² and with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliances should be provided as required

by occupancy and should be clearly indicated on plans. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should be clearly marked on the layout plan. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed in the above, the applicant was required to provide justifications to D of FS for consideration;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing on the site and BD was not in a position to offer comments on their suitability for the use related to the renewal application. The applicant should note that if the existing structures were erected on leased land (or on land with a tenancy granted by the Government) without the approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the renewal application. Before any new building works, including any temporary structures, were to be carried out on the site, prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For any UBW erected on leased land (or on land with a tenancy granted by the Government), 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 constructed as an acceptance of any existing building works or UBW on the site under the BO; and
- (g) to liaise with Incorporated Owners of Yuen Long Beauty Court explaining the development proposal and addressing their concerns.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/359 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 983 S.A RP (Part) in D.D. 122, Fung Chi Tsuen, Yuen Long
(RNTPC Paper No. A/YL-PS/359)

Presentation and Question Sessions

82. The Secretary reported that Ms. Anna S. Y. Kwong declared an interest in this item as she had current business dealings with the Toco Planning Consultants Limited, the consultant of the application. The Committee noted that Ms. Kwong had tendered an apology for being not able to attend the meeting.

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application. He commented that the site was located at the fringe of the “Green Belt” (“GB”) and bounded by a cluster of village houses to the north and tree groups to the south. He also noted that the surrounding “GB” environment had been encroached by village type development with rural fringe landscape character. He considered that the approval of the application would set an undesirable precedent resulting in the deterioration of the “GB” zone;
- (d) no public comment was received during the first three weeks of the

statutory publication period and no local objection/view was received by the District Officer (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 13 of the Paper. There was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone. In this regard, sympathetic consideration might be given to the application according to the Interim Criteria for Consideration of Planning Applications for NTEH/Small House development in the New Territories. The application was in line with Town Planning Board Guidelines for Application for Development within the Green Belt Zone (TPB PG-No. 10) as the proposed NTEH development was to meet the Small House demand and was not incompatible with the surrounding environment. The proposal also did not involve extensive clearance of existing natural vegetation. As only one house was involved, significant impact on the road capacity and other infrastructure or government, institution or community provision was also not expected. Regarding CTP/UD&L's comments, it was noted that the site was generally formed with little vegetation, and the two existing trees within the site would be retained as proposed by the applicant. The Committee approved a total of six applications for Small House developments in 1998 and 1999. Approval of the current application was therefore in line with the Committee's previous decisions.

84. Members had no question on the application.

Deliberation Session

85. 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 6.12.2015, 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 of landscape and tree preservation proposal prior to site clearance and implementation of the approved 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;
- (c) the design and provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the diversion of the existing water mains at the site to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) to note the comments of the Director of Agriculture, Fisheries and Conservation that the *Livistona chinensis* (蒲葵) on site was being used by some bats of common species as roosting site and the applicant should adopt good site practices and implement necessary tree protection measure(s) in order to protect the retained trees (including their roots and crowns) during the construction works of the proposed development;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that he would consider the Small House application submitted by the land owner of the subject lot. His office acting in the capacity as landlord might approve the Small House application at its discretion and if such approval was granted, it would be subject to the terms and conditions including the payment of administrative fee, as imposed by his office;
- (c) to note the comments of the Chief Building Surveyor/New Territories West,

Buildings Department (BD) that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance (BO) and Authorized Person must be appointed for the site formation and communal drainage works;

- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should ensure the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent area. The applicant should also seek consent from the relevant owners for any works to be carried out outside the site before commencement of the drainage works;
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that existing water mains would be affected by the proposed development and the developer must bear the cost of any necessary diversion works affected by the proposed development;
- (f) to note the comments of the Director of Environmental Protection that the site was fronting Long Ping Road and the applicant should adopt suitable mitigation measures to ensure no adverse environmental impacts on the proposed development;
- (g) to note the comments of the Director of Fire Services that the applicant should follow the 'New Territories Exempted Houses - A Guide to Fire Safety Requirements' issued by LandsD;
- (h) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that unless the applicant wished to apply for a certificate of exemption for site formation from LandsD, the applicant should submit the site formation plans to BD for approval as required under the BO. As the site fell within Scheduled Area No. 2, marble with cavities might be present underneath the site; and

- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. If there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the following measures:
- (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) 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; and
 - (iii) 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 23

Section 16 Application

[Open Meeting]

A/YL/185

Proposed House Development and Minor Relaxation of Building Height Restriction (Amendments to Approved Scheme under Application No. A/YL/165) in “Village Type Development” zone, Lot No. 4041 in D.D. 120, Fraser Village, Yuen Long (RNTPC Paper No. A/YL/185)

87. The Secretary reported that Ms. Anna S. Y. Kwong declared an interest in this item as she had current business dealings with the Vision Planning Consultants Limited, one of the consultants of the application. The Committee noted that Ms. Kwong had tendered an apology for being not able to attend the meeting.

88. The Secretary reported that on 17.11.2011, the applicant requested for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address departmental comments on the application.

89. 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 24

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TSW/49-1 Proposed Class B Amendments to the Approved Master Layout Plan under Application No. A/TSW/49 – Proposed Comprehensive Residential and Commercial Development with Flat (Elderly Accommodation), Hotel, Shop and Services (including Privately-Operated Clinic), Eating Place, Residential Institution, Training Centre, Educational Institution, School, Private Club and Place of Recreation, Sports or Culture in “Comprehensive Development Area” and “Road” zones, Government Land in Tin Shui Wai Area 115
(RNTPC Paper No. A/TSW/49-1)

90. The Secretary reported that the application was submitted by the Hong Kong Housing Society (HKHS) with Environ Hong Kong Ltd. as one of the consultants. The following Members declared interests in this item:

Mr. Jimmy Leung as Director of Planning	being a member of the Supervisory Board of HKHS
Mr. Edwin Chan as Assistant Director/ New Territories, LandsD	being an alternate member for the Director of Lands who was a member of the Supervisory Board of HKHS
Mr. Walter Chan	being a member of the Executive Committee of HKHS
Mr. B.W. Chan	being a member of the Supervisory Board of HKHS
Mr. Y.K. Cheng	being a member of HKHS
Mr. Timothy Ma	being a member of HKHS
Mr. Stephen Yip	currently engaged by HKHS in premium settlement for a project in North Point and had business dealing with Environ Hong Kong Limited
Ms. Anna Kwong	had current business dealings with Environ Hong Kong Limited

91. The Secretary said that Mr. Y.K. Cheng, Mr. Timothy Ma, Mr. Stephen Yip and Ms. Anna Kwong had tendered an apology for being unable to attend. As both the Chairman and the Vice-chairman declared interests in this item, according to the Town Planning Board's Procedure and Practice, the Committee agreed that the Chairperson should continue to chair the meeting out of necessity.

[Mr. Walter Chan, Mr. B.W. Chan and Mr. Edwin Chan left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) the applicant sought planning permission for amendments to the approved master layout plan (MLP) for a proposed comprehensive residential and commercial development (known as “Integrated Elderly Community Project” (IECP)) at government land in Tin Shui Wai Area 115, which was approved by the Committee on 20.5.2011;
- (b) The following Class B amendments were sought:
 - (i) increase in the average unit size from about 72 m² to about 75.8 m² (+3.8 m²/+5.3%);
 - (ii) change in the form of all building blocks which were the subject of environmental mitigation measures;
 - (iii) change in the disposition of all building blocks;
 - (iv) reduction in the number of domestic building blocks from 14 to 12 (-2/-14.3%) i.e. removal of domestic blocks P1 and P2;
 - (v) revisions to the internal layout/ disposition of all building blocks which were the subject of environmental mitigation measures;
 - (vi) relocation of the proposed community facilities for education/training uses from the north-western part to the western most edge of the application site;

- (vii) reduction in the number of domestic private car parking spaces from 185 to 175 (-10/-5.4%), domestic motorcycle parking spaces from 10 to 9 (-1/-10%) and non-domestic loading/unloading spaces from 8 to 6 (-2/-25%);
 - (viii) new provision of 32 bicycle parking spaces;
 - (ix) increase in the number of trees to be felled from 174 to 586 (including the invasive weed species which had not taken into account in the Approved Scheme A/TSW/49) (+412/+237%) and decrease in the number of trees to be retained from 202 to 124 (-78/-39%); and
 - (x) changes in soft/hard landscape design to reflect the blocking adjustment.
- (c) departmental comments – the District Officer/Yuen Long (DO/YL) advised that five comments objecting to or expressing concerns on the application were received by DO(YL). Their comments were summarised as follows:
- (i) three comments were received from three private individuals objecting to the applications on the grounds regarding the low permeability and bulky podium design, excessive height of the hotel, the non-integration nature of the proposed uses, the incompatible design with the wetland environment, potential adverse impact of noise and light pollution on the surrounding areas, inadequacy of greening and excessive tree felling;
 - (ii) the Hong Kong Bird Watching Society expressed their concerns on the application. They commented that the proposed project was not in line with the planning intention and would cause deterioration of the function of the site as an important buffer and deteriorate the ecological value of the Hong Kong Wetland Park (HKWP) and Deep Bay Area. They also commented that the project would destroy wetlands without any compensation on the wetland area and the development of the site

would set an undesirable precedent for developments around the Deep Bay wetland. The proposal itself also did not comply with the planning intention of Wetland Buffer Area under the Town Planning Board Guidelines for Application for Developments within Deep Bay Area (TPB PG-No. 12B). The plot ratio of the development was too high when compared to elsewhere in the Deep Bay and the development would not be in line with the support of the Yuen Long District Council in designating the site for natural conservation. They also commented that the ecological impacts had not been comprehensively addressed; and

- (iii) a conservationist of Wetland Park and Mai Po Nature Reserve objected to the application mainly because a new species of fireflies was discovered in the HKWP and the site should be used for conservation; the proposed development was incompatible with the HKWP; public right in enjoying beautiful scenery of HKWP would be deprived; construction of the proposed development would create adverse ecological impact on the HKWP and traffic problems in the vicinity; the proposed elderly housing and hotel could not create positive economic and social impacts on the residents of the Tin Shui Wai especially the elderly; and the proposed development did not comply with the principle of sustainable development. He suggested to conserve the site as an expansion of the HKWP.

- (d) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below:
 - (i) the proposed Class B amendments were comparable to the originally approved scheme under Application No. A/TSW/49 in terms of scale and design. The subject “Comprehensive Development Area” (“CDA”) zone was intended for comprehensive development for residential and/or commercial uses with restrictions on plot ratio of 1.5 and building height of 10 storeys over one-storey car park. As

compared to the previously approved scheme, the proposed development parameters such as site area, gross floor area, plot ratio and maximum building height under the current scheme remained unchanged, and therefore still complied with the statutory plot ratio and building height restrictions on the Outline Zoning Plan (OZP). The applied uses under the current scheme also remained the same. The proposed development under the current scheme was therefore still in line with the planning intention of the “CDA” zone;

- (ii) the current amendment scheme still complied with the design principles of under the endorsed Planning Brief of Tin Shui Wai Area 115, including avoiding adverse impacts on the HKWP, providing visual transition between the Tin Shui Wai New Town and the wetland area, enhancing air ventilation, maximizing greening and landscaping opportunities, ameliorating traffic noise nuisance and providing pedestrian connection. There was no adverse comment from the concerned departments on the proposed amendments to the approved scheme;
- (iii) regarding the public comments on the ecological concerns, Director of Agriculture, Fisheries and Conservation considered that the submitted Ecological Impact Assessment already demonstrated that the noise and light disturbance was insignificant and could be addressed by the proposed mitigation measures. Besides, no suitable foraging ground for birds and significant bird flight path/egretry could be identified at or around the site. No building surface material that induced bird collision would be used. Regarding the public comments on the excessive building height, it should be noted that the proposed building height and development intensity complied with the requirements of OZP and the endorsed Planning Brief for the proposed development. Regarding the concern on adverse environment impacts of the proposed development, an environmental assessment (EA) had been conducted by the applicant and concluded that the proposed development would have no adverse environmental

impact on the surrounding areas.

93. In response to a Member's enquiry on the proposed alignment of a visual corridor running in an east-west direction on the site as shown in Drawing AA-1 of the Paper, Mr. Vincent Lai advised that the provision of visual corridor on the site was not a requirement stipulated in the Planning Brief. The subject visual corridor was proposed by the applicant. Mr. Lai added that as the subject development would not have a podium, the proposed visual corridor would enhance the visual permeability and wind penetration on the site.

Deliberation Session

94. After further deliberation, the Committee decided to approve the application and the Master Layout Plan (MLP) under sections 16A(2) and 4A of the Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.5.2015, 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 MLP, taking into account the approval conditions (b), (d), (e), (k) to (p) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan including the tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (c) no construction works including site formation works should commence before obtaining agreement on the methodology and programme of the construction works from the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (d) the design and provision of a 30m-wide non-building area along site boundary with the Hong Kong Wetland Park to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;

- (e) the submission of detailed planting (including transplanting) plan at the proposed 30m-wide non-building area along site boundary with the Hong Kong Wetland Park at least three months before the commencement of any planting works at the site, and implementation of the planting proposal to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (f) the implementation of the ecological mitigation measures and noise monitoring requirements identified in the ecological impact assessment to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (g) the submission of an ecological monitoring and audit plan at least three months before the commencement of any construction works at the site, as proposed by the applicant, and the implementation of the proposed ecological monitoring during the construction phase to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (h) the submission of proposal on colour and materials of the building surface of the proposed development before the commencement of any construction works at the site, and implementation of the aforesaid proposal to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (i) the implementation of the mitigation measures identified in the environmental assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (j) the implementation of the mitigation measures identified in the air ventilation assessment to the satisfaction of the Director of Planning or of the TPB;
- (k) the submission of a revised drainage impact assessment and the

implementation and maintenance of the drainage mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;

- (l) the design and provision of the footbridge ramp at the south-western boundary of the site, as proposed by the applicant, to the satisfaction of the Director of Highways or of the TPB;
- (m) the design and provision of vehicular ingress and egress points to the application site to the satisfaction of the Director of Highways or of the TPB;
- (n) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (o) the design and provision of the proposed residential care home for the elderly and day care centre for the elderly to the satisfaction of the Director of Social Welfare or of the TPB;
- (p) the design and provision of emergency vehicular access to the satisfaction of the Director of Fire Services and the Director of Agriculture, Fisheries and Conservation or of the TPB; and
- (q) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4(A)(3) of the Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;

- (b) the approval of the application did not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines, and that 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 Board might be required;
- (c) the proposed layout might impose constraints for the revised drainage impact assessment (DIA) to be submitted and corresponding mitigation measures which were still not approved at this stage and might be subject to change. The planning approval from the Board should not be considered as equivalent to waive any established guidelines and standards on DIA and drainage mitigation measures due to spatial constraints of the master layout. In case the DIA and the drainage mitigation measures could not meet the standards and there was no other feasible solution, the applicant might need to revise and re-submit the MLP; and
- (d) the assessment of glare impacts on the Bent-winged Firefly during the construction and operational phases of the project were made on the assumptions that “*construction works would not be conducted during night time hours... lighting was not required along the hoarding/barriers near the HKWP*” and “*...External lightings, other than those for security and safety purposes, were not likely to be installed. Lighting for security and safety would direct inwards on buildings within the development or ground surface*”. The applicant was advised to incorporate these measures into Section 6.3.2 and 6.3.3 of the EcoIA to ensure their implementation accordingly.

[The Chairman thanked Mr. Vincent T.K. Lai for his attendance to answer Members’ enquires. Mr. Lai left the meeting at this point.]

[Mr. Walter Chan, Mr. B. W. Chan and Mr. Edwin Chan returned to join the meeting at this point.]

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/757 Temporary Logistics Centre and Open Storage of Containers
with Ancillary Container Repair Workshop for a Period of 3 Years
in “Recreation” zone,
Lots No. 492 (Part), 493 and 494 (Part) in D.D.125,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/757)

Presentation and Question Sessions

96. 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 logistics centre and open storage of containers with ancillary container repair workshop for a period of three years;
- (c) departmental comments – no adverse comment from concerned government departments was received;
- (d) one public comment was received during the first three weeks of the statutory publication period. The commenter opined that the applicant had not submitted sufficient information to justify his proposed changes to the approval conditions of the last application No. A/YL-HT/603; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary use 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) the applied use was not incompatible with most of the surrounding uses within the subject “Recreation” zone which was predominantly occupied by open storage yards. Besides, it was considered that temporary approval of the application for three years would not frustrate the planning intention of the “REC” zone on the Outline Zoning Plan (OZP) since there was not yet any programme to implement the zoned use on the OZP;
- (ii) the site was the subject of a previous application No. A/YL-HT/603 for temporary logistic centre and open storage of containers which was approved by the Committee on 5.3.2010 for a period of 3 years. As compared to the approved application, the current application was applying for the same use on a smaller site with ancillary container repair workshop and additional structures with a total floor area of 1,346m². As there were no sensitive uses nearby, the addition of an ancillary workshop was not expected to generate significant impact on the surrounding areas;
- (iii) the development was in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that DEP’s concerns could be addressed by stipulating approval conditions. There was no adverse comment from other concerned government departments; and
- (iv) due to the demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications within the same “REC” zone for similar uses. 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. As regards the public comments, the applicant had advised that the

structures were needed to meet the operational requirements.

97. Members had no question on the application.

Deliberation Session

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.12.2014, 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 from 8:00 p.m. to 8:00 a.m. on Mondays to Saturdays, 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) the stacking height of containers stored on the site should not exceed 8 units, with a stepped height profile along the western periphery of the site, as proposed by the applicant, during the planning approval period;
- (d) no storage of materials within 5m from the peripheral fencing of the site, as proposed by the applicant, during the planning approval period;
- (e) no cutting, dismantling, cleansing, repairing and workshop activity, other than ancillary container repair workshop under application, as proposed by the applicant, should be permitted on the site during the planning approval period;
- (f) no left turn of container vehicles into Ha Tsuen Road upon leaving the site during the planning approval period;
- (g) the existing drainage facilities implemented under the previous approved application No. A/YL-HT/603 should be maintained at all times during the

planning approval period;

- (h) 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 6.6.2012;
- (i) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.6.2012;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.9.2012;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.6.2012;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.9.2012;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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 (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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before erecting the structures on the site again;
- (b) the permission was given to the use/development, including ancillary container repair workshop, under application. It did not condone to excessive container repair activities and any other use/development not covered by the application;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lots under application were situated on Old Scheduled Agricultural Lots granted under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government. The applicant should apply to him to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. Vehicular access to the site would require passing through a local track on other private land and government land (GL) leading from Kong Sham Western Highway. He did not provide maintenance works for the GL and did not guarantee right-of-way;
- (e) 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 minimize any potential environmental nuisance;

- (f) to note the comments of the Commissioner for Transport, Transport Department 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 Town Planner/Urban Design and Landscape, Planning Department that one tree was found dead and three trees were found damaged and leaning. More than 80 trees were affected by climbers and replacement of dead tree and damaged/leaning trees was required. Double row of tree planting along the boundaries within the site was recommended as the site was close to a “Green Belt” zone;
- (h) to note the comments of the Director of Fire Services in Appendix V of the Paper and to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plan(s) 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, the applicant was required to provide justifications to him for consideration. The applicant should also adhere to the ‘Good Practice Guidelines for Open Storage Sites’ at Appendix VI of the Paper;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the granting of this planning permission should not be construed as acceptance to any existing building works or unauthorized building works on the site under the Building Ordinance (BO). Enforcement action might be taken by the Building Authority to effect their removal in accordance with BD’s enforcement policy against unauthorized building works. The temporary converted container office and open shelters were considered as temporary buildings and were subject to control under

Building (Planning) Regulations (B(P)R) Part VII. The site should be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access should be provided under the B(P)R 41D. The development intensity should be determined under the B(P)R 19(3) at building plan submission stage if the site was not abutting on a specified street having a width not less than 4.5m and formal submission of any proposed new works for approval under the BO was required; and

- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard pedestal hydrant.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/365 Temporary Shop and Services (Real Estate Agency)
for a Period of 3 Years in "Village Type Development" zone,
Lot 283 S.A RP (Part) in D.D. 109 and Adjoining Government Land,
Kam Tin Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/365)

Presentation and Question Sessions

100. 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 shop and services (real estate agency) for a period of three years;
- (c) departmental comments – no adverse comment from concerned government departments was received;
- (d) one public comment from a member of public was received during the first three weeks of the statutory publication period. The commenter supported the application as the development was compatible with the local residential developments and the surrounding land uses. It provided sales and letting services in the area and generated tax revenue for the Government. Besides, the development would not cause noise or environmental nuisance; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the paper. The applied use was considered not incompatible with the surrounding landuses. It would provide real estate agency service to serve some of the needs of the neighbouring residential developments. In view of its small scale and close proximity to Kam Tin Road, the environmental nuisance generated by the development would unlikely be significant. As there was currently no Small House application at the site, temporary approval of the application for three years would not jeopardize the planning intention of the “Village Type Development” zone. As the development encroached on the site of an existing refuse collection point to its south, an approval condition requiring the setback of the site boundary to avoid the encroachment was recommended.

101. Members had no question on the application.

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.12.2014, 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 8:00 p.m. and 10:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (c) the setting back of the southern boundary of the site to avoid encroachment upon the area of the existing refuse collection point within 2 months from the date of planning approval to the satisfaction of the Director of Food and Environmental Hygiene or of the TPB by 6.2.2012;
- (d) the submission of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.6.2012;
- (e) in relation to (d) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.9.2012;
- (f) 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 6.6.2012;
- (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 6.9.2012;
- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services

or of the TPB by 6.6.2012;

- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 6.9.2012;
- (j) if any of the above planning conditions (a) or (b) 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 (c), (d), (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; and
- (l) 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.

103. 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 owner of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural Lot held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the Government. No approval had been given for the specified structures as office and storerooms. No permission had been

given for occupation of government land (GL) within the site. The site was accessible via GL to Kam Tin Road. His office did not provide maintenance works on this GL nor guarantee right of way. The lot owner and occupier of the GL concerned would need to apply to LandsD to permit structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (d) 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. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (f) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection (DEP) to minimize any potential environmental nuisances;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that in view of the space available in the uncovered area within the site, in-ground tree planting should be provided along the existing fence to maximize greening opportunity;

- (h) to note the comments of the DEP that the applicant should apply for a discharge licence under the Water Pollution Control Ordinance from our Regional Office (North) should there be any effluent discharged from the site;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should not obstruct the overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.;
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan 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. In formulating the FSIs proposal for the proposed structure, the applicant should observe that for other storages, open sheds or enclosed structure with a total floor area of less than 230m² and with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications to his department for consideration;
- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for the site within the preferred

working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD. 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 Supplier Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines; and

- (1) 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 unauthorized building works (UBW) under the Buildings Ordinance (BO). Enforcement action might be taken by the BA to effect the removal of UBW in accordance with the BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing buildings or UBW on the site under the BO. Formal submission under the BO was required for any proposed new works including any temporary structures. An Authorized Person should be appointed as the coordinator for the proposed building works. The temporary office and storerooms were considered as temporary buildings which were subject to control under the Building (Planning) Regulations (B(P)R) Part VII. The site should provide 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 not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/551 Proposed Temporary Open Private Vehicle Park (Private Cars and Light Goods Vehicles) 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/551)

Presentation and Question Sessions

104. 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 open private vehicle park (private cars and light goods vehicles) for a period of three years;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) had reservation on the application as houses were in close proximity of the site. The development was not quite compatible with the surrounding village residential setting. Moreover, no landscape mitigation measures had been included in the submission to alleviate the adverse impact;
- (d) one public comment was received during the first three weeks of the statutory publication period. The commenter strongly objected to the application as the site was used for storage of vehicles and containers and for keeping dogs which had caused noise, unpleasant odour and hygiene problems and adverse impacts on the nearby residents. Some metal frames were also installed on the façade of some nearby buildings which would cause structural and security problems. If the application was

approved, requirements to prohibit keeping of dogs and cats and installation of metal frame on nearby buildings should be imposed to minimize the nuisances to the nearby residents; and

- (e) the Planning Department (PlanD)'s views — PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The applied use was considered not incompatible with the surrounding rural and residential land uses/developments. Given its temporary nature and there was no Small House application received, the development would not frustrate the long-term planning intention of the “Village Type Development” (“V”) zone. Besides, previous application No. A/YL-KTS/508 and similar applications had been approved with conditions by the Committee. As regards the CTP/UD&L's comments, approval conditions requiring the applicant to submit and implement landscaping proposal were recommended. Besides, to avoid possible nuisance generated by the applied use, approval conditions restricting the types of vehicles to be parked and the activities on the site were recommended. Although the penultimate application (No. A/YL-KTS/508) was revoked due to non-compliance with approval condition, it was noted that the application was submitted by a different applicant and covered only a portion of the site. As regards the local comments, it should be noted that the applied use under the current application was for parking of vehicles and uses not covered by the planning approval would be subject to enforcement action by the Planning Authority.

105. Members had no question on the application.

Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.12.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (f) the proposed development should not be operated on a commercial basis, as proposed by the applicant, at all times during the planning approval period;
- (g) the submission of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.6.2012;
- (h) in relation to (g) above, the implementation of landscaping proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 6.9.2012;
- (i) 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 6.6.2012;

- (j) in relation to (i) above, the implementation 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 6.9.2012;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.6.2012;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.9.2012;
- (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 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.

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

- (a) to resolve any land issues relating to the development with the concerned owners of the site;

- (b) the permission was given to the use under application. It did not condone any other use including the vehicle repairing workshop which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use not covered by the permission;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural Lot held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the Government. No approval had been given for the specified structure as office. The site was accessible from Kam Tin Road via private land and government land (GL). His office did not provide maintenance works on this GL nor guarantee right of way. The lot owner still needed to apply to LandsD to permit structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as imposed by LandsD;
- (d) to adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (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. Moreover, 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 Chief Highway Engineer/New Territories West,

Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should not cause adverse drainage impact to the adjacent areas;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized works on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person must be appointed to coordinate all building works in the future. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. For open storages, open sheds or enclosed structure with a total floor area of less than 230m² and with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications to his department for consideration.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/629 Proposed Temporary Open Storage of Used Cars and Vehicle Parts
for Recycling for a Period of 3 Years in “Agriculture” zone,
Lots 2813 (Part), 2822 (Part), 2825 (Part) and 2826 (Part) in D.D. 111
and Adjoining Government Land, Wang Toi Shan Wing Ning Lei,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/629)

Presentation and Question Sessions

108. 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 open storage of used cars and vehicle parts for recycling for a period of three years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site still possessed good potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. existing residential dwellings located to the west (with the nearest one about 50m away) and in the vicinity of the site, and environmental nuisance was expected. Nevertheless, there was no environmental complaint received in the past three years;
- (d) three public comments from a Yuen Long District Councillor, a member of the public and Designing Hong Kong Limited were received during the first three weeks of the statutory publication period. All the commenters objected to the application as the proposed development was not in line

with the planning intention of “Agriculture” zone on the Outline Zoning Plan. The proposed development and the heavy vehicles and loading/unloading activities on the site would also cause noise and dust nuisance, air pollution problem and adverse traffic impact on the surrounding areas/nearby residents. Besides, the storage yards in the areas were increasingly run by foreigners from other countries, and these foreigners, some of whom illegally reside in the villages, would cause social impact/nuisance on the villages. Designing Hong Kong Limited was also of the view that the development was a blight on the environment and approval of the application would set a bad precedent. If the application was approved, a condition requiring the preparation of a plan for quality landscaping and well-designed interface with the public domain such as setback of the fence and green buffer should be included in the planning permission; 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 proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. Approval of the application would frustrate the planning intention of the zone and there was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis;
 - (ii) the proposed development 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 the applied use was not the subject of any previous planning approval and there were adverse departmental comments and local objections against the application; and
 - (iii) there was no similar application approved for open storage of recycling materials use in the subject “AGR” zone. Approval of the application would set an undesirable precedent for similar uses to

proliferate into the zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

109. Members had no question on the application.

Deliberation Session

110. 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 “Agriculture” zone which was 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. Approval of the application would frustrate the planning intention of the zone and there was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the 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 the applied use was not the subject of any previous planning approval on-site, and there were adverse departmental comments and local objections against the application;
- (c) the proposed development might generate adverse environmental, landscape and drainage impacts, and no technical assessment had been submitted to demonstrate that the proposed development would not pose any adverse impacts to the surrounding areas or to propose mitigation measures to address the potential issues; and
- (d) the approval of the application would set an undesirable precedent for

similar uses to proliferate into the zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[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 29

Any Other Business

111. There being no other business, the meeting closed at 4:45 p.m..