

TOWN PLANNING BOARD

Minutes of 456th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 16.12.2011

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

Professor Edwin H.W. Chan

Mr. Timothy K.W. Ma

Dr. C.P. Lau

Dr. W.K. Lo

Ms. Anita W.T. Ma

Dr. W.K. Yau

Mr. Stephen M.W. Yip

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

Principal Environmental Protection Officer (Strategic Assessment)(Atg.),
Environmental Protection Department
Mr. Victor W.T. Yeung

Assistant Director/New Territories (Atg.),
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

Professor Paul K.S. Lam

Mr. Rock C.N. Chen

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

In Attendance

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

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse

Town Planner/Town Planning Board
Mr. Vincent W.Y. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 454th and 455th RNTPC Meeting held on 2.12.2011 and 6.12.2011

[Open Meeting]

1. The draft minutes of the 454th and 455th RNTPC meetings held on 2.12.2011 and 6.12.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Closed Meeting]

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/I-LI/1

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

Presentation and Question Sessions

3. The Secretary reported that Mr. Y. K. Cheng had declared interest in this item as one of the companies he held directorship had active business dealing with The Baroque on Lamma Limited (BoL), the applicant of the application but he was not on the Board of Directors of BoL. Mr. Cheng had tendered an apology for being unable to attend the meeting as Member of the Board. Ms. Anna S. Y. Kwong had also declared an interest in this application as she had current business dealings with the BMT Asia Pacific Ltd., the consultant of the application. As Ms. Kwong had no direct involvement in the subject application, Members agreed that she could be allowed to stay in the meeting. Mr. B. W. Chan had also declared an interest in this application as he had participated in a mediation of a land acquisition dispute within the application site. The Committee agreed that Mr. Chan's interest was direct and should be invited to leave the meeting temporarily.

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

4. The Secretary reported that 127 out-of-time comments were received and tabled at the meeting for Member's inspection. Amongst them, 65 comments were received before 28 November, 2011 and 62 comments were received on or after 28 November, 2011. One of the "out-of-time" comments supported the application while the rest of the comments expressed objection to the application.

5. The Secretary reported that about 61 letters were received complaining about the potential conflict of interest of Mr. Y. K. Cheng as the CEO of BoL and Member of the Town Planning Board. The complainants alleged that Mr. Cheng had been actively lobbying Members' support for the project and his lobbying activities, if not resolved, would cast serious doubt on the independence and impartiality of the Board as a public body. The complainants requested the Board to investigate into the matter. Some suggested that Mr. Cheng should be relieved of his TPB's duties and some mentioned that the subject case could be an ICAC case. In view of the complaints received, the Chairman reminded Members that according to the Board's Practice and Procedures, Members who had been lobbied should declare interest in this application and withdraw from the meeting. He then asked Members if they had been lobbied by Mr. Cheng or the applicant regarding the application. No member indicated that he/she had been lobbied on the subject application.

6. The following government departments representations were invited to the meeting at this point:

Mr. Ivan M. K. Chung	]	District Planning Officer/Sai Kung and Islands, PlanD
Miss Erica S. M. Wong	]	Senior Town Planner/Islands, PlanD
Mr. Gary T. S. Lui	]	Planning Assistant/Islands, PlanD
Miss Josephine K. Y. Yang	]	Senior Nature Conservation Officer (S), DAFC
Miss Connie K. Y. Ng	]	Wetland & Fauna Conservation Officer, DAFC
Ms. Louise W. H. Li	]	Fisheries Officer (Training and Development), DAFC
Mr. Y. K. Cheng	]	BoL
Ms. Pearl Hui	]	AECOM
Mr. Bobby Li	]	BoL
Mr. Paul Lam	]	BoL
Mr. August Tiu	]	BoL
Mr. Chong Dee Hwa	]	BoL
Ms. Ebby Leung	]	AECOM
Mr. Spancer Wong	]	LTA
Mr. Frank Wan	]	ERM
Mr. Terence Fong	]	ERM
Ms. Katie Yu	]	ERM
Mrs. Sarah Sanders-Hewett	]	ERM
Ms. Grace Cheng	]	AGC
Mr. Vincent Wong	]	AGC
Ms. Teresa Man	]	MMHKL
Mr. Wu Yu Ming	]	BoL

7. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Ms. Erica Wong, STP/Is(1), to brief Members on the background of the application. Ms. Erica Wong did so as detailed in the paper and made the following main points with the aid of a powerpoint :

- (a) the applicant proposed to amend the approved Lamma Island OZP No. S/I-LI/9 by rezoning the Landside Portion of the application site (the Site) from “AGR” (about 14 ha), “CA” (about 21.7 ha) and “CPA” (about 6.62 ha) zones to “CDA(1)” zone and to incorporate the part of the seabed at Tung O Wan to the east of the Landside Portion of the Site (about 43 ha) which was currently not covered by the OZP into the OZP and zone it as “CDA(1)”. The application was to facilitate the development of an international yachting base with comprehensive residential and hotel developments (the proposed development) at the Site in order to realize the applicant’s vision to establish “A World Class Marina that hosts international events and train local athletes to establish Hong Kong as the Yachting Capital of Asia”;

[Ms Anita Ma joined the meeting at this point.]

- (b) the proposed development comprised three areas, namely the Marine Portion, the Northern Area of Landside Portion and the Southern Area of Landside Portion. The Marine Portion embraced a seawater area of about 430,000 m² currently not covered by OZP, including a proposed reclaimed land area of about 90,000 m² which comprised a breakwater of about 1,200m long and decked land area accommodating an international yacht club, sailing academy, mixed commercial / residential blocks with ancillary commercial facilities (eating places and shops and services) at lower levels and a total of 50 residential units at the upper levels, and other yachting facilities such as repair yard. The marina would house 500 yachts of various sizes up to 100m in length or more. The sailing academy, waterfront plaza and the promenade at the top of the breakwater would be open to public;
- (c) low-rise development was adopted throughout the Landside Portions. The Northern Area of Landside Portion, with an area of about 319,220 m², was proposed for low-rise residential developments. A total of 850 residential units comprising maximum 3-storey villas and terraced residences would be laid out on the area currently zoned “CA” and “CPA” within the

Northern Area of Landside Portion. The Southern Area of Landside Portion, with an area of about 104,300 m², was embraced by hillside on both sides. The hill slope overlooking Tung O Wan, currently zoned “CA” was considered by the applicant to be the best location for hotel development. The proposed 120-room hotel would be mainly sited along the hillside south of the existing beach to establish a preferred destination resort for top-tier leisure guests, intimate small group events as well as wedding and social events. The applicant proposed to surrender the private land owned / to be owned by the applicant, including those lots with an area of 39,390 m² outside the Site, to the government in exchange for government land of lower environmental value within the Site currently zoned “CA” and “CPA” for the proposed development;

- (d) a ‘Conservation Corridor’ with an area of about 163,520 m² occupying mostly the abandoned farmland and foothills (mainly zoned “AGR”) was proposed to preserve the natural ecology at the lowland area in the Northern and Southern Areas of the Landside Portion. In addition to preserving the existing flora and fauna habitats within the proposed ‘Conservation Corridor’, the applicant intended to restore/regenerate the abandoned agricultural land for meaningful use and to promote the concept of green living. Conceptual ideas of the ‘Conservation Corridor’ included restoration of part of Mo Tat Old Village and Mot Tat School, construction of an artificial wetland at abandoned farmland, establishment of facilities like Visitor Centre, Green Turtle and Marina Life Research Station, Plant Nursery Centre, Stream Habitat Education Centre, Organic Farm Research Centre, Riverside Education Centre, etc. Some Natural History Outposts managed by voluntary organisations would be established to promote research and education;

[Prof. Edwin Chan returned to the meeting at this point]

- (e) New regular ferry service to and from Central and Aberdeen was proposed for transportation of residents and visitors to and from the Site. Ferry terminal would be built in the west harbour of the Marine Portion as the

main transport interchange link for the proposed development. A ferry pier would also be built at the Southern Area of Landside Portion. 'Water taxi' services would serve the residents and visitors of the proposed development to travel between different portions of the Site. Road network within both Northern and Southern Areas would be designed on a one-way traffic basis, with a 6m wide one-way carriageway and 3m footpath (cum landscaping elements) on both sides. The connection between the two Areas of Landside Portion and between the Landside Portions and the Marine Portion would be two-way traffic. A 7.3m wide two-way carriageway with 3m footpath (cum landscaping elements) on both sides was proposed. A total of 184 parking and loading/unloading spaces were proposed to accommodate the possible vehicular access demand, supporting facilities for the vehicular shuttle services would be provided within the Site. Whilst the proposed private car parking spaces would be located at respective villas, other parking and loading/unloading spaces would be located predominantly in the proposed hotel at Landside Portion (Southern Area) and in the marina and yacht club at the Marine Portion to serve the facilities in those portions;

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

- (f) concerned government departments' comments on the application were detailed in paragraph 8 of the Paper. The key departmental comments were summarized as follows :
 - (i) Commissioner for Tourism (C for Tourism) supported the proposal as it would increase the number of hotel rooms, broaden the range of accommodations for visitors to Hong Kong, and support the rapid development of our tourism and convention and exhibition sectors. C for Tourism also supported the proposed marina development as it would enrich Hong Kong's destination offers by promoting it as an international hub for sports events such as international yacht racing competition. He had no comment on the proposed residential development since the support for the proposed development mainly

focused on the tourism angle;

- (ii) Head, Development Opportunities Office, Development Bureau (H, DOO, DEVB) advised that the applicant had presented the proposed development to the Land and Development Advisory Committee (LDAC) in March 2010. LDAC members noted that the project might help to enhance Hong Kong's role as an international event capital and promote water sports, but there were also fundamental difficulties in taking forward the project. LDAC did not support the project proposal for the reasons that there were fundamental difficulties in taking forward the project as presented then, including the nature and objectives of the project, the proposed development intensity, the encroachment upon village environs of a recognised village, the large area of government land required in the proposed land exchange, compatibility of the proposed development with the surrounding areas and the potential environmental and ecological impacts on the proposed development area. The development scheme currently presented had been revised since its presentation to LDAC, in that the development area had avoided the "V" zone and village environs and revisions had been made to the layout and site area for the proposed development;
- (iii) District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) did not support the application. He advised that the private lots involved in the application site were mostly Old Schedule Agricultural lots, and the proposed development including private residential, hotel, commercial and marina uses would be in breach of the subject lease conditions should the application be approved, the applicant would have to apply for land exchange to effect the proposed development. However, according to the Planning Statement (PS), the applicant currently owned about 90% (or would own 93%) of the area of private lots involved. Based on this ownership status, the land exchange proposal would result in a remarkably high land exchange ratio of 1:11.9. The huge

government land involved in the Landside and Marine portions did not satisfy the criteria for land exchange under current land policy. The applicant's proposal to surrender 39,390 m² private land owned/to be owned by him outside the Site would not normally be accepted by LandsD. The said private land appeared to fall within the "village environ" ("VE") boundaries of Tung O Village, Yung Shue Wan Village and Mo Tat Village. The surrender of land within "VE" not only posed land management liabilities to government but also set an undesirable precedent. The applicant's proposal to surrender to the government a public marina upon completion had to obtain agreement from relevant department to the proposed provision of public facilities and the long-term maintenance and management of the facilities. In respect of the site area, the applicant had provided different site area calculations in, and presented a number of assumptions so as to exclude certain 'public facilities' from the site area calculation and conclude that a much smaller amount of additional government land would be required for the proposed development. As the applicant's assumptions had not been accepted by relevant policy bureaux/departments, the site area calculations and the additional government land involved could not be agreed from land exchange perspective. Given the above, even if approval was granted by the TPB to rezone the Site, there was no guarantee that any land exchange application so submitted would be processed / approved;

- (iv) Director of Environmental Protection (DEP) advised that the proposed development was a designated project under the EIAO. The EIA Study Brief was issued by EPD on 27.7.2011 and the EIA report for the proposed development was yet to be completed. Therefore, EPD was not in a position to offer comments on the application. The applicant was required to establish the environmental acceptability of the proposed development through the statutory EIA process;

- (v) Director of Agriculture, Fisheries and Conservation (DAFC) advised that there was no compelling planning ground or merit to justify the rezoning proposal for the following reasons:
- (a) the “CA” and “CPA” zones at the Site remained predominantly rural at present. The proposed rezoning to enable hotel-residential-marina development of no conservation benefits would affect the existing natural characters which might set an undesirable precedent for disregarding the planning intentions and paved the way for incompatible development within conservation-related zonings;
 - (b) the proposal would reduce, or even wipe out, the “AGR” zone where both active and potential farmlands located. Besides, most of the uses in the proposed “Conservation Corridor” were always permitted or might be permitted under the existing “AGR” zoning. Hence the proposed rezoning from “AGR” to “CDA(1)” was deemed unnecessary and unjustified;
 - (c) the proposed zoning of a part of seabed in Tung O Wan for the development of marina was not supported from fisheries perspective as it would cause a direct loss of fishing ground, fisheries habitat and important spawning and nursery grounds for commercial species. The proposal would also impose indirect adverse impact on the fisheries resources in the surrounding areas;
 - (d) from ecological and fisheries perspectives, the Site was located in a pristine environment predominantly rural in character. A wide range of habitants were found therein supporting various groups of wildlife. Moreover, recognised sites of conservation importance and fishing grounds were found in close proximity to the Site, including Shum Wan Beach Restricted Area, Shum Wan SSSI, South Lamma Island SSSI and a potential marine park at South Lamma. The proposed

development was considered incompatible with, and might adversely affect the natural environment in south Lamma;

- (e) an EIA was to be separately undertaken under EIAO and assess the ecological and fisheries impacts arising from the proposed development. The adequacy and accuracy of the impact assessments and mitigation measures proposed in the submission were questionable;
- (f) green turtle was listed as Endangered in the IUCN Red List of Threatened Species and was the only sea turtle species that nests in Hong Kong. The proposed development site was adjacent to Sham Wan SSSI, which was the only regular nesting site of green turtle in Hong Kong. Sporadic nesting of green turtle had been noted in other parts of Lamma Island. However, the applicant's assessment of potential sources of impact to sea turtles was only limited to nesting green turtle at Sham Wan and the Sham Wan Beach Restricted Area (RA). He suggested that assessment on the different potential sources of impact to sea turtles of different life stages and their associated habitats as a result of the construction and operation of the proposed development should be conducted. Also, practicable mitigation measures with respect to each impact assessed should also be provided;
- (g) the proposed development would take up large area of the existing lowland habitats adjacent to South Lamma Island SSSI which might be a potential impact to the birds there. The Marine Portion would also affect sea birds found in South Lamma. It was premature for the applicant to conclude without a detailed assessment that the potential impacts due to the project on the "CA", "CPA" and "SSSI" sites were not expected to be significant;
- (h) the endangered Romer's Tree Frog was recorded at various spots

from Mo Tat to Tung O within the site. Any indirect impact arising from the proposed development on Romer's Tree Frog and other species of conservation interest had to be thoroughly assessed;

- (i) without details on the impact of the proposed "Conservation Corridor", implementation programme and firm commitment of long-term funding and management by the applicant, the contribution of the 'Conservation Corridor' remained doubtful, particularly whether the 'Conservation Corridor' would be practically implementable in a sustainable manner; and
 - (j) there was no assessment on the proposed 7-12m width vehicular road on the natural habitats and trees of conservation interest therein;
- (vi) Commissioner for Transport (C for T) advised that there was no existing public road adjacent to the proposed development, so all roads in the proposed development were self-contained and were private streets. As such, all roads within the proposed development should be designed to criteria prescribed in the Buildings Ordinance (Cap. 123) and the Building (Private Streets and Access Roads) Regulations. Although the applicant suggested to manage and maintain the road linking up the Northern Area and Southern Area of Landside Portion, there was insufficient information provided to support the proposal of constructing a new road on government land primarily to serve inter-linkage between two private developments. Consideration should also be given to providing cycle tracks within the proposed development to support safe cycling. According to the Traffic Study Report in the submission, there would be a section of road located near Shek Pai Wan proposed to be single lane with two-way traffic. It would possibly create a bottleneck effect to the traffic which was basically not acceptable from a traffic engineering point of view. Due to site constraints, it might not be technically

feasible to resolve the bottleneck problem. The applicant was required to provide further information to illustrate a technically feasible solution. The applicant should clarify if the existing footpaths (hiking trails/family walk) from Sok Kwu Wan would be accessible to the proposed development;

- (vii) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the Urban Design and Landscape perspective on the following grounds:
- (a) the proposed development largely within the “CA” and “CPA” zones was not justified. The residential and hotel developments were proposed within the existing “CA” and “CPA” zones that were covered with natural hillside coastal vegetation and rock outcrops, whilst the “AGR” zone was proposed for ‘Conservation corridors’;
 - (b) the approval of the application would set an undesirable precedent, attracting development in conservation-related zones;
 - (c) the landscape impact assessment (LIA) submitted by the applicant did not fully address the concerns of the magnitude of impacts on the existing landscape character and landscape resources. Some information of the Landscape Character Area, Landscape Resources and mitigation measures provided were not adequate. The LIA submission should be more comprehensive and specific;
 - (d) the submitted Visual Impact Assessment was incomplete. In the absence of essential details such as the selection of viewpoints, assessment on key visual elements, the potential impacts on the surrounding visual resources and overall visual composition, it

was premature to conclude that there was no adverse visual impact;

- (viii) District Officer/Islands, Home Affairs Department (DO/Is, HAD) advised that the chairman of Lamma Island (South) RC, Indigenous Residents' Representative of Mo Tat, Residents' Representative of Mo Tat and RR of Mo Tat Wan agreed to the application. The elected DC Member had expressed separately that she agreed to the application provided that it did not dramatically affect the ecosystem of the ocean, and she suggested that the project could be worked out in different batches in order to achieve a good balance of development and environmental protection;

- (g) a total of 1,161 comments were received during the first three weeks of the statutory public inspection period. On 23.9.2011, the FI submitted by the applicant on 7.9.2011 and 14.9.2011 were published for public inspection. During the first three weeks of the statutory public inspection period of the FI which ended on 14.10.2011, 2,279 public comments from members of general public, local residents, green groups, interested groups etc. were received. Their comments were summarised below:

Comments supporting the application

- (i) during the first three weeks of the statutory public inspection period, 65 comments supported the application were received from local indigenous villagers and business operators in Lamma Island, Islands District Council Members, Area Committees' Members, the Lamma Island (North) and Lamma Island (South) Rural Committees and other organisations including: The Hong Kong New Territories Commercial and Industrial General Association Ltd. - Islands Branch, companies in the marine, tourism and yachting industry, the ferry operator at Lamma Island and its related companies, namely Winnertex Ltd., Islands Ferry Co. Ltd., Hong Kong and Kowloon Ferry Holdings Ltd., HKKF Travel Ltd., Lamma Island Fishing

Industry Promotion Society, etc. Some of them are made by the members of the general public. These supporting comments were made on the grounds that the proposed development would attract investment from outside Hong Kong and create a new destination for Hong Kong, the proposed development was also an important boost to Hong Kong as an Events Capital and Tourist Hub, and created an unique environment for a new leisure life style which Hong Kong people were seeking. The proposed development also emphasised strongly on conservation and adoption of innovative and green technologies with ambitious plan to create a sustainable community. They also commented that the proposed development would enhance the accessibility of the south Lamma and improve the quality of life in the south Lamma. For the FI submitted by the applicant, a total of 1,361 comments supporting the application were submitted by the members of general public, local indigenous villagers, local residents and business operators in Lamma Island. Also, the two Lamma Island Rural Committees and the Area Committees' Members resubmitted their comments supporting the application. Their reasons for support were similar to those in the first publication period. Some additional comments were also submitted on the grounds that the proposed development was a very good example in striving a balance between economic development and conservation and would bring vibrancy to Lamma Island and would brought new business and job opportunities; the proposed development would preserve the village ambience and traditions of Lamma Island; the proposed development was required to maintain the quality of life of the Lamma Island inhabitants and could provide resources to support continued preservation of the unique culture; the proposed green measures could minimise the environmental impact of the proposed development; and the proposed marina could ease the shortage of yacht berth in Hong Kong and promote marine tourism in Hong Kong;

Comments against the application

- (ii) for the first three weeks of the statutory public inspection period, 1,072 comments submitted by interest groups, green groups, local residents' organisations and professionals including the Conservancy Association, Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation, the Green Lamma Group, Green Lantau Association, Green Sense, Hong Kong Bird Watching Society, Linking Individuals for Nature Conservation (LINC), Temple Chambers, The Hong Kong Natural History Society, Urban Design and Planning Consultants Limited, WWF Hong Kong, etc, were against the current application on the following grounds: the proposed development was not in line with the planning intention of "AGR", "CA" and "CPA" zones; the need and feasibility for the proposed development were not demonstrated; rezoning and development within these zones would likely disturb the south Lamma coral communities and affect the ecological conditions of that area. It might also lead to permanent lost of the habitats for Romer's tree frog and other amphibian species; the proposed hotel development would likely impact the green turtle breeding habitat at Sham Wan, and this would violate the planning intention for the area zoned "SSSI" which was to "minimise human disturbance to green turtles and their breeding ground"; the introduction of vehicles might lead to increased pressure for expansion of road networks and road improvements throughout the island; the proposed 'Conservation Corridor' was not feasible as the entire proposal was for the destruction of conservation areas with a large scale development; the proposed development would bring substantial adverse environmental (air, noise, water), marine and terrestrial ecological, visual and landscape, light, traffic and archaeological impacts; and approval of the proposed rezoning would create an undesirable precedent for similar applications in other outlying islands. For the FI, 913 objecting comments were received from green groups, interest groups and local residents organisation. Several commenters opposing the application also

supported the comments submitted by Living Lamma. Their grounds of objection were similar to those in the first publication period. Some additional comments were also submitted indicating that the applicant had a poor track record of developments in Lamma island and that there were doubts on the developer's ability to complete the development and implement the environmental mitigation measures / green initiatives; the proposed development had no benefit to the general public except to a few wealthy groups of people; the consultation exercise conducted was not fair; the further information provided by the application did not address the objections and comments raised by the public; the environmental impacts of the proposed development were unresolved and the proposed development would cause adverse social impact to the community and they were not satisfied with the social impact assessment conducted by the applicant.

- (h) PlanD did not support the application based on the assessment made in paragraph 10 of the Paper, which was summarized as follows:
 - (i) the proposed comprehensive development with marina, residential, commercial and hotel was not compatible with the conservation-related uses designated on the OZP and not consistent with the development strategy of south Lamma that focused on conservation and nature-based recreational uses;
 - (ii) the scale and intensity of the proposed development were excessive and incompatible with the natural coastal landscape character and high scenic quality of South Lamma;
 - (iii) the proposed rezoning from "CA" and "CPA" zones to "CDA" zone would affect the existing natural environmental and ecological assets in South Lamma. There was insufficient information to support the proposed residential and hotel developments within the existing "CA" and "CPA" zones and to demonstrate the

environmental, landscape and visual acceptability of the proposed residential and hotel development;

- (iv) the proposed “Conservation Corridor” would reduce, or even wipe out, the both active and potential (currently abandoned) farmlands lie in the South Lamma area. The implementation and management of the “Conservation Corridor” in a sustainable manner was doubtful;
- (v) the proposed marina development at marine Portion (about 43 ha) would result in a direct loss of fishing grounds, fisheries habitat and important spawning and nursery ground for commercial species in south Lamma area where the fisheries resources lay;
- (vi) there is insufficient information to substantiate the new road network and traffic services proposal is justified and acceptable from the traffic engineering point of view;
- (vii) approval of the application to rezone the Site from “CA”, “CPA” and “AGR” to “CDA(1)” would set an undesirable precedent.

8. The Chairman then invited the applicant’s representatives to elaborate on the application. Ms. Pearl Hui, with the aid of a powerpoint presentation, introduced the applicant’s team and outlined the structure of the applicant’s presentation.

9. Mr. Bobby Li, the proponent of the project said that he had deep connection with Lamma Island ever since he graduated from Hong Kong Sea School. He cared about the Lamma community since he started acquiring land on Lamma Island 16 years ago. He hoped to improve the quality of life for people living in Lamma Island. The Baroque on Lamma project was a dream he had been pursuing, and it was also the aspiration of his team, his business partners as well as the local residents. He expressed gratitude towards those people who had indicated support to the application. He believed that the project could revitalise Lamma Island and preserve its local culture, as well as provide employment opportunities for the younger generations, and adequate facilities for the elderly on Lamma

Island. He said that Hong Kong's excellence in marine activities should not be overlooked. The proposed international yacht club would benefit Hong Kong's tourism and sports as well as the general economy.

10. Ms. Pearl Hui introduced a video of Mr. Cowen Chiu to the meeting. In the video, Mr. Chiu said that the BoL was a visionary project which would bring benefit to sports, tourism and maritime activities. As the President of the Windsurfing Association of Hong Kong, he said that more resources should be allocated to promote windsurfing. The proposed marina could be used to hold international yachting competition which could help boost Hong Kong's economy and offer an area for windsurfing. The application site was an ideal location for international competition. He said that the shortage of berths had limited the development of the yachting industry. The proposed provision of 500 berthing spaces at the marina could increase employment opportunities. As such, he suggested the proposal for the development of an international yacht club.

[Dr. W. K. Lo joined the meeting and Mr. Timothy Ma left the meeting temporarily at this point.]

11. Mr. Chong Dee Hwa, with the aid of a powerpoint presentation, said that as an ichthyologist and ecologist, he had spent a lot of time in studying the nature and the ecology and he viewed the proposed development from an environmental perspective. He mentioned about the present resources and present biota of Hong Kong. He noted that there was conflict between nature conservation and development. He showed the meeting the differences between the fishing villages in the old days and the island countryside in present days to illustrate the development of Hong Kong. As the pressure for development was increasing in Hong Kong, it was inevitable that reclamation would be required. He believed that the proposed development could provide an example to ecologically sensitive development in Hong Kong. He said that Lamma Island contained a great variety of flora and fauna. He said that Mr. Bobby Li agreed to allocate resources to conduct research on the flora and fauna habitats on Lamma Island. He envisioned that a nature education district with the provision of education facilities involving grassland, wetland and woodland in the proposed development, and the introduction of the concept of "eco-village concept" in the design of the hotel and residential development such as "underground homes", as well as the adoption of energy efficient fuel and environmental-friendly waste disposal system. He said

that the proposed scheme should strike a balance between development and the survival of local species by investigating the possibility of micro-engineering, development of eco-construction, study of eco-engineering and the establishment of scientific research and education centre.

[Mr. Timothy Ma returned to the meeting at this point.]

12. Ms. Pearl Hui then invited the Committee to view the physical model of the proposed development located at the meeting room. Ms. Ebby Leung, with the aid of the physical model, explained a terraced design was adopted for the residential development to follow the natural terrain of the hill slope. The development density of the residential development was low. She explained to the meeting the ecological value of the Conservation Corridor. Ms Grace Cheng added that the entire development was a low-rise and low density development. It had avoided areas of high ecological value. The international yacht club would be designed with a leisure lifestyle, making reference to a marina development in Italy which would be introduced in the presentation later on.

13. Ms. Ebby Leung, with the aid of a powerpoint presentation, proceeded to provide responses to comments raised by concerned government departments:

- (i) the proposed Conservation Corridor, the yacht club and roads would be opened for public access. The residential development was located in an area of lower ecological value and its design would not affect the rocky hill slope. The rezoning proposal was to reconfigure the zoning to reflect the existing condition and its potential. The proposed development would promote tourism, boost economy and enhance sports development in Hong Kong. The proposed marina could satisfy the increasing demand for berthing space and attract yachting event-based tourism. The proposed hotel could provide new employment opportunities. The proposed residential use, would provide the much needed land for new residential development in Hong Kong. The applicant would adopt an environmentally sensitive approach in the proposed development which would help improve the access and infrastructure and help re-create an active community in South Lamma;

[Mr. Walter Chan and Mr. Timothy Ma left the meeting temporarily at this point.]

- (ii) the applicant did not agree that the proposed development would reduce the area zoned “AGR”. The proposed “Conservation Corridor” had not changed the actual function of the area for agriculture-related activities. The proposed “CDA” zone would encourage a comprehensive approach in the development and allow better control on the utilisation of land. There was no actual loss of agricultural land;
- (iii) regarding the concerns on the excessive scale of the proposed development and its incompatibility with the landscape and rural settings, the proposed plot ratio of 0.6 was in-line with “Residential (Group C)” zoning in the Lamma OZP. The proposed 500 berths in the marina was an appropriate scale for a marina of international standard. Site sensitive design would be adopted to ensure compatibility with the surrounding areas;
- (iv) on the landscaping aspects, the low-rise development would help maintain the rural character of the site, the stepped building design was to follow the natural terrain and the rocky shoreline would be kept intact. Local flora species would be adopted;
- (v) the proposed road would be built taking into consideration existing site conditions, environmental concerns, natural landscape features and safety aspects. The impact on the existing flora and fauna would be minimal as far as possible. The applicant would discuss with relevant government departments at the stage of detailed design. The public pier and ferry services would be made available to the public;
- (vi) regarding the responsibilities of management and maintenance of the proposed public facilities, the marina would be managed and maintained by experienced marina operator appointed by the project proponent. The proposed waterfront plaza, breakwater and other public areas would be managed by experienced estate management company appointed by the

project proponent; and

[Mr. Walter Chan returned to the meeting at this point.]

- (vii) in response to the comment that South Lamma should remain undeveloped, the applicant considered that it was not an effective approach to conserve an area by keeping it undeveloped. The proposal, which would provide a proper management to the area, could enhance the conservation value of the area. In the proposal, the existing environmental conditions, existing flora and fauna habitats, the heritage sites and hiking trails would be preserved. The proposed “Conservation Corridor” would promote the nature-based eco-education and eco-tourism. Tung O Beach could also be enjoyed by the public.

14. Mr. Spencer Wong, with the aid of a powerpoint presentation, explained to the meeting on the land administration aspects of the application. He understood that according to LandsD, land exchange ratio was 1:11.9. However, the ratio was calculated when all the areas within the site were taken into account. However, if the public facilities and open areas accessed and enjoyed by the public were surrendered to the government and excluded from the overall Landside and Marine Portion in the calculation, the land exchange ratio would be reduced to 1:6.56. If only the Landside Portion was taken into consideration, the land exchange ratio would be further reduced to 1:3.48. In addition, if only the Landside Portion was taken into account but land outside the proposed CDA development would be included as land surrendered to the government, the land exchange ratio could be further reduced to 1:2.24.

[Mr. Timothy Ma returned to the meeting at this point.]

15. Mr. Frank Wan, with the aid of a PowerPoint presentation, made a presentation to the meeting on the environmental aspects of the application. He said that a number of key measures would be adopted to protect the sensitive species at the Site. The SSSIs outside the application site would be avoided and majority of the secondary woodland within the Site would be preserved, a “Conservation Corridor” would be designated and a marine exclusion zone would be set up during construction of the marina. Environmental monitoring and

audit would also be implemented. The project would avoid affecting the Romer's Tree Frog living in the woodland. He said that the proposed hotel development was far away from the green turtle nesting site in Sham Wan and the existing terrain would provide a natural shield between the Sham Wan SSSI and the hotel development. A number of measures would be introduced to prevent adverse impacts on sea turtles' nesting activities. Research and education centre was proposed to promote awareness to protect sea turtles. Mr. Wan said that the proposed marina would lead to a loss of 48 ha of fishing ground. However, he anticipated that the proposed breakwater would attract crabs, shrimps and fishes which could then offset the loss of fishing ground. As the proposed development was a designated project under the EIAO, the EIA study brief was issued in July 2011. The EIA conducted for the project would commence after obtaining the approval of the rezoning application and it would examine the environmental impacts and proposed mitigation measures in detail with a view for submission to EPD by 2012.

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

16. Mr. August Tiu, with the aid of a powerpoint presentation, explained the proposed "Conservation Corridor" to the meeting. He said that the proposed Conservation Corridor was a solution to resolve the conflict between conservation and development. Private resources would be used to preserve Lamma's ecology and cultural heritage, and to educate people in Hong Kong about nature conservation via eco-tourism. He said that different stakeholders would be engaged to formulate a conservation strategy and a conservation management committee would be established to oversee its execution, review and long-term operation. He also hoped that a research centre for sea turtles and other marine life could be established at the proposed development. He said that there was a great variety of land and marine natural resources in South Lamma for public education on nature conservation and for setting up a research centre for conservation of the environment, which could provide green job opportunities for professional and technical people.

17. With the help of a PowerPoint presentation, Ms. Grace Chen presented to the meeting a case study of Costa Smeralda in Italy which was a popular yachting and tourist destination. She said that the success of Costa Smeralda was that it allowed the co-existence of development and conservation. The urban design and tourism development respected the natural environment by using the latest sustainable and eco-conscious design

and the local material and plant species in the landscaping. Ms. Cheng pointed out the similarities in landscape between Costa Smeralda and South Lamma, Ms. Cheng continued to show the photos of yacht clubs, the public marina and public open space, residential and hotel developments in Costa Smeralda. She said that yachting competition were held at the yacht club every year and there was a lot of public space surrounding the yacht club so that the public could be able to come closer to watch the yachting competition. The public and private spaces in the hotel development were blended successfully so that the public could enjoy the waterfront as well. The residential development was built following the natural terrain with well-designed landscaping. She said that Lamma Island had the potential for a similar development.

18. In conclusion, Mr. Y. K. Cheng said that and the BoL proposal had included innovative ideas and concepts which the public would need time to appreciate and accept. He said that the applicant's team had actively engaged environmental groups to initiate the EIA Study and to consult specialist on feasibility of the project. He said that the applicant's team had also engaged the public to seek their views on the proposal. The majority of the indigenous villagers in Lamma, and 100% of the local businesses in Lamma Island were supportive to the application. He added that Singapore's Capella Hotel and Resorts Luxury Hotel Group had signed an expression of interest to develop the first spa hotel in Hong Kong at the Site. He said that this was a rare business opportunity which should not be missed. He said that South Lamma was in need of development, as the existing condition was not satisfactory. He said that BoL had the ability to change the situation, and the proposed development, if approved, would not set an undesirable precedent. He did not agree that the application was fraught with problems, but rather the proposed application was to improve the quality of living of the residents and to enhance the existing condition of South Lamma. Lastly, he said that Hong Kong lacked such type of sports and recreational facility and the application would enhance such development in Hong Kong as well as the tourism industry. He hoped that Members would consider approving the application.

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

Scale and Design of Development

19. A Member asked why such a large Marine Portion embracing a sea area of

430,000 m², with a large berthing area, 50 residential units and other facilities were required. In response, Mr. Y. K. Cheng said that most of the international yacht clubs included about 400 – 500 berths which allowed the hosting of major yachting events. The 43 ha proposed for the Marina Portion was considered not excessive as it was of similar scale to other international yacht clubs and some of the berths would need to be larger to accommodate the “super yachts”. He further explained that the commercial/residential blocks would be in the form of small hostel/hotel for the visiting sailors or crew members of the yachts berthed at the marina.

20. Noting Mr. Chong’s presentation which indicated that underground homes could be included in the proposed development, another Member asked why that was not shown in the physical model. Mr. Chong Dee Hwa responded that underground homes were an example of environmental-friendly designs in other countries. He hoped to exchange views with government departments and to fine-tune the different aspects of the development. Ms Grace Cheng added that the physical model only showed the concept of the development, certain details such as underground features would not be reflected. She further said that the design of the proposed hotel had made reference to some successful eco-hotels in Southern France and Monte Carlo which were built following the natural terrain, and hence minimising the amount of slope cutting work. The houses would integrate with the environment through landscape treatment.

Land administration aspects

21. A Member asked if the relevant government department would comment on the applicant’s claim that the land exchange ratio would be reduced to 1:6.56 if areas of public use were excluded from the overall calculation. In response, Mr. Edwin Chan said that it would be difficult for him to comment on the acceptability of the land exchange ratio without a concrete proposal including information on how the public areas would be operated and managed. For example, if the area for public use was provided on land owned by the government, then the said area might be allowed to be deducted. However, if the public use was provided on private land, then it might not be allowed to be deducted from the site area calculation in the land exchange.

[Ms. Anna S. Y. Kwong and Mr. Edwin Chan left the meeting temporarily at this point.]

Accessibility of proposed public facilities

22. Noting the applicant's claim that the yacht club would be a luxurious club of international standard, a Member asked how the area for public use would be planned to ensure their compatibility. In response, Mr. August Tiu said that there would not be fence/wall separating the private and public space except for the proposed residential development. He said that the public could visit the yacht club and the public area as in Stanley or Repulse Bay. Other facilities such as the waterfront plaza and the promenade would be opened to the public. He hoped that if the project was successful, it would set a good reference for other developers to follow in other parts of Hong Kong. Ms Grace Cheng supplemented that public access was one of the major goals for the proposed development. Citing examples in France and Italy, she said that the public areas of the hotels could be opened up for public access so as to provide an open and relaxed environment for the enjoyment of the public.

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

Nature conservation / ecology aspects

23. A Member enquired about the nesting activities of the green turtles in Sham Wan. In response, Miss Connie K. Y. Ng of AFCD said that according to international studies, green turtles would return to the nesting ground every 2 to 3 years. AFCD had record showing the return of green turtles in 1998. The nesting of eggs of a green turtle in 2003 returned in 2008 for egg nesting again. Hence, the average cycle for green turtles returning to Hong Kong for nesting activities was about 5 years. She further added that it took a long time for green turtles to mature. A green turtle born in Sham Wan in 1998 would take about 20 to 30 years before it would return to the birthplace to nest its eggs.

24. A Member enquired about the loss of fish nursery grounds as a result of the proposed Marine Portion. Mr. Terence Fong responded that currently there were two types of fishing activities in the area, i.e. trawling activities in the outer sea and local inshore fish catch. He said that the proposed marina would lead to a loss of 48 ha of fishing grounds but as the ban on trawling would take effect in 2012, and the inshore fishing could continue, the

overall effect on fishing ground would be minimal. Regarding the impact on the fisheries resources, Mr. Fong said that the design of the proposed marina would avoid causing direct impact on the rocky shore area. Whilst the breakwater of the marina would cause impact on the seabed off the shore, the impact could be minimised with careful design so as to attract fishes and other organisms. The EIA study to be submitted under EIAO would assess the fisheries impacts arising from the proposed development in greater detail. Regarding the issues of sea turtles, he said that the proposed development would avoid disturbing the nesting grounds of green turtles. The impact during the construction phase would be examined in greater detail in the EIA report. Mr. Fong said that the project was only at the stage of s.12A application and hence detailed reports on EIA or other related issues were not yet available. However, Miss Josephine K. Y. Yang of AFCD advised that the proposed marina would directly affect some 100-120 fishing vessels currently operating in Lamma waters. According to a study carried out by AFCD, South Lamma was a major fisheries area. There was insufficient information to demonstrate that the fisheries resources would increase as a result of the development of the marina and its breakwater.

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

25. In response to another Member's query about the special species or live corals in the Marina Portion of the Site, Miss Connie K. Y. Ng of AFCD said that the coverage and species of corals found in Lamma Island was small in scale. Regarding the special species found in the waters of Lamma, Miss Louise W. H. Li of AFCD advised that there were different types of shrimps and fishes for local consumption and as such, those species were of special economic value.

26. In response to an enquiry of a Member about the environmental and ecological importance of the "CA" zones at the Site, Miss Josephine K. Y. Yang of AFCD replied that the Site was located in a pristine environment predominantly rural in character and recognised sites of conservation importance and SSSIs were in close proximity to the Site. She said that the current "CA" zone was appropriate and there was no sufficient information in the submission to justify a deviation from the planning intention of the current "CA" zone. The proposed development would not demonstrate how the conservation value of the Site could be preserved. The proposed development would disturb the nearby sites of conservation importance and the SSSIs, the cumulative effect of which would result in a

general degradation of the surrounding environment in the “CA” zone.

[Mr. Walter Chan and Ms. Anita Ma left the meeting temporarily at this point.]

27. The Chairman asked whether it was pre-mature at this stage to submit the rezoning application at this stage without a detailed EIA Study to substantiate the environmental impacts and merits of the proposed development. In response, Mr. Frank Wan said that they would need to have the overall framework of the proposed development agreed by way of a rezoning application before they could start the detailed design and assessment on the environmental impacts. In any event, the applicant would need to demonstrate the acceptability of the proposal under the EIAO.

[Mr. Walter Chan returned to the meeting at this point.]

Enhancement of overall quality of Lamma Island

28. Another Member asked about whether there were plans to develop the whole Lamma Island since the application only focused on South Lamma. Mr. Ivan Chung responded that development at Lamma Island was mainly located in Yung Shu Wan and Sok Kwu Wan at the northern portion of Lamma Island. South Lamma had remained largely undeveloped and was intended for conservation-related purposes as promulgated in various strategic planning studies such as the Planning and development Study on Hong Kong Island South and Lamma. CEDD and PlanD had commissioned a study on the future use of the Lamma Quarry site which would commence in 2012 to explore the various development options.

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

Public comments aspect

29. The Chairman noted that out of the 3,440 public comments received, there were about 1,420 supportive comments and 1,985 objecting comments. Noting the applicant’s claim that there was strong support from the local communities, he asked why the public comments received did not reflect the same situation. Mr. Y. K. Cheng responded that the

indigenous residents and local business operators were supportive to the application. However, he said did not know the persons or groups that objected to the application. He said that after the first round of the public comments received, the applicant's team had contacted various green groups to explain the concepts of the application. Mr. Bobby Li added that he was happy about the supportive comments. He said that his intention for the proposed development was to apply his previous experience and knowledge as a sailor when he travelled in the southern part of Europe in the proposed development. He said that the proposed development was his effort to promote the image of Hong Kong as well as boosting Hong Kong's tourism industry. He also wanted to demonstrate to the people in Hong Kong that yachting could be an activity enjoyed by the public at large and was not only restricted to the wealthy people.

30. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representatives and PlanD and AFCD's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

31. A Member said that without a detailed EIA, acceptability of the proposed development could not be ascertained. The Member considered that it was pre-mature to make a decision on the application at this stage and asked if the consideration of the application should be deferred. However, another Member did not agree to defer the application as it might give the applicant a false impression that the EIA was the sole criterion for consideration of the application.

32. A Member acknowledged the innovative ideas proposed in the application. However, the applicant had not provided enough information to demonstrate that the environmental and conservation issues involved in the proposed development could be properly addressed. Another Member concurred. Noting that a large portion of the Site was currently zoned "CA", the Member considered that there was insufficient information in the application to demonstrate that the proposed development could enhance the conservation

value of the area. Moreover, the applicant had not demonstrated why the proposal had to be located in this part of Lamma Island. The same Member considered that the Lamma Quarry Site might be considered for such use, instead of the “CA” zone.

33. Sharing the same concern, a Member also considered that the environmental sustainability of the application could not be ascertained at this stage as the EIA had not been provided to support the application. Moreover, the proposed development involved a substantial portion of government land and the scale of the proposed residential development was considered excessive.

34. A Member said that the application should not be supported as it would turn the “CA” zone into a commercial area and not many people would benefit from the commercial use. The proposed development would substantially destroy the natural environment which would contravene the planning intention of the “CA” zone.

35. In response to the Chairman’s enquiry, Mr. Victor Yeung said that the EIA Study Brief for the project was issued in July 2011. Under the EIAO, the applicant was required to prepare an EIA report to address the environmental impacts generated by the proposed development including the visual, water quality, ecological, conservation aspects, etc. As the EIA report had not been submitted, EPD would not be in a position to indicate whether the application was acceptable from the environmental perspective.

36. The Secretary said that the current application was a rezoning application, under which the applicant was seeking an in-principle agreement to his proposal. It might not be necessary to complete EIA process before a decision on the rezoning proposal was made. Instead, in a s.12A application, the applicant would normally be required to conduct an environmental assessment to identify the main environmental issues involved and to demonstrate that the issues identified were not insurmountable. The Chairman said that given the environmentally sensitive nature of the Site involving “CA” and “CPA” zones and with SSSIs in the vicinity of the Site, the outcome of the EIA Study would be beneficial for the Committee’s consideration.

37. In response to a Member’s query, the Secretary explained that Members would need to consider whether the merits of the proposal under application had provided strong

and sufficient justification to warrant a change in the planning intention. Whilst the applicant had claimed that that the proposed development could benefit Hong Kong's economy, whether the subject site was most suitable for the proposed development should be carefully considered, taking into account the potential impacts such as environmental, visual and traffic impacts that would be generated and whether acceptable mitigation measures could be identified. The Secretary said that implementability of the proposal was also a valid consideration. In the present case, the high land exchange ratio which would contravene current land exchange policy might render the scheme not implementable. The Chairman said that since the application would involve Conservation Areas and reclamation and was in close proximity to SSSIs, Members had to consider carefully whether the environmental impacts generated were acceptable.

38. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the proposed comprehensive marina with residential, commercial and hotel developments in south Lamma was not compatible with the conservation-related uses designated on the Outline Zoning Plan (OZP) and not consistent with the development strategy of south Lamma that focused on conservation and nature-based recreational uses as promulgated in various strategic planning studies, e.g. the South West New Territories Development Strategy Review - Recommended Development Strategy and the Planning and Development Study on Hong Kong Island South and Lamma;
- (b) the proposed development (including the residential and hotel developments in Landside Portions and the marina development in Marine Portion) was considered excessive in scale and was not compatible with the current natural landscape setting and rural character of the Site and its surroundings;
- (c) the Landside Portions of the Site formed an integral part of the wider "Conservation Area" ("CA") and "Coastal Protection Area" ("CPA") zones

where a wide range of habitats, including lowland forest, mixed shrubland, grassland, freshwater marshes and natural shores, were found supporting various groups of wildlife. The proposed rezoning from “CA” and “CPA” to “Comprehensive Development Area” (“CDA”) would affect the existing natural environment and ecological assets in south Lamma. There was insufficient information to support the proposed residential and hotel developments within the existing “CA” and “CPA” zones and to demonstrate the environmental, landscape and visual acceptability of the proposed residential and hotel development;

- (d) the proposed rezoning from “Agriculture” (“AGR”) to “Comprehensive Development Area (1)” (“CDA (1)”) for the proposed ‘Conservation Corridor’ would reduce, or even wipe out, the “AGR” zone and result in a direct loss of both active and potential (currently abandoned) farmlands in south Lamma. There was insufficient information to justify the provision of ‘Conservation Corridor’ to replace the “AGR” zone and to demonstrate the proposed ‘Conservation Corridor’ would be practically implementable in a sustainable manner;
- (e) the proposed marina development would incorporate the seabed (about 43ha) at Tung O Wan into the OZP and involve a reclamation of about 9 ha. The proposal would result in a direct loss of fishing ground, fisheries habitat and important spawning and nursery grounds for commercial species in south Lamma area where the fisheries resources lie;
- (f) the proposed development would involve development of new traffic network and new ferry services. There was insufficient information to substantiate that the proposal was justified and acceptable from the traffic engineering point of view; and
- (g) approval of the application to rezone the Site from “CA”, “CPA” and “AGR” to “CDA(1)” would set an undesirable precedent for similar applications in the south Lamma and would attract similar applications for development in conservation-related zones. The cumulative effect of

approving such similar proposals would result in a general degradation of the surrounding environment and impose pressure on the infrastructure of Lamma Island.

Agenda Item 4

Section 16 Application

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

[Open Meeting]

A/I-CC/11

Proposed Minor Relaxation of Plot Ratio from 0.40 to 0.59, Site Coverage from 20% to 30% and Building Height Restrictions from 7.62m to 9m for Proposed “House” Development cum “Eating Place” and “Shop and Services” Uses in “Residential (Group C) 5” zone, Cheung Chau Lots No. 196 and 197 s.A, 120 San Hing Back Street, Cheung Chau

(RNTPC Paper No. A/I-CC/11)

39. The Secretary reported that Ms. Anna S. Y. Kwong had declared an interest in this item as she had current business dealings with Lanbase Surveyors Ltd, one of the consultants of the application. As the case was for deferral, the Committee agreed that Ms. Kwong should be allowed to stay in the meeting.

40. The Secretary reported that on 6.12.2011, the applicant requested the Board to defer making a decision on the application for two months in order to allow sufficient time to prepare responses to departmental comments on the application.

41. 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.

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

Agenda Item 5

Section 16 Application

[Mr. K. C. Siu left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/SK-PL/1 Proposed House (New Territories Exempted House - Small House)
in “Unspecified Use” zone,
Lot No. 237 in D.D. 368 , Pak Lap Village, Sai Kung
(RNTPC Paper No. A/DPA/SK-PL/1)

Presentation and Question Sessions

42. Mr. C.F. Yum, STP/SKIs, presented the application with the aid of a powerpoint presentation 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 reservations on the application from the landscape planning point of view. He advised that the overall landscape character value of Pak Lap was high and was sensitive to the proposed low-rise residential development. Apart from the wild growth of vines and grass, there was no significant vegetation within the Site. Approval of the application would set an undesirable precedent

and attract similar development;

- (d) during the first three weeks of the statutory public inspection period, 25 public comments were received from Kadoorie Farm and Botanic Garden, Green Power, World Wide Fund Hong Kong, Lung Fu Shan Environmental Concern Group, Designing Hong Kong Limited and members of the general public objecting to the application mainly on the grounds that Pak Lap was a scenic area and no residential development should be allowed. One comment from the Chairman of Sai Kung Rural Committee expressed support to the application. During the first three weeks of the statutory public inspection period for the further information, two public comments submitted by the Chairman of Sai Kung Rural Committee and a member of the general public expressing support to the application were received; 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 generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that the footprint of the proposed Small House fell entirely within the village 'environs' of Pak Lap and there was an outstanding demand for Small House development for Pak Lap. In this regard, District Lands Officer/Sai Kung, Lands Department had no objection to the application;

 - (ii) the Site was located relatively close to the existing village cluster of Pak Lap Village and the proposed Small House development was considered compatible with the surroundings. The Site was away from the Country Park boundary and no tree felling was involved. The proposed Small House development would not had adverse impact on the surroundings as confirmed by concerned departments. Regarding CTP/UD&L's concern on the landscape impact, it could

be addressed by way of imposing relevant approval condition to mitigate the potential adverse impact on the surrounding landscape and natural environment;

- (iii) regarding the public comments expressing concerns on the possible adverse impacts of the proposed Small House development on the natural landscape and the environment of the surrounding area, it should be noted that the current proposal did not involve tree felling and concerned government departments consulted had no adverse comment or no objection to the application. The intention of the DPA Plan was not to prohibit development but rather to establish planning control for the area pending detailed analysis and studies to establish land uses in the course of preparing OZP. Also, such application for development could be considered under the DPA Plan on a case-by-case basis having regard to relevant guidelines and departmental comments.

43. Members had no question on the application.

Deliberation Session

44. 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 16.12.2015, 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 provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and

- (c) the submission of a stormwater drainage proposal and the provision of drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the following comments of the District Lands Officer/Sai Kung, Lands Department (LandsD):
 - (i) the government did not guarantee any right-of-way to the lot. The applicant must make his own arrangements for acquiring such right-of-way. Furthermore, no access was available to the lot, construction costs of the proposed Small House might be very great; and
 - (ii) the layout of the proposed Small House might need to be revised at processing stage;
- (b) to note the following comments of the Director of Agriculture, Fisheries and Conservation:
 - (i) as the area surrounding the application site was generally vegetated, should the application be proceeded further, the applicant was strongly advised to take into account tree preservation in the development. Good site practice and necessary precautionary measures had to be implemented to minimize any adverse impacts to the environment during construction phase; and
 - (ii) there was no existing vehicular access at Pak Lap Village, and vehicles needed for the proposed Small House development would not be able to enter the application site via road access. As Pak Lap was a country park enclave enclosed by Sai Kung East Country Park, any construction of vehicular access to the application site would inevitably encroach on country park area and was not

desirable from country park perspective. After all, the applicant should be reminded that prior permission from the Country and Marine Parks Authority would be required for bringing vehicles to the application site through country park area and for any works that encroach on country park;

- (c) to note the comment 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's satisfaction. Besides, water mains in the vicinity of the application site could not provide the standard pedestal hydrant;
- (d) to note the comment of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comment of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the application site was within an area where there was no DSD sewerage connection available in the vicinity at present; and
- (f) to note the comment of the District Officer/Sai Kung, Home Affairs Department that no provision of vehicular access was available in Pak Lap.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/32 Proposed Excavation and Filling of Land for Slope Upgrading Work
in “Green Belt” zone,
Government land adjoining Lot 243 S.A. in D.D. 252,
Tai Mong Tsai, Sai Kung
(RNTPC Paper No. A/SK-TMT/32)

Presentation and Question Sessions

46. The Secretary reported that Ms. Anna S. Y. Kwong had declared an interest in this item as she had working relationship with Vision Planning Consultants Ltd, one of the consultants of the application. As Ms. Kwong had no direct involvement in the subject application, the Committee agreed that Ms. Kwong should be allowed to stay in the meeting.

47. Mr. C.F. Yum, STP/SKIs, presented the application with the aid of a powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed excavation and filling of land for slope upgrading work
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:

- (i) the proposed excavation and filling of land for slope upgrading works at the Site as proposed in the current application were to meet CEDD's geotechnical requirements to safeguard slope stability before DLO/SK could re-issue the existing STT;
- (ii) no insurmountable and adverse impacts were envisaged and concerned departments including AFCD, CTP/UD&L, CEDD, DLO/SK and WSD had no objection to the application;
- (iii) the applicant had proposed various slope upgrading methods. The pit-by-pit method was preferred by the applicant as it would have had the least adverse impact on the existing vegetations. CTP/UD&L had no objection to the proposed slope works from the landscape planning and safety requirement perspective and considered that the proposed pit-by-pit method would minimize the adverse impact on the existing vegetations. DAFC also had no objection to the application subject to the submission of flora assessment and landscape proposal to his satisfaction. In this regard, relevant approval conditions were recommended;
- (iv) the proposed excavation and filling of land for slope upgrading works were considered in line with the 'Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for Application for Development within "GB" Zone under the section 16 of the Town Planning Ordinance' as it was an essential development to safeguard the slope stability for the safety of the public and the proposed method for soil re-compaction was accepted by all concerned departments as having the least adverse impact on the existing vegetations;
- (v) no local objection and public comment had been received against the proposed development.

48. Members had no question on the application.

Deliberation Session

49. 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 16.12.2015, 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) submission and implementation of a landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) submission of quarterly tree monitoring reports from commencement of site works until completion of the landscape proposal, to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission of flora assessment of the proposed excavation and filling of land for the slope upgrading works on the existing slope to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB.

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

- (a) to note the comments of the Agriculture, Fisheries and Conservation Department that prior written consent from the Country and Marine Parks Authority must be obtained before commencement of works within country parks;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection and should resolve any land matter 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;

- (c) to note the comments of the District Lands Officer/Sai Kung (DLO/SK) that subject to no geotechnical objection, the application for Short Term Tenancy would continue to be processed and prior approval from DLO/SK should be obtained for slope upgrading works on government land and tree felling works; and
- (d) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that other detailed comments would be given at submission of site formation plans in respect of the slope upgrading works.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/91 Proposed Public Vehicle Park (Private Cars and Motorcycles)
in "Residential (Group A) 6" zone,
Government Land in Area 68A, Tseung Kwan O
(RNTPC Paper No. A/TKO/91)

Presentation and Question Sessions

51. The Secretary reported that Mr. Edwin Chan had declared an interest in this application as it was submitted by the District Lands Officer/Sai Kung of Lands Department. Mr. Chan was invited to leave the meeting temporarily for the item.

[Mr. Edwin Chan left the meeting temporarily and Mr. K. C. Siu returned to the meeting at this point.]

52. Mr. Wilfred C.H. Cheng, STP/SKIs, presented the application with the aid of a

powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public vehicle park (private cars and motorcycles);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) a public comment was received from the Designing Hong Kong Limited during the first three weeks of the statutory publication period. The commenter strongly objected to the proposed public vehicle park at the Site expressing concerns on, inter alia, the need of such provision and the suitability of its location at the waterfront, and environmental blight; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper, which were summarised below:
 - (i) the Site had been included in 2011/2012 land sale Application List and the current application was to facilitate the inclusion of the public vehicle park in the Site for land sale. The waterfront sites together with the planned open spaces would become a focal point to attract local residents and visitors. A public vehicle park together with associated loading/unloading and vehicle drop-off points in the vicinity of the waterfront was recommended by the Further Development of TKO Feasibility Study (completed in 2005) to cater for the need of waterfront visitors. The requirement had been confirmed with C for T. The provision of public vehicle park in the Site was considered to be in line with the planning intention of the development of waterfront-related residential and commercial uses in the “R(A)6” zone;
 - (ii) the proposed public vehicle park within the Site was considered

compatible with the adjoining planned land uses. The proposed public vehicle park, with a GFA of 1,500m², would be GFA accountable and counted towards the total GFA of 93,263m² (about) of the Site. Given that the scale, intensity and building bulk of the development of the Site including the proposed public vehicle park was subject to the development restrictions of plot ratio, site coverage and building height as stipulated in the OZP, it was envisaged that the overall development would not pose any adverse visual impact to the surrounding areas. CTP/UD&L, PlanD and Chief Architect/ASC, ArchSD had no objection to / no adverse comment on the application;

- (iii) the proposed development would not cause adverse traffic, infrastructure, environmental, water supply and drainage impacts on the development in the neighbourhood. Relevant government departments consulted had no objection to/adverse comments on the application;
- (iv) since the Site was a sale site and the future car park layout might be different from the submitted indicative layout, an approval condition subject to TD's satisfaction was recommended to allow flexibility;
- (v) as regards the commenter's objection to the proposed public vehicle park development, TD had confirmed the need of a public vehicle park to serve the waterfront visitors. The proposed public vehicle park was intended to serve private cars and motorcycles only. The development of waterfront-related residential and commercial uses together with the proposed public vehicle park was not incompatible with the adjoining planned land uses and would not pose any adverse environmental and visual impacts to the surrounding areas; and

53. Members had no question on the application.

Deliberation Session

54. 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 16.12.2015, 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 parking facilities, loading/unloading spaces and manoeuvring space for the proposed public vehicle park to the satisfaction of the Commissioner for Transport or of the TPB; and
- (b) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) regarding the provision of fresh water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (b) to note the comments of the Director of Fire Services that 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 detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (c) to note the comments of the Director of Environmental Protection that the

proposed public vehicle park should be covered or carefully planned to ensure nearby sensitive receivers would not be adversely affected by the traffic noise and air emissions; and

- (d) to note the following comments of the Chief Building Surveyor/New Territories East 2 and Rail, BD that:
- (i) the future Road L673 (leading from existing public road(s)) to which the site abut should be completed prior to the application for an occupation permit under the Buildings Ordinance in respect of building(s) to be constructed thereat;
 - (ii) prevailing PNAP APP-2 spelt out the criteria on the exercise of discretion under Building (Planning) Regulations 23(b) for car parking and loading / unloading areas. All covered public vehicles (cars and motorcycles) parking spaces and associated ramps, driveways and facilities within the lot should be accountable for site coverage (SC) and Gross Floor Area (GFA) calculations;
 - (iii) the granting of SC and / or GFA concessions for green / amenity features and non-mandatory / non-essential plant rooms and services, etc. were subject to compliance with relevant acceptance criteria, detailed requirements, pre-requisites, overall cap, etc. as set out in prevailing practice notes applicable; and
 - (iv) other detailed comments would be given at formal **building** plans submission stage.

[The Chairman thanked Mr. C.F. Yum and Mr. Wilfred C.H. Cheng, STPs/SKIs, for their attendance to answer Members' enquires. Messrs. Yum and Cheng left the meeting at this point.]

Agenda Item 8

Section 12A Application

[Open Meeting]

Y/ST/14 Application for Amendment to the Draft Sha Tin Outline Zoning Plan No. S/ST/25 from “Green Belt” to “Government, Institution or Community (1)”, Lots 374, 375 S.A (part) and 375 S.B (part) in D.D. 186, To Fung Shan, Sha Tin
(RNTPC Paper No. Y/ST/14A)

56. The Secretary reported that Ms. Anna S. Y. Kwong had declared an interest in this application as she had current business dealings and working relationship with Toco Planning Consultants Ltd and Henry Chan & partners Consultant Engineering Ltd, two of the consultants of the application. As the case was for deferral, the Committee agreed that she should be allowed to stay in the meeting.

57. The Secretary reported that on 30.11.2011, the applicant requested the Board to further defer making a decision on the application for two months in order to allow sufficient time to respond to comments of the public and to prepare sewerage disposal option to address relevant department’s concerns on water pollution aspect.

58. 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 9

Section 16 Application

[Open Meeting]

A/DPA/NE-HH/11 Proposed House (New Territories Exempted House - Small House)
in “Unspecified Use” zone,
Government Land in D.D. 283, Hoi Ha Village, Sai Kung North
(RNTPC Paper No. A/DPA/NE-HH/11)

59. The Secretary reported that on 6.12.2011, the applicant requested the Board to defer making a decision on the application for two months in order to allow sufficient time for him to provide information and plans to support the application and to address departmental concerns.

60. 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 Items 10 to 14

Section 16 Application

[Open Meeting]

A/DPA/NE-TKP/7 Proposed House (New Territories Exempted House - Small House)
in “Unspecified Use” zone,
Government Land in DD 255, Pak Tam Au, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/7 to 11)

A/DPA/NE-TKP/8 Proposed House (New Territories Exempted House - Small House)
in “Unspecified Use” zone,
Government Land in DD 255, Pak Tam Au, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/7 to 11)

A/DPA/NE-TKP/9 Proposed House (New Territories Exempted House - Small House)
in “Unspecified Use” zone,
Government Land in DD 255, Pak Tam Au, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/7 to 11)

A/DPA/NE-TKP/10 Proposed House (New Territories Exempted House - Small House)
in “Unspecified Use” zone,
Government Land in DD 255, Pak Tam Au, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/7 to 11)

A/DPA/NE-TKP/11 Proposed House (New Territories Exempted House - Small House)
in “Unspecified Use” zone,
Government Land in DD 255, Pak Tam Au, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/7 to 11)

61. Noting that the five applications were of the same nature and the application sites were located next to each other within the same “Unspecified Use” area, Members agreed that they could be considered together.

62. The Secretary reported that the Planning Department (PlanD) requested for a deferment of the consideration of the applications as the designation of the “Unspecified Use” covering the application sites was the subject of outstanding adverse representations relating to the Draft To Kwa Peng and Pak Tam Au Development Permission Area (DPA) Plan No. DPA/NE-TKP/1, which had yet to be considered by the Chief Executive in Council (CE in C). According to the Town Planning Board Guidelines on Deferment of Decisions on representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33), a decision on a section 16 application would be deferred if the zoning of the subject site was still subject to outstanding adverse representations yet to be submitted to the CE in C for consideration and the substance of the representations was relevant to the subject application.

63. After deliberation, the Committee decided to defer a decision on the applications as requested by PlanD pending the submission of the DPA Plan to the CE in C for final decision on the representations in respect of the DPA Plan. The Committee agreed that the applications should be submitted for its consideration after the CE in C's decision on the DPA Plan and the relevant adverse representations had been made.

Agenda Item 15

Section 16 Application

[Open Meeting]

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

64. The Secretary reported that on 8.12.2011, the applicant requested the Board to further defer making a decision on the application for two months in order to allow sufficient time to resolve land issues of the application site with the land owner.

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

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

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/70 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lot 63RP in D.D. 46, Tai Tong Wu, Sha Tau Kok Road, Fanling
(RNTPC Paper No. A/NE-MUP/70)

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments - the Director of Agriculture, Fisheries and Conservation did not support the subject application from the agricultural development standpoint as agricultural life in the vicinity of the subject site was active and the site was of high potential for rehabilitation of agricultural activities; CTP/UD&L, PlanD had reservation from the landscape planning point of view though the proposed development was not incompatible to the surrounding environment. With reference to the aerial photo taken in 2010, the trees and other vegetation originally covering the site had been removed and the site was left vacant. Significant disturbance to the existing landscape resources had taken place before the application. Approval of the proposed small house application might set an undesirable precedent of spreading village development

outside the village zone; and

- (d) One public comment was received during the first three weeks of the statutory publication period from a North District Council Member who supported the application. District Officer (North), Home Affairs Department advised that the incumbent of District Council member and one Village Representative of Tai Tong Wu supported the application as the proposal could resolve the land matter in Tai Tong Wu Village; and
- (e) the Planning Department (PlanD)'s views – PlanD recommended to defer the consideration of the application based on the assessments as set out in paragraph 11 of the Paper which were summarised below:
 - (i) the application generally complied with the Interim Criteria for assessing planning application for NTEH/Small House development in that more than 50% of the footprint of the proposed Small House fell within the village 'environs' ('VE') of Tai Tong Wu Village and there was insufficient land within the "V" zone of Tai Tong Wu Village to meet the Small House demand. DLO/N, LandsD had no objection to the application. In this regard, sympathetic consideration could be given to the application;
 - (ii) although DAFC did not support the application from the agricultural point of view, the proposed Small House development was not incompatible with the surrounding areas. Three similar applications in the vicinity of the application site were previously approved by the Committee. Moreover, it was anticipated that the proposed Small House development would not had significant adverse traffic, drainage and environmental impacts on the surrounding area. Concerned government departments had no adverse comment on or no objection to the application;
 - (iii) however, according to aerial photo taken in 2010, the site was covered with vegetation and trees. CTP/UD&L, PlanD had

reservation on the application and commented that all vegetation within the site had been removed and it was left vacant. Significant disturbance to the existing landscape resources had taken place before the application. The approval of the application might set an undesirable precedent of spreading village development outside the village zone;

- (iv) although the proposed Small House generally met the Interim Criteria, any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development should be deterred. On 24.6.2011, the Board, in considering the TPB Paper No. 8843 on Proposed Measures against the “Destroy First and Build Later” Approach, agreed to adopt measures to deal with such approach, including to defer a decision on a planning application in order to investigate a case of suspected unauthorised development where 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 so as to determine whether the application might be rejected for such reason. In order to allow more time for investigation on the recent site formation/clearance works undertaken on the subject site, PlanD recommended that a decision on the application be deferred to ascertain whether any unauthorised development was involved that might constitute an abuse of the planning application process;

- (v) PlanD’s request for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that more time was required to investigate into the matter, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

67. Members had no question on the application.

Deliberation Session

68. After deliberation, the Committee decided to defer a decision on the application for two months as requested by PlanD pending the investigation of the suspected unauthorised development on the application site. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of information from PlanD. The Committee also agreed to advise the applicant that two months were allowed for PlanD to prepare for the submission of information.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/371 Temporary Warehouse (for Storage of Tools Related to the Engineering Works of Overhead Cables) and Dog Kennel for a Period of 3 Years in “Open Storage” and “Road” zones, Lots 2197 S.A (Part) and 2195 RP (Part) in D.D. 76 and Adjoining Government Land, Kwan Tei North Village, Fanling (RNTPC Paper No. A/NE-TKL/371)

Presentation and Question Sessions

69. The Secretary reported that Ms. Anna S. Y. Kwong had declared an interest in this application as she had current business dealings with LLA Consultancy Ltd, one of the consultants of the application. As Ms Kwong had no direct involvement in the subject application, the Committee agreed that she could be allowed to stay in the meeting.

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

- (a) background to the application;
- (b) the proposed temporary warehouse (for storage of tools related to the engineering works of overhead cables) and dog kennel for a period of 3 years;
- (c) departmental comments - Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected; District Officer (North), Home Affairs Department (DO/N, HAD) advised that The Indigenous Inhabitant Representatives (IIR) of Kwan Tei raised objection to the application on the grounds that there were some squatter domestic structures nearby. Approving the application for dog kennel and parking of light vans would cause adverse noise, hygiene and effluent discharge impacts;
- (d) one public comment was received during the first three weeks of the statutory publication period from a North District Council member stating that he had no comment on the application; and
- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the applications based on the assessments made in paragraph 11 of the Paper, which were summarised below:
 - (i) the majority of the application site fell within “OS” zone (about 84%) and partly within an area shown as ‘Road’ (about 16%). The proposed warehouse development which was a Column 1 use within the “OS” zone generally complied with the planning intention of “OS” zone. As advised by CEDD, there was no development programme for the road project. Hence, approval of the application on a temporary basis should not frustrate the long-term planning intention of the ‘Road’ area;
 - (ii) the development under application was considered not incompatible

with the surrounding land uses. The dog kennel under application was small-in-scale and for private purpose. It was anticipated that the proposed development should not have significant adverse traffic, drainage and landscape impacts for the surrounding area. Concerned government departments consulted had no major adverse comments on the application;

- (iii) although DEP did not support the application and there was a local objection to the application, DEP did not receive any environmental complaints concerning the site during the past 3 years. Concerned department including DAFC, WSD and DSD had no adverse comments on the application, and Relevant approval conditions restricting the operation hours were recommended to address the environmental concerns. Relevant advisory clauses were also recommended to advise the applicant to follow the environmental mitigation measures and to observe statutory requirements as stipulated in relevant Ordinances; and
- (iv) there were similar applications for warehouse use encroaching into the area shown as 'Road' in the vicinity of the application site which were previously approved by the Committee.

71. Members had no question on the application.

Deliberation Session

72. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.12.2014, 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 8:00 a.m. from Mondays to 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) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.6.2012;
- (d) in relation to (c) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.9.2012;
- (e) the submission of proposals for water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.6.2012;
- (f) in relation to (e) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.9.2012;
- (g) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.6.2012;
- (h) in relation to (g) above, the implementation of the landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.9.2012;
- (i) 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; and
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) 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.

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

- (a) to note the comments of District Lands Officer/North, Lands Department's 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 Chief Building Surveyor/ New Territories West Section, Buildings Department's that:
 - (i) the granting of the planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found;
 - (ii) if containers were used as dog kennel/ store room, they were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII; and
 - (iii) formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut a specified street not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at building plan submission stage. Also, the applicant's attention was

drawn to B(P)R 41D regarding provision of emergency vehicular access to the proposed development.

- (c) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewerage treatment/disposal facilities for the proposed development;
- (d) to note the comments of the Director of Fire Services that if covered structures 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 aforesaid plans. FSIs should be provided according to the approved proposal;
- (e) to note the comments of Chief Engineer/Development(2), Water Supplies Department's (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 site was located within the flood pumping gathering ground;
- (f) to note the comments of the Director of Agriculture, Fisheries and

Conservation that the applicant was advised to observe statutory requirements as stipulated under Public Health (Animals and Birds) Ordinance (Cap. 139), Dogs and Cats Ordinance (Cap. 167), Prevention of Cruelty to Animals Ordinance (Cap. 169) and Rabies Ordinance (Cap. 421);

- (g) to note the comments of Commissioner of Transport that the land status of the access road leading to the site should be checked with the lands authority and the management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities;
- (h) 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; and
 - (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 contractors when carrying out works in the vicinity of the electricity supply lines; and
- (i) 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.

Agenda Item 18

Section 16 Application

[Open Meeting]

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

74. The Secretary reported that on 1.12.2011, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for the preparation of additional information to address Director of Fire Services' comments.

75. 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 19

Section 16 Application

[Open Meeting]

A/ST/769 Proposed 2 Houses in "Village Type Development" zone,
Lot 304 RP (Part) in D.D. 177, Lok Lo Ha Village, Sha Tin
(RNTPC Paper No. A/ST/769)

76. The Secretary reported that the Planning Department (PlanD) requested for a

deferment of the consideration of the application for two months pending the advice from the District Lands Officer/Shu Tin, Lands Department (DLO/ST, LandsD) about the lease entitlement of the subject lot, which was crucial to the consideration of the subject application.

77. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD pending the advice from DLO/ST, LandsD. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of DLO/ST, LandsD's advice on the lease entitlements of the application site.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/770 Proposed Public Utility Installation (Pressure Reduction Station)
in "Other Specified Uses" annotated "Kowloon Canton Railway" zone,
Government Land in D.D. 187, Hin Keng, Sha Tin
(RNTPC Paper No. A/ST/770)

Presentation and Question Sessions

78. The Secretary reported that Dr. James Lau had declared an interest in this application as he had current business dealings with Henderson Land Development Co. Ltd, which owned the applicant's company. The Committee noted that Dr. Lau had already left the meeting at this point.

79. 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 public utility installation (pressure reduction station);

- (c) departmental comments – Chief Town Planner/Urban Design & Landscape (CTP/UD&L) advised that the application site was partly paved with 6 existing mature trees which would need to be removed. A narrow strip of bamboo planting was proposed along the western boundary of the application site which he considered inadequate to mitigate the loss of landscape resources on site and to screen off the proposed development from the adjoining sensitive receivers (i.e. Hin Keng Estate);
- (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 (Sha Tin), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments made in paragraph 10 of the Paper, which were summarised below:
 - (i) the proposed pressure reduction station at the application site was to facilitate relocation of the existing offtake station. It was not incompatible with the surrounding land uses which comprised gas pipe lines, maintenance depot of gas pipelines, and railway track. The nearest residential block at Hin Keng Estate was located at about 40 m to the east separated by an access road and embankment. The proposed development was expected to have minimal environmental, visual, traffic and noise impacts to the surrounding areas. Relevant government departments consulted had no objection to / comment on the application. Although the application site fell within the Consultation Zone of the STWTW which was a PHI and permission of the CCPHI for the proposed pressure reduction station should be sought, DEMS had no comment on the application from gas safety points of view;
 - (ii) regarding CTP/UD&L, PlanD's concerns about the removal of the existing trees and inadequate screening of the proposed development from Hin Keng Estate, an approval condition requiring the

submission of landscaping proposal was recommended to address this issue. Also, an advisory clause was also recommended to advise the applicant to avoid felling of the existing trees as far as possible;

- (iii) no local objection and public comment had been received against the proposed development.

80. Members had no question on the application.

Deliberation Session

81. 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 16.12.2015, and after the said date, the permission should cease to had 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 provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note that the felling of the existing trees within the application site should be avoided as far as possible;
- (b) to note the comments of District Lands Officer/Shu Tin, Lands Department (LandsD) that:
 - (i) if felling of tree(s) was inevitable, the Practice Note No. 7/2007 issued by the Lands Administration Office of LandsD should be

followed in respect of application for felling of trees; and

- (ii) should the application be approved by the TPB, the applicant would had to apply to the LandsD for amendment/cancellation and re-issue of the Short Term Tenancy 764. The gap between the application site and the boundary of STT 764 should be rationalized. If the application was approved by LandsD acting in its capacity as landlord at its discretion, LandsD might impose such conditions as it deemed appropriate, including, inter alia, payment of rental;
- (c) to note the comments of Chief Estate Surveyor/Railway Development, LandsD that the applicant was required to submit an application to Lands Department in respect of the amendment / cancellation and re-issue of the Short Term Tenancy 764 for approval subject to such terms and conditions as might be imposed by the government in the capacity of landlord.
- (d) to note the comments of Chief Engineer/Development(2), Water Supplies Department that the applicant should be reminded to implement precautionary measures to prevent sand, silt or other cementitious materials from being washed into the existing drainage/sewerage system in the implementation of the development under application;
- (e) to note the comments of Director of Fire Services that:
 - (i) Emergency Vehicular Access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by Buildings Department;
 - (ii) the proposed site fell within the Consultation Zone of the Sha Tin Water Treatment Works which was an existing Potentially Hazardous Installation, the proposed development might require permission of the Coordinated Committee on Land-use Planning and Control relating to Potentially Hazardous Installations; and

- (iii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (f) to note the comments of Chief Engineer/Mainland South, Drainage Services Department that the applicant should be reminded to implement precautionary measures to prevent sand, silt or other cementitious materials from being washed into the existing drainage/sewerage system in the implementation of the development under application;
- (g) to note the Chief Building Surveyor/New Territories East (1) and Licensing Unit, Buildings Department's comments that should the application site become a leased government land, any proposed building works thereat should be submitted to his Department for approval under the Buildings Ordinance; and
- (h) to note the Director of Agriculture, Fisheries and Conservation's comments that six common trees would be affected by the proposed development. The applicant was advised to avoid/minimize the impact on the existing trees as far as practicable.

Agenda Item 21

Section 16 Application

[Open Meeting]

A/NE-LT/439 Proposed Twenty Houses (New Territories Exempted Houses - Small Houses) with an Emergency Vehicular Access in "Agriculture" zone and an Area Shown as 'Road', Various Lots in D.D.8 and adjoining Government land, Sha Pa Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/439)

83. The Secretary reported that on 5.12.2011, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for the

preparation of responses to departmental comments.

84. 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 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/373 Proposed House (New Territories Exempted House - Small House)
 in “Green Belt” zone,
 Lot 99 S.B in D.D. 28 and Adjoining Government Land,
 Lung Mei, Tai Po
 (RNTPC Paper No. A/NE-TK/373)

Presentation and Question Sessions

85. The Secretary reported that Ms. Anna S. Y. Kwong had declared an interest in this application as she had working relationship with Ted Chan & Associates Ltd, one of the consultants of the application. As Ms Kwong had no direct involvement in the subject application, the Committee agreed that she could be allowed to stay in the meeting.

86. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

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

House);

- (c) departmental comments - the Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view raising concerns that the approval of the application would likely lead to further encroachment onto the green belt, and the cumulative impact of small house development on the landscape of the wooded hillsides would be significant;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the applications based on the assessments made in paragraph 12 of the Paper, which were summarised below:
 - (i) the site was the subject of a previous application No. A/NE-TK/260 for the same use at the same lot submitted by another indigenous villager. This previous application was approved with conditions on 5.9.2008. The current application was basically the same as the previous application. There was no change in the planning circumstances since the consideration of the previous application by the Committee in 2008;
 - (ii) although the proposed development was not in line with the planning intention of the “GB” zone, the proposed Small House was considered in compliance with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell within the ‘VE’ and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the concerned villages;
 - (iii) the proposed Small House was considered not incompatible with the

existing village setting. The DAFC had no strong view on the application from nature conservation point of view. CTP/UD&L, PlanD objected to the application raising concerns that the approval of the application would lead to further encroachment onto the green belt and the cumulative impact of Small House development on the landscape of the wooded hillsides would be significant. Given that there was no tree on the site, the site was the subject of a previously approved application and there were also a number of similar approved applications in the vicinity, sympathetic consideration could be given to the application. To address the CTP/UD&L of PlanD's concern, an approval condition on landscaping was recommended and the applicant would also be advised to avoid disturbing the trees nearby to ensure that it would not cause adverse impact on the surrounding areas;

- (iv) there was no local objection or public comment against the application.

87. Members had no question on the application.

Deliberation Session

88. 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 16.12.2015, 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; and
- (d) the submission of a natural terrain hazard study and the implementation of the mitigation measures identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) or of the TPB.

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

- (a) to avoid disturbing the trees nearby;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there was no public drain in the vicinity of the site. If the application was approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the site to the satisfaction of DSD to ensure that it would not cause adverse drainage impact to the adjacent area. The applicant was also 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 failure of the systems. There was no existing public sewerage in the vicinity of the site currently. Nevertheless, sewerage connection might be available when the proposed village sewerage works under the project “Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C” were completed in around 2012/13. Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend their 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;

- (d) to note the comments of the H(GEO), CEDD that the site was situated close to steep hillside and met the screening criteria for requiring a natural terrain hazard study (NTHS). The applicant was advised to submit a Geotechnical Planning Review Report (GPRR) to assess the natural terrain hazard as addressed in the attached Advice Note (Appendix VI), which set out the essential contents of a GPRR. Depending on the findings of the GPRR, an NTHS and mitigation measures found necessary might had to be undertaken as part of the proposed development. The applicant was reminded to make necessary submission to the District Lands Officer to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemptions were not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance; and

- (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 should obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/374 Proposed Two Houses
 (New Territories Exempted Houses - Small Houses)
 in “Green Belt” zone,
 Lots 255 S.D and S.E in D.D. 26, Shuen Wan Lei Uk, Tai Po
 (RNTPC Paper No. A/NE-TK/374)

Presentation and Question Sessions

90. Ms. Jessica K.T. Lee, 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 (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments - Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application from landscape planning point of view. The site was partly vacant and partly vegetated with about 40 existing trees. Although the existing trees in the site were weedy species and their individual value was not high, they had a reasonable greening effect as a group in the form of a woodland. The construction of the proposed houses would cause moderate disturbances to the existing landscape character and resources. Hence, the landscape quality of the green belt zone would further deteriorate and its intactness would be undermined. Moreover, the proposed Small Houses occupied nearly the whole site leaving insufficient space for landscape planting that the loss of greenery could not be compensated and the adverse landscape impact would unlikely be mitigated;

- (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 (Tai Po), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the applications based on the assessments made in paragraph 12 of the Paper, which were summarised below:
 - (i) although the proposed development was not in line with the planning intention of the “GB” zoning, the proposed Small Houses generally complied with the Interim Criteria in that more than 50% the footprint of the proposed Small Houses fell within the ‘VE’ and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the concerned villages;
 - (ii) the proposed Small Houses were considered not incompatible with the existing village setting. The DAFC had no strong view on the application from nature conservation point of view. CTP/UD&L, PlanD had reservation and raised concerns on the moderate disturbances to the existing landscape character and resources. Given that the existing trees on site were of weedy species and there were 11 planning applications with similar site circumstances within the same “GB” zone approved on similar grounds in the area, sympathetic consideration could be given to the application;
 - (iii) there was no local objection or public comment against the application.

91. Members had no question on the application.

Deliberation Session

92. 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 16.12.2015, 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.

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

- (a) to note the comments of the Commissioner for Transport that the existing nearby village access was not under jurisdiction of Transport Department. The land status of the village access should be checked with the lands authority. The management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access leading to the site was not maintained by the HyD. As the subject site was close to the adjoining Ting Kok Road, the applicant was reminded to provide mitigation measures at his own cost against any nuisance (e.g. noise, dust, etc.) from the public road;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there was no existing public drain available for connection in the area. The applicant was required to submit and implement a drainage proposal for the site to the satisfaction of DSD to ensure that it would not cause adverse drainage impact to the adjacent area. The applicant was also 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. There was no existing public sewerage available for connection in the vicinity of the site currently. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;

- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend their inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make necessary submissions to the District Lands Officer and/or the Building Authority for approval in accordance with the provisions of the Buildings Ordinance; and
- (f) 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 should obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/510 Proposed Institutional Use (Education and Experiential Learning Centre) Use for a Period of 5 Years in “Village Type Development” zone, Lots 1314 S.B, 1639, 1934 in D.D. 6 and adjoining Government land, Kam Shan, Tai Po
(RNTPC Paper No. A/TP/510)

Presentation and Question Sessions

94. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed institutional use (Education and Experiential Learning Centre) for a period of 5 years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment was received during the first three weeks of the statutory publication period from Tai Po Rural Committee/local communities/organisations which supported the application as the proposed development would help the youngsters develop proper human values, enhance social harmony and foster moral and personal quality; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 10 of the Paper, which were summarised below:

- (i) the proposed development was not in accordance with the planning intention of the “V” zone and according to PlanD’s record, there was a shortage of 3.1 ha of land within the subject “V” zone to meet the Small House demand from the nearby Kam Shan, Shek Kwu Lung, Pan Chung and Pan Chung San Tsuen. However, the existing buildings on site were held under new grant lots and outside the ‘village environs’ of Shek Kwu Lung. As the site had building status and the proposed development was of temporary nature, it would not affect the possible long-term use of the site for Small House development. In this regard, DLO/TP had no adverse comment on the proposed temporary institutional use;
- (ii) the proposed education and experiential learning centre would make use of the existing vacant school building. It was not incompatible with the surrounding village setting and unlikely to have adverse traffic, drainage, environmental, visual and landscape impacts on the surrounding areas. Relevant departments consulted had no objection to or adverse comments on the application;
- (iii) there was a public comment submitted by the Tai Po Rural Committee, Tai Po Tsat Yeuk Rural Committee, Residents Association of Tai Po District, Tai Po Merchants Association Limited and Tai Po Groups Fraternal Association supporting the proposal.

95. Members had no question on the application.

Deliberation Session

96. After deliberation, the Committee decided to approve the application, on a temporary basis for a period of five years until 16.12.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the

satisfaction of the Director of Planning or of the TPB; and

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

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

- (a) to note the comment of Commissioner for Transport that the existing village access was not under his management;
- (b) to note the comment of the Chief Highway Engineer/New Territories East, Highways Department that the applicant should provide mitigation measures at his own cost against any nuisance (e.g. noise, dust etc.) from the Tolo Highway;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) in paragraph 8.1.7 (b) and (c) of the Paper;
- (d) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by BD; and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (e) to note the comment of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should submit statutory plans to the BD in accordance with the provision of the Buildings Ordinance; and
- (f) to note the comments of the Director of Electrical and Mechanical Services in paragraph 8.1.11 of the Paper.

[The Chairman thanked Ms. Doris S.Y. Ting, Mr. Anthony K.O. Luk and Ms. Jessica K.T. Lee, STPs/STN, for their attendance to answer Members' enquires. Ms. Ting, Mr. Luk and Ms. Lee

left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/360 Temporary Open Storage of Building Materials and Machinery
for a Period of 3 Years in “Recreation” zone,
Lot 114(Part), 115RP(Part) and 203(Part) in D.D. 126,
Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/360)

Presentation and Question Sessions

98. 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 temporary open storage of building materials and machinery for a period of 3 Years
- (c) departmental comments – concerned departments had no objection or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the

statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; 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) although the proposed development was not in line with the planning intention of the “REC” zone, it was only temporary in nature and would not frustrate the implementation of the long-term planning intention of the “REC” zone. There was no known recreational development proposed on the site;
 - (ii) the proposed open storage of building materials and machinery use was not incompatible with the adjoining open storage uses. The applicant had proposed not to operate during night-time, and to use only goods vehicles not exceeding 24 tonnes. DEP considered that the proposed use could be tolerated provided that there was no dwelling within 100m of the site and that no storage of electrical appliances would be involved. Approval conditions restricting the time of operation and type of vehicles, prohibiting workshop activities and storage of electrical appliances were recommended to address any potential environmental impacts. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to undertake environmental mitigation measures as set out in the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites’ issued by Environmental Protection Department (EPD) to minimise possible environmental impacts;
 - (iii) the application site fell within Category 3 areas under the TPB

PG-No. 13E. The application was in line with the guidelines in that previous permissions for open storage use (though of a different nature) and previous permission for the same use had been granted for the site and all the approval conditions under the last previous permission had been complied with. Moreover, concerned departments consulted had no adverse comments on the application;

- (iv) there was no local objection or public comment against the application.

99. Members had no question on the application.

Deliberation Session

100. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.12.2014, 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 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no storage of electrical appliances including computer parts and television sets was allowed on the site at any time during the planning approval period;
- (d) no dismantling, repairing and other workshop activities were allowed on the site at any time during the planning approval period;
- (e) no goods vehicles exceeding 24 tonnes, container vehicles, container tractors and trailers, heavy cranes were allowed to be stored/operated on the site at any time during the planning approval period;

- (f) the existing drainage facilities on the site should be maintained at all times during the approval period;
- (g) the submission of a condition record of the existing drainage facilities on-site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.6.2012;
- (h) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.1.2012;
- (i) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.6.2012;
- (j) in relation to (i) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.9.2012;
- (k) 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 had effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to had effect and should on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of District Lands Officer/Yuen Long (DLO/YL) that no structures were allowed to be erected on site without prior approval of the Government. No approval had been given for the specified structure as converted container for ancillary site office and guardroom. The site was accessible via an informal local track on government land (GL) and DLO/YL provided no maintenance works for this GL nor guarantee right-of-way. The lot owners needed to apply for permission for structure to be erected or to regularize any irregularities on site. Such applications would be considered by DLO/YL acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by DLO/YL.
- (c) to note the comments of Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (d) to note the comments of Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD should not be responsible for the maintenance of any access connecting the site and Tim Wah Road;
- (e) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with Buildings Ordinance (BO) and Authorized Person must be appointed to coordinate all building works. The granting of the 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 future;

(f) to note the comments of Director of Fire Services (D of FS) that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required and the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs for D of FS's approval. In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the following requirements for open storage of combustibles, such as recycling sites:

- (i) a modified hose reel system supplied by 2m³ FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans;
- (ii) portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans; and
- (iii) fire alarm system should be provided to the entire building in accordance with BS 5839: Part 1:2002 + A2:2008 and FSD Circular Letter No. 1/2009. 1 actuating point and 1 audio warning device to be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device initiation.

In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the requirement for other storage open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures that portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. In addition, the layout plans should be drawn to scale and depicted with dimensions and nature of

occupancy; good practice guidelines for open storage should be adhered to; and the location of where the proposed FSI 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 as prescribed in the above, the applicant was required to provide justifications for his consideration; and

- (g) to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any possible environmental nuisances.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/226 Proposed House (New Territories Exempted House)
in “Green Belt” zone,
Lot 2447 S.D. RP in D.D. 130, Shun Tat Street, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/226)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House);
- (c) departmental comments – Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning point of view. Based on the information submitted and aerial photos taken on 2.12.2008 and 10.1.2011,

it was noted that the site was vacant and vegetated in 2008 but had been disturbed since then. At present, all the vegetation on site had been removed and the whole site was hard paved. Significant changes and disturbance to the original landscape character and resources had occurred. The proposed use was considered not in line with the intention, nature and landscape character of the green belt. Moreover, if the application was approved, it would set an undesirable precedent to encourage more house developments in the “GB” zone. Thus, the landscape quality of the “GB” zone would further deteriorate and the intactness of the “GB” zone would be undermined;

- (d) three comments were received during the first three weeks of the statutory publication period. Two comments from two Village Representatives of Sun Fung Wai and four villagers objected to the application on the grounds that the proposed development would severely affect the environment of the burial ground of Sun Fung Wai. The third comment, submitted by Shun Tat Street Resident Association objected to the application on the grounds that the proposed development was not compatible with the zoning and rezoning was more appropriate; the intended use was not stated; the high floor height of the proposed house could be turned into a columbarium and the open area could be used for open-air niches because the site was near grave yards; and feasibility study on traffic, environmental and geotechnical impacts should be provided; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 13 of the Paper which were summarised below:
 - (i) the proposed development generally complied with the TPB PG-No. 10 in that the scale and intensity of the proposed development was not considered incompatible with the character of the surrounding areas. The proposed NTEH would not involve extensive clearance of vegetation or affect the existing natural landscape. Adverse visual impact was not envisaged. Although the development

conditions governing the “H” portion of the application site (about 60.7 m²) could not be ascertained, part of the site had building status for house development, the application might warrant exceptional and sympathetic consideration. Moreover, the roofed-over area of the proposed NTEH (60.7 m²) was the same as the area of that part of the lot with building status. The applicant had also revised the building height of the proposed NTEH to 7.62 m (i.e. 25 feet) as per G.N. 364. Relevant government departments consulted had no objection to or adverse comment on the environmental, sewerage, drainage, water supplies and slope stability aspects of the application;

- (ii) the proposed NTEH was not incompatible with the uses in the surrounding area. Although the site was near a permitted burial ground, it did not encroach on the burial ground. DO(TM), HAD had no comment on the application. Government departments concerned had no objection or adverse comments on the application. Relevant approval conditions were recommended to address technical concerns of government departments on drainage, fire safety and landscape aspects;
- (iii) there were 3 public comments objecting to the application. For the possible abuse of the site for columbarium, it should be noted that the application was for a NTEH, not a columbarium use. The approval, if granted by the Committee, would be on the terms as submitted. Any unauthorized developments at the site were subject to planning enforcement actions of the Planning Authority. The DLO/TM, LandsD had also advised that should the application for redevelopment to a NTEH was approved by his office, he would impose such terms and conditions as government should deem fit to do so, including the building dimensions eventually approved, and a prohibition clause of grave/columbarium use. On the traffic, environmental and geotechnical impacts, the C for T, DEP and H(GEO), CEDD had no objection to or adverse comment on the

application. On the “fung shui” matter, the applicant should be advised to liaise with the relevant villagers and local residents on their concerns.

103. Members had no question on the application.

Deliberation Session

104. 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 16.12.2015, 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;
- (b) the submission and implementation of proposal on emergency vehicular access, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of District Lands Officer/Tuen Mun, Lands Department (LandsD) that if planning approval was given, his office might consider the redevelopment application for construction of a New Territories Exempted House on the lot by way of in-situ exchange. However, there was no guarantee that the redevelopment application would be approved and he reserved his comment on such. He would advise that the redevelopment application would be considered by the LandsD acting in the capacity as the landlord at its sole discretion. In the event that

redevelopment application was approved, it would be subject to such terms and conditions, including the finally approved building dimensions, a prohibition clause of grave/columbarium use, charging of premium, administration fee and other related fees as the government should deem fit to do so;

- (b) to note the comments of Director of Environmental Protection that the site was within an area where no direct public sewerage was available. In connection with this, the applicant was reminded that all wastewaters from the site should comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for her own access arrangement;
- (d) to note the comments of Director of Fire Services that the New Territories Exempted House – A Guide to Fire Safety Requirements issued by the LandsD should be followed;
- (e) to note the comments of Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that applicant was reminded to submit the site formation plans to the Buildings Department for approval as required under the provisions of the Buildings Ordinance, unless the applicant wished to apply for a certificate of exemption for site formation works from the Director of Lands;
- (f) to note the comments that Director of Electrical and Mechanical Services that the applicant/her 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 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/her contractor should carry out the measures as detailed at Appendix V of the

RNTPC Paper; and

- (g) to liaise with the relevant villagers and local residents on their concerns.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/196 Proposed Public Utility Installation (Electricity Package Substation) and Excavation of Land in “Village Type Development” zone, Government Land in D.D. 105, Mai Po Tsuen, Mai Po, Yuen Long (RNTPC Paper No. A/YL-MP/196)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (electricity package substation) and excavation of land;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper which were summarised below:

- (i) the proposed electricity package substation was an essential utility to provide electricity supply to the existing villages and future development in Mai Po Tsuen. DLO/YL, LandsD advised that there was no Small House application at the site. The proposed electricity package substation was in line with the planning intention of the “V” zone as it served the needs of the villagers and was in support of the village development;
- (ii) the proposed electricity package substation complied with the requirements of the TPB PG-No. 12B in that it would unlikely cause significant ecological impact and the proposed single storey electricity package substation was exempted from the requirement of ecological impact assessment;
- (iii) the proposed electricity package substation was of a relatively small scale and required infrequent maintenance. It was not expected to cause any significant adverse environmental, traffic and drainage impacts on the surrounding areas. The proposed electricity package substation was considered not incompatible with the adjacent residential and other developments in the surrounding areas and significant landscape impacts caused by the proposed development was not anticipated;
- (iv) no environmental complaints had been received in the past 3 years. DEP had no adverse comment on the application. Other concerned departments consulted had no comments or no objection to the application;
- (v) no local objection and public comment had been received against the proposed development.

107. Members had no question on the application.

Deliberation Session

108. 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 16.12.2015, 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;
- (b) the submission and implementation of proposal of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site was situated on unallocated government land. CLP Power Hong Kong Limited (CLP) should apply to his Office for approval of the construction and installation of the electricity package substation under the mechanism of Block Licence that covered site within an area of 12m². For the purpose of carrying out the proposed works, CLP should apply from his Office for an "Excavation Permit". No works should be commenced unless and until the relevant documents and approval had been given with the prescribed fee settled;
- (b) to note the comments of Director of Environmental Protection that the applicant should take appropriate measures to avoid noise nuisance arising, such as locating openings of the proposed electricity package substation away from sensitive receivers. The applicant should comply with the Water

Pollution Control Ordinance during construction and operation of the electricity package substation and approach Environmental Protection Department's Regional Office (North) should there be effluent discharge from the site;

- (c) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the proposed installation should neither obstruct the overland flow nor adversely affect any existing watercourse, village drains or ditches. The applicant/owner was also required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective at his own cost. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. The site was in area where no existing public sewerage maintained by CE/MN, DSD was currently available for connection. The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the site boundary in order to ensure unobstructed discharge from the application site in future;
- (d) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that if the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) during building plan submission stage. The applicant should pay attention to the requirements on provision of means of access and emergency vehicular access (EVA) to the proposed building under B(P)R 5 & 41D respectively. Formal submission of any proposed new work, including the electricity package substation structure for approval under the Buildings Ordinance was required. Detailed checking of plans would be carried out upon formal submission of building plans;
- (e) to note the comments of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority.

Furthermore, the EVA provision in the site should comply with the standard as stipulated in the Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the B(P)R 41D;

- (f) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and

- (g) to note the Director of Health's comments 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 proposed electricity package substation.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/407 Renewal of Planning Approval for Temporary Public Vehicle Park
(Excluding Container Vehicle) under Application No. A/YL-ST/352
for a Period of 3 Years in “Undetermined” zone,
Lot 244 S.B RP (Part) in D.D. 99 and Adjoining Government Land,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/407)

[Mr. Edwin Chan and Ms Anita Ma left the meeting at this point.]

Presentation and Question Sessions

110. The Secretary reported that Ms. Anna S. Y. Kwong had declared an interest in this application as she had working relationship with Lanbase Surveyors Ltd, one of the consultants of the application. As Ms Kwong had no direct involvement in the subject application, the Committee agreed that she could be allowed to stay in the meeting.

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary public vehicle park (excluding container vehicle) under Application No. A/YL-ST/352 for a Period of 3 Years;
- (c) departmental comments – DEP advised that one complaint was received in 2008 concerning air pollution from the site. The case was related to open burning in the vicinity and no one was identified for the act. He advised the applicant to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued

by DEP to minimize potential environmental impacts on the surrounding areas;

- (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), Home Affairs Department; 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 site fell within the “U” zone, the future land uses of which were being reviewed in the Lok Ma Chau Loop Study. Since the application was for temporary use for a period of 3 years, approval of the application should not frustrate the future land uses of the “U” zone;
 - (ii) the current application for the renewal of the permission under Application No. A/YL-ST/352 for the same use for a further period of 3 years was in line with TPB Guidelines PG-No. 34B in that since the last approval, there had been no major change in planning circumstances; government departments concerned had no adverse comment on the application, adverse planning implications arising from the renewal of the planning approval were not expected; all the approval conditions under the previous approval had been complied with; the 3-year approval period sought was the same as in the previous application; and temporary use of the site for public vehicle park (excluding container vehicle) for another 3 years would not jeopardize the planning intention of the “U” zone;
 - (iii) the temporary public vehicle park (excluding container vehicle) which did not involve heavy vehicles was considered not incompatible with the nearby environment;

- (iv) although the site fell within the Wetland Buffer Area of the TPB Guidelines PG-No. 12B, the guidelines also specified that planning applications for temporary uses were exempted from the requirement of Ecological Impact Assessment. The DAFC had no strong view on the application. The nearest pond was about 99m to the southeast of the site and was separated from the site by a section of Lok Ma Chau Road. It was unlikely that the development at the site would have significant adverse off-site disturbance impacts on the fish ponds;
- (v) The application was in line with the TPB Guidelines PG-No. 13E in that the site was located in the vicinity of the cross-boundary bus terminus in San Tin and the Lok Ma Chau Control Point. The proposed use could meet some of the parking demand for local villagers/residents and cross-boundary travellers. Government departments concerned had no adverse comment on the application. Adverse environmental, traffic and infrastructural impacts on the surrounding areas were not anticipated;
- (vi) although there was one complaint on air pollution pertaining to open burning in the vicinity of the site received in 2008, DEP advised that no one was identified for the act and there was no local objection received on environmental aspects in the current application. To mitigate potential environmental nuisance to the surrounding areas, approval conditions restricting the types of vehicles and activities on-site and requiring maintenance of paving and boundary fencing were recommended. Relevant approval conditions were also recommended to address technical requirements of concerned departments. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant would be advised to follow the latest “Code of Practice on Handling the

Environmental Aspects of Temporary Uses and Open Storage Sites”
to minimize the possible environmental impacts;

- (vii) no local objection and public comment had been received against the proposed development.

112. Members had no question on the application.

Deliberation Session

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 24.1.2012 to 23.1.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity was allowed on the site at any time during the planning approval period;

- (e) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (f) the existing run-in connecting Lok Ma Chau Road on the site should be maintained at all times during the planning approval period to the satisfaction of the Commissioner for Transport;
- (g) the landscape planting on the site should be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (i) the submission of an as-built drainage plans and sections and photographic records of the existing 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 23.7.2012;
- (j) the submission of 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 23.7.2012;
- (k) in relation to (j) above, the implementation of 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 23.10.2012;
- (l) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.7.2012;
- (m) in relation to (l) 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 23.10.2012;

- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the planning approval period, the approval hereby given should cease to had effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to had effect and should on the same date be revoked without further notice; and
- (p) 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.

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

- (a) to resolve any land issues relating to the temporary development with the concerned owner(s) of the application site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the land under application site comprised Old Scheduled agricultural lot held under Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government. Besides, structures in connection with the adjoining undertaking might had been included into the application site. An application for Short Term Tenancy had been received for occupation of government land (GL) within the application site which was under processing by his Office. GL beyond the eastern boundary might had also been occupied. The applicant should verify the application boundary. Access of the site abut directly onto Lok Ma Chau Road. His Office provided no maintenance work for the GL involved and did not guarantee right-of-way. Should planning approval be given to the

subject planning application, the lot owner would still need to apply to his Office to permit the structures erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (c) 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 areas;
- (d) to note the comments of Director of Agriculture, Fisheries and Conservation that the applicant should properly maintain the existing fencing and landscape planting along the site boundary and ensure that the proposed development would not encroach on the nearby well wooded area at the northwest and affect any trees thereon;
- (e) to note the detailed comments of Chief Engineer/Mainland North, Drainage Services Department at Appendix V in the RNTPC Paper;
- (f) to note the detailed comments of Chief Building Surveyor/New Territories West, Buildings Department at Appendix VI in the RNTPC Paper;
- (g) to note the comments of Director of Fire Services that fire service installations (FSI) were required in consideration of the design/nature of the proposed structures, the applicant was advised to submit relevant layout plans incorporated with the proposed FSI to his Department for approval. In formulating FSI proposal for the proposed structures, the applicant was advised to make reference to the requirements: for other storages, open sheds or enclosed structure with total floor area less than 230m² 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. The applicant should also be advised that: (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in the above, the applicant was required to provide justifications to his Department for consideration; and

- (h) to note the detailed comments of Director of Electrical and Mechanical Services at Appendix VII in the RNTPC Paper.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/758 Temporary Warehouses (Storage of Paper) for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 797 RP (Part), 799 (Part), 800 (Part) and 801 (Part) in D.D. 125, Lots No. 3299 RP (Part), 3300 (Part), 3301, 3302 (Part), 3316 (Part), 3317 (Part), 3323 S.A (Part), 3324 S.A, 3324 S.B, 3325 (Part) and 3326 (Part) in D.D.129, and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/758)

Presentation and Question Sessions

115. 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 warehouses (storage of paper) for a period of 3

years;

- (c) departmental comments –Director of Environmental Protection (DEP) advised that there were two substantiated complaints related to noise nuisance generated from the ventilation fans against the site in September 2010. The fans were subsequently switched off and removed. She did not support the application as there were sensitive uses in the vicinity of the site with the closest being less than 10m away, and along the access road (Ping Ha Road) and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; 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 which were summarised below:
 - (i) the applied use was not incompatible with the surrounding uses within the subject “CDA” zone. Approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “CDA” zone on the OZP since there was not yet any programme/known intention to implement the zoned use;
 - (ii) DEP did not support the application as there were sensitive receivers in the vicinity of the site. Although there were 2 substantiated noise nuisance complaints against the site in 2010, the problem was subsequently rectified by the applicant. To address DEP’s concern, approval conditions restricting the operation hours and prohibition of workshop activity on-site were recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the

Planning Authority. The applicant should be advised that favourable consideration might not be given by the Committee to any further application should there be any substantiated environmental complaint against the site within the approval period. The applicant would also be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the possible environmental nuisance to the adjacent areas;

- (iii) other concerned government departments consulted had no adverse comment on the application. There was also no adverse comment from the landscape planning point of view. Relevant approval conditions were recommended to address the technical requirements regarding the submission and implementation of FSIs and run-in/out proposals, and the implementation of the accepted landscape and tree preservation proposal. As a slight discrepancy between the site and the current fenced area was noted at the northern boundary of the site, an approval condition on the provision of fencing was also recommended;

- (iv) the Committee had approved the previous application No. A/YL-HT/563 for the same warehouse use submitted by the same applicant in 2008. Since the granting of this previous approval, there had been no material change in the planning circumstances. The applicant had also satisfactorily complied with all the approval conditions of the last application. As compared to the last previous application, the present application involved a smaller site with an additional structure (+612.5 m²). In this regard, DLO/YL of LandsD, CBS/NTW of BD and D of FS had no adverse comment on the application. 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 “CDA” zone for similar temporary open storage and warehouse uses. As the site was in close proximity to the similar applications, approval of the subject

application was in line with the Committee's previous decisions;

- (v) there was no local objection or public comment against the application.

116. Members had no question on the application.

Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.12.2014, 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. to 9:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays, and after 1:00 p.m. on Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing and workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period
- (d) no material was allowed to be stored/dumped and no vehicle was allowed to be parked within 1m of any tree on the site during the planning approval period;
- (e) the drainage facilities implemented on the site under Application No. A/YL-HT/563 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 6 months from the date of the planning approval to the satisfaction

of the Director of Drainage Services or of the TPB by 16.6.2012;

- (g) the submission of a 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 16.6.2012;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 16.9.2012;
- (i) the submission of a run-in/out proposal for the site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 16.6.2012;
- (j) in relation to (i) above, the provision of a run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 16.9.2012;
- (k) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.6.2012;
- (l) in relation to (k) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 16.9.2012;
- (m) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 16.6.2012;
- (n) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to had effect and should be revoked immediately without further notice;

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

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

- (a) planning permission should have been renewed before continuing the development on-site;
- (b) to note that favourable consideration might not be given by the Committee to any further application should there be any substantiated environmental complaint against the site within the approval period;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government, and to apply to him for occupation of the small parcel of government land near Lot No. 3325 in D.D. 129. He would resume processing of the Short Term Waiver applications to permit the structures erected on the lots. Such applications 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. Access to the site requires traversing through

Government Land Allocation No. TYL 825 granted to the Chief Engineer/Land Works (CE/LW), Civil Engineering and Development Department for 'Ping Ha Road Improvement – Remaining Works'. CE/LW should be consulted for any interface problem/issue. He did not guarantee right-of-way for access to the site from Ping Ha Road;

- (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 that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) to construct the run-in/out at the access point at Ping Ha Road in accordance with the latest version of HyD Standard Drawings No. H1113 and H1114 or H5133, H5134 and H5135 whichever set was appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out;
- (h) to note the comments of the Director of Fire Services in Appendix IV of the RNTPC 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 plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from

the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action might be taken by the Buildings Authority (BA) to effect the removal of unauthorized building works (UBW) erected on the site in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Prior approval and consent of the BA should be obtained before any new building works were to be carried out on the site, and an Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The temporary warehouses for storage, porches and site office were considered as temporary buildings, which were subject to control under the Building (Planning) Regulation (B(P)R) Part VII. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/230 Proposed Temporary Open Storage of Scrap Metal,
Scrap Plastic and Used Motorcycles for a Period of 3 Years
in "Recreation" zone,
Lot No. 1768 (Part) in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/230)

Presentation and Question Sessions

119. 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 scrap metal, scrap plastic and used motorcycles for a period of 3 years;
- (c) departmental comments –
 - (i) the Director of Environmental Protection (DEP) advised that no pollution complaint pertaining to the site was received over the past 3 years. However, she did not support the application as there were sensitive uses (residential dwellings) in the vicinity of the site (the closest being about 15m away) and along the access road (Deep Bay Road) and environmental nuisance was expected;
 - (ii) Commissioner for Transport (C for T) advised that the section of Deep Bay Road to the north of its junction with Lau Fau Shan Road was a prohibited zone for vehicles longer than 10m. The approval of the application would set an undesirable precedent for other similar applications, the cumulative impact of which would cause adverse traffic impact on the nearby road network;
 - (iii) Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had reservation on the application from the landscaping planning perspective as the proposed temporary use was considered incompatible with the planned uses of “REC” zone. The approval of the application would set an undesirable precedent which would encourage more temporary open storage uses in the “REC” zone.
- (d) three public comments were received during the first three weeks of the statutory publication period from a Yuen Long District Council (YLDC) member, a villager, and Designing Hong Kong Limited (DHKL) objecting

to the application. The YLDC member objected to the application on the grounds that the applied use was not in line with the zoning, and it would generate noise nuisance to nearby residents and cause land contamination. A villager objected to the application on the grounds that the single-lane, 1-way access road was narrow and unsuitable for pedestrian and goods vehicle traffic and that goods vehicles would damage the access road, and there would be noise, dust and environmental impacts associated with the loading/unloading of goods. DHKL considered the use of the site for open storage to be a blight on the environment, not in line with the planning intention of the area, would degrade the land with inefficient land use, and would set a bad precedent and induce further degradation of the rural environment. DHKL opined that a condition requiring a plan for quality landscaping and well-designed interface with the public domain (including the design of the perimeter with a setback of the fencing and inclusion of a green buffer) for approval by the Board should be stipulated to mitigate the blight should the application be approved; 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 applied use was not in line with the planning intention of the “REC” zone which was primarily for recreational developments for the use of the general public. No strong planning justification had been given in the submission for a departure from such planning intention, even on a temporary basis;
 - (ii) the applied use was incompatible with the residential dwellings in the vicinity of the site. In this regard, DEP did not support the application as there were sensitive uses (residential dwellings) in the vicinity of the site and along the access road and environmental nuisance was expected. Although there were other similar open storage uses in the vicinity of the site in the subject “REC” zone, all of them were recent suspected unauthorised developments which

would be subject to enforcement action by the Planning Authority;

- (iii) the application was not in line with the TPB Guidelines TPB PG-No. 13E in that no previous approval for open storage use had been granted for the site, there were adverse comments from C for T, DEP and CTP/UD&L, PlanD, and the applied use would had adverse traffic, environmental and landscape impacts on the surrounding areas;
- (iv) approval of the application would set an undesirable precedent and encourage other applications for similar development within this remote part of the subject “REC” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. Rejection of the application was in line with the Committee’s/Board’s previous decisions;
- (v) there were 3 objections against the application on the grounds of environmental blight, contravention with the planning intention of the “REC” zone, environmental impacts/nuisance, land contamination, unsuitability of the access road for goods vehicle traffic, and undesirable precedent effect of inducing further degradation of the rural environment.

120. Members had no question on the application.

Deliberation Session

121. 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 “Recreation” (“REC”) zone, which was primarily for recreational

developments for the use of the general public. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;

- (b) the proposed development was incompatible with the residential dwellings in the vicinity of the site; and
- (c) the proposed development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval had been granted for the site, there were adverse departmental comments on the environmental, traffic and landscape aspects and the proposed development would had adverse environmental, traffic and landscape impacts on the surrounding areas.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/231 Proposed Houses (New Territories Exempted Houses - Small Houses) in “Green Belt”, “Residential (Group C)” and “Village Type Development” zones,
Lot No. 2853 in D.D.129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/231)

Presentation and Question Sessions

122. 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 houses (New Territories Exempted Houses (NTEHs) - small houses);

- (c) the departmental comments -
- (i) the District Lands Officer/Yuen Long (DLO/YL) advised that the site did not fall within the 'VE' of San Hing Tsuen, Ngau Hom and Sha Kong Wai. He would not consider the Small House application since the site was located outside both the 'VE' of a recognized village and the "V" zone; and
 - (ii) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) objected to the application from the landscape planning perspective as the site was densely vegetated and vegetation clearance for the proposed Small House developments was expected. However, no information was provided on the site formation works and its impact on the existing vegetation. The proposed Small Houses were also considered not compatible with the planning intention of "GB" zone. The approval of the application would set an undesirable precedent which would encourage more houses in the "GB" zone leading to further deterioration of the green belt would adversely affect the integrity of the green belt as an effective green buffer;
- (d) one public comment was received during the first three weeks of the statutory publication period. The commenter objected to the application as it would adversely affect the area's traffic conditions and existing pedestrian facilities as well as the area's existing drainage and sewerage systems, particularly the overall drainage function during the rainy season, leading to increased risks of flooding; 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 site was located at the eastern fringe of Sha Kong Wai/Sh Kong

Wai Tsai villages with 83% of it felling within the “GB” zone. The planning intention of the “GB” zone was primarily to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl. No strong planning justification had been given in the submission for a departure from such planning intention. According to TPB PG-No. 10, there was a general presumption against development within the “GB” zone, and any proposed development should not involve extensive clearance of existing natural vegetation or affect the existing natural landscape. The proposed development was not in line with TPB PG-No. 10. In this regard, CTP/UD&L, PlanD objected to the proposed development from the landscape point of view as there was no information in the submission to demonstrate that the proposed development would not generate adverse landscape impact to the existing vegetation and on the surrounding areas;

- (ii) the application did not comply with the interim criteria for consideration of application for NTEH (Small House) development as the majority of the site (93%) and the entire footprints of all 3 proposed Small Houses fell outside the “V” zone of Sha Kong Wai, Ngau Hom and San Hing Tsuen. DLO/YL commented that the Small House application would not be considered by his Office as the site was outside the ‘VE’ of a recognized village and the “V” zone,
- (iii) according to PlanD’s latest assessment, there was still about 15.8 ha of land within the subject “V” zone. Although there was a shortage of land in meeting the demand of Small House development in the subject “V” zone based on the 10-year demand forecast for Small House, the 15.8 ha of land was adequate to meet the outstanding 85 Small House applications and other Small House developments in the near future. Since the area of land available within the “V” zone was still quite sizeable, a more prudent approach should be adopted so that Small House development would be concentrated

within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services. In this regard, the applicant had not demonstrated why suitable sites within “V” zone could not be made available for Small House development;

- (iv) the Board/Committee had rejected all 10 similar applications within the same “GB” zone. Rejection of the current application was in line with the Board’s/Committee’s previous decisions. Approval of the application would set an undesirable precedent for similar applications and the cumulative effect of further encroachment of similar developments onto densely vegetated land in the area would not be desirable; and
- (v) one public comment was received objecting to the application on the grounds of adverse traffic, drainage and sewerage impacts.

123. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily 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. No strong planning justification had been given in the submissions for a departure from such planning intention;
- (b) the proposed development was not in line with the Town Planning Board (TPB) Guidelines for Application for Development within “GB” Zone

Under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) as there was a general presumption against development within this zone, and the proposed development would involve extensive clearance of existing natural vegetation and affect the existing natural landscape; and

- (c) as over 15 hectares of land was still available within the “Village Type Development” (“V”) zone for Small House development, the applicant failed to demonstrate why suitable sites within the areas zoned “V” could not be made available for the proposed development. The Small House developments should be concentrated within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/366 Renewal of Planning Approval for Temporary “Open Storage of Construction Materials and Machinery” Use under Application No. A/YL-KTN/337 for a Period of 3 Years in “Undetermined” zone, Lots 202 RP (Part) and 203 RP (Part) in D.D. 103, Ha Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/366)

Presentation and Question Sessions

125. Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary “open storage of construction materials and machinery” use under Application No.

A/YL-KTN/337 for a period of 3 Years;

- (c) departmental comments – the Director of Environmental Protection (DEP) advised that there was no environmental complaint received in the past three years. However, he did not support the application as there were sensitive receivers, i.e. residential structures located near the site (with the nearest being 10m away) and to the south and southeast and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary vehicle park 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 development was considered not incompatible with the surrounding land uses. The site was the subject of 9 previous approvals for the same applied use as the current application. All the approval conditions related to the last Application No. A/YL-KTN/337 had been complied with. As there was no significant change in the planning circumstances since the last approval, approval of the subject application was in line with the Committee's previous decision. The approval of the application on a temporary basis would not frustrate the long term use of the "U" zone;
 - (ii) the application, being a renewal application; was generally in line with the TPB PG-No. 13E and TPB PG-No. 34B. There was no adverse comment from the relevant departments except DEP and no local objection had been received during the statutory publication period. While DEP did not support the application as there were

sensitive receivers near the site and to the south and southeast and in the vicinity of the site, and environmental nuisance was expected, the scale of the development was relatively small and no environmental complaint had been received by DEP in the past three years. Approval conditions restricting the operation hours and types of vehicles and activities were recommended to address the concern of the DEP on the possible nuisance generated by the temporary use. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to adopt the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact;

- (iii) there was a proposed residential development with commercial facilities and a GIC site approved under application No. A/YL-KTN/319 located to the immediate east of the site. As population intake would commence in about one to two years’ time, a shorter approval period of 2 years, instead of 3 years sought by the applicant, could be granted so as to monitor the situation on the site. However, as more and more residential dwellings were introduced into the area, such temporary open storage uses would become incompatible with the future surrounding environment and should be phased out. The applicant should be advised to look for an alternative location for the applied use;
- (iv) no local objection and public comment had been received against the proposed development.

126. Members had no question on the application.

Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years, instead of the period of 3 years sought, from 19.12.2011 until 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 night-time operation between 7:00 p.m. and 8:00 a.m. as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) 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;
- (e) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities implemented under Application No. A/YL-KTN/337 should be maintained at all times during the planning approval period;
- (g) the submission of the records of existing 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;
- (h) the provision of fire extinguisher(s) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the

Director of Fire Services or of the TPB by 29.1.2012;

- (i) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2012;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2012;
- (k) 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 had effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to had effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issue relating to the development with other concerned owner(s) of the application site;
- (b) a shorter approval period of 2 years was granted in view of the proximity of the site to an approved residential development to its east and the need to monitor the situation in this regard. The applicant was advised to relocate the use to a more suitable location;

- (c) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the government. No such approval had been given by his office in this regard. The site was accessible from Kam Tin Road over private land and government land (GL). LandsD did not provide maintenance works on this GL nor guarantee right of way. Should the application be approved, the lot owner still needed to apply to LandsD to permit any 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 approval 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 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 possible environmental nuisances;
- (e) to note the comments of DEP that should there be any effluent discharged from the site, the applicant was required to comply with the Water Pollution Control Ordinance by applying for a discharge licence from his Regional Office (North);
- (f) to note the comments of 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. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of 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;

- (h) to note the comments of 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 application site within the preferred working corridor of high voltage overheads lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. The applicant and/or his contractors should also liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the site. The "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;
- (i) to note the comments of Director of Agriculture, Fisheries and Conservation that as the site was in close vicinity to a watercourse, appropriate measures should be adopted to prevent polluting the watercourse during operation;
- (j) to note the comments of Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, 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 FSI to be installed should be clearly marked on the layout plans. In formulating FSIs proposal for the proposed structures, the applicant should observe the requirements and the good practice guidelines for open storage sites in Appendix VI of the RNTPC paper. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his department for consideration. For the provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS251) to his department for approval; and

- (k) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized building works/structures 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. 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.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/367 Temporary Open Storage of Light Goods Vehicles for Sale
for a Period of 3 Years in “Residential (Group D)” zone,
Lots 666 S.B (Part) and 667 (Part) in D.D. 110, Kam Tin Road,
Yuen Long
(RNTPC Paper No. A/YL-KTN/367)

Presentation and Question Sessions

129. Mr. W.W. Chan, 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 light goods vehicles for sale for a period of 3 Years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that there was no environmental complaint received in the past three years. However, he did not support the application as there was a sensitive receiver, i.e. a residential dwelling to the north of the site (located about 5m away) and environmental nuisance was expected;
- (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), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views –PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper, which were summarised below:
 - (i) the development was considered not incompatible with the surrounding land uses. The approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “R(D)” zone since there was not yet any programme/known intention to implement the zoned use on the OZP;
 - (ii) the development was in line with TPB PG-No. 13E in that there were previous approvals granted on the site for use with open storage of light goods vehicles since 2003. Although similar applications to the west of the site were rejected by the Committee recently, the two similar applications were not covered by previous approval for temporary open storage use. Approval conditions

related to fire safety aspect under the last previous planning approval had been complied with. As the applicant had demonstrated effort in complying with the approval conditions and relevant departments except DEP had no adverse comment on the application, sympathetic consideration could be given to the current application;

- (iii) Although DEP did not support the application as there was a sensitive receiver, i.e. a residential dwelling to the north of the site located about 5m away and environmental nuisance was expected, no local objection had been received during the statutory publication period and no environmental complaint was received by DEP in the past 3 years. Approval conditions restricting the operation hours and types of vehicles and activities were recommended to address the concern of the DEP on the possible nuisance generated by the temporary use. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to adopt the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact. Relevant approval conditions were also recommended to address the technical requirements of C for T, CE/MN of DSD and D of FS; and
- (iv) no local objection and public comment had been received against the proposed development.

130. Members had no question on the application.

Deliberation Session

131. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.12.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7:00 p.m. and 9:00 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 was allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) 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;
- (e) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (f) the existing run-in should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (h) the submission of records of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.6.2012;
- (i) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.1.2012;

- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.6.2012;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.9.2012;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to had effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to had effect and should on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should had been obtained before continuing the applied use at the application site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the government. Lot 666 S.B was covered by Short Term Waiver (STW) No. 1946 for the purpose of a rattan furniture shop with permitted built-over-area not exceeding 320m² and building height not exceeding 6.1m LandsD reserved the right to take appropriate action should any

breach of conditions of the STW be found. The site was directly accessible to Kam Tin Road via government land (GL). LandsD did not provide maintenance works on this GL nor guarantee right-of-way. The lot owner concerned would need to apply to LandsD to permit any additional/excessive 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 approval was approved, it would be subject to such terms and conditions including among others the payment of premium or fee, as imposed by LandsD;

- (c) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any possible environmental nuisances;
- (d) to note 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. Therefore, 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 FSI to be installed should be clearly marked on the layout plans. In formulating FSIs proposal for the proposed structures, the applicant should observe the good practice guidelines for open storage sites in Appendix V of the RNTPC paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his department, he was required to provide justification to his department for consideration. Detailed fire safety requirement would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority. Besides, having considered the nature of the subject open storage use, the applicant was required to provide fire extinguisher(s) for the proposed development. In this regard, the applicant should submit a valid fire certificate (FS 251) to his department for approval; and

- (e) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized building works/structures 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. 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.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/368 Temporary Eating Place (Outside Seating Area) for a Period of 3 Years
in “Village Type Development” zone,
Lot 237 S.B ss. 5 RP (Part) in D.D. 103, Ko Po Tsuen, Kam Tin,
Yuen Long
(RNTPC Paper No. A/YL-KTN/368)

Presentation and Question Sessions

133. Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary eating place (outside seating area) for a period of 3 years;
- (c) departmental comments – concerned government departments had no objection to or no adverse comments on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper, which were summarised below:
 - (i) the proposed use, which was only a minor extension of an existing restaurant on the ground floor of a Small House, was in line with the planning intention of the “V” zone which was mainly for village house development with commercial uses serving the needs of the villagers always permitted on the ground floor of an NTEH. The proposed use was considered not incompatible with the surrounding land use of residential dwellings/village houses. The proposed use would provide additional area for the existing restaurant to serve the people working and living in the area. Given its small scale and temporary nature, it would not had significant impact on the nearby residents;
 - (ii) in relation to the relevant assessment criteria set out under TPB PG-No. 15A, it was noted that the proposed outside seating area was located at the fringe of residential clusters and was readily accessible from Kam Tin Road. The proposed outside seating area would unlikely affect the pedestrian circulation as it occupied the platform area instead of a pavement. Besides, the proposed outside seating area would unlikely generate adverse traffic, drainage, sewage disposal and environmental impacts on the surrounding areas and the relevant government departments consulted had no adverse comment on the application;
 - (iii) approval condition restricting operation hours was recommended to avoid any possible environmental nuisance generated by the

proposed development. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. The applicant would be advised to undertake the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP in order to alleviate any possible nuisance. Appropriate approval conditions to address CE/MN, DSD’s technical requirement were also recommended. The development would also need to comply with all the relevant environmental hygiene requirements for application of a licence as required by the licensing authority i.e. DFEH;

- (iv) no local objection and public comment had been received against the proposed development.

134. Members had no question on the application.

Deliberation Session

135. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.12.2014, 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 11:00 pm and 7:00 am daily, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.6.2012;
- (c) in relation to (b) 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 16.9.2012;

- (d) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to had effect and should be revoked immediately without further notice; and
- (e) if any of the above planning conditions (b) or (c) was not complied with by the specified date, the approval hereby given should cease to had effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should had been obtained before commencing the applied use at the application site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department's (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 any erected structure except a Small House granted by way of Building Licence No. BL 7874 adjoining the site. The site was accessible to Kam Tin Road via government land (GL) and private land. LandsD did not provide maintenance works on this GL nor guarantee right of way. The lot owner still needed to apply to his office to permit any 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 approval was granted, it would be subject to such terms and conditions including among others the payment of premium or fee, as imposed by LandsD;
- (c) to note the comments of Commissioner for Transport that the site was connected to public road network via a strip of land 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;

- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (e) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that if the proposed use was subject to the issue of a licence, the applicant should be reminded that any existing structure on the site intended to be used for such purpose was required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority;
- (f) to note the comments of Director of Food and Environmental Hygiene that a set of requirements and conditions regulating the provision of outside seating area would be issued to the applicant for compliance and observance if there was no objection raised by other concerned departments and local community; and
- (g) to note the comments of Chief Highway Engineer/New Territories West, Highways Department’s comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road.

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/552 Proposed Utility Installation for Private Project
(Electricity Sub-station) in “Agriculture” zone,
Lot 1993 (Part) in D.D. 106, Kam Tin South, Yuen Long
(RNTPC Paper No. A/YL-KTS/552)

Presentation and Question Sessions

137. Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity sub-station);
- (c) departmental comments – concerned government departments had no objection to or no adverse comments on the application;
- (d) 12 comments from the local villagers and village representatives of Tai Wo Tsuen and Yuen Kong San Tsuen were received during the first three weeks of the statutory publication period. All the commenters objected/strongly objected to the application as the proposed development would be located close to their family properties and would cause adverse environmental, ecological and health impacts as well as water pollution and would generate exhaust. The approval of the application would also set an undesirable planning precedent and was also not in line with the planning intention; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper which were summarised below:

- (i) the proposed Electricity Sub-station (ESS) was required for the provision of the necessary electricity supply for the future 47 on-farm domestic structures in the vicinity. It was of a small scale and was considered not incompatible with the surrounding area. DAFC considered that the proposed ESS would support agricultural development in the area and had no adverse comment on the application. As the ESS provided essential support to agricultural uses, it was in line with the planning intention of the “AGR” zone;

- (ii) the government departments consulted generally had no adverse comment on the application. Approval condition related to submission and implementation of landscaping proposal to provide landscape treatment to screen the proposed substation from the surroundings was recommended to minimize the potential landscape and visual impacts of the proposed ESS on the surrounding environment. Relevant approval condition was also recommended to address the technical requirements of D of FS;

- (iii) 12 local objections against the application were received during the statutory publication period. In this regard, it was noted that the temporary residential structures/dwellings to the southeast of the site would mainly be used for communal farmland and a distance of about 35m between the proposed development and the nearest residential structures/dwellings located to the northwest and southwest of the site would be maintained. Relevant departments including DEP, DEMS, DAFC, CE/Dev(2) of WSD and D of Health had no adverse comment on the application regarding environmental, ecological, water supply, safety and health perspectives. Approval of the ESS was unlikely to set an undesirable planning precedent and was also considered in line with the planning intention of the “AGR” zone.

138. Members had no question on the application.

Deliberation Session

139. 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 16.12.2015, 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 landscaping proposal to screen the proposed development from the surroundings to the satisfaction of the Director of Planning or of the TPB;
- (b) 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.

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

- (a) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprised Old Scheduled Agricultural Lots for electricity sub-station. The site was accessible via government land and private land to Kam Sheung Road. His office provided no maintenance works on this government land nor guarantee right of way. The applicant would need to apply to LandsD to permit structure 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. The application, if approved, would be subject to such terms and conditions including among others the payment of premium or fee, as might be imposed by LandsD;
- (b) to note the comments of 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 lands authority. The management and maintenance responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly;

- (c) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that as there were some existing trees near the site, the applicant should carry out precaution measures to protect the existing trees from damage during installation. Landscape planting should be proposed around the proposed development where appropriate for enhancing the screening and greening effect.
- (d) to note the comments of Director of Health that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines (1998), 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 electricity sub-station in 2012;
- (e) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide his own drainage facilities to collect the runoff generated from or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing facilities. The applicant should also consult DLO/YL and seek consent from the relevant owners for any works to be carried outside his lot boundary;
- (f) to note the comments of 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 for provision of water supply to the proposed development. 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 within the private lots to WSD's standards.

- (g) to note the comments of Director of Fire Services that detailed fire safety requirements should be formulated upon receipt of formal submission of general building plans and referred from the relevant licensing authority. Besides, the emergency vehicular access provision in the site should comply with the standard as stipulated in the Part VI of the Code of practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulations (B(P)R) 41D.

- (h) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access under the B(P)R 41D should be provided. As the site did not seem to abut a specified street having a width not less than 4.5m wide, the development intensity should be determined under the B(P)R 19(3) at building plan submission stage. Formal submission of any proposed new works including the electricity sub-station structure for approval under the Buildings Ordinance was required.

Agenda Item 36

Section 16 Application

[Open Meeting]

A/YL-PH/630

Proposed Temporary Horse Riding School for a Period of 3 Years in “Agriculture” zone, Lots 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842 (Part), 2843 (Part), 2846 (Part), 2847, 2848, 2849 S.A, 2849 S.B (Part), 2849 S.C (Part), 2850 (Part), 2853 (Part), 2855 S.A (Part) and 2855 S.B (Part) in D.D. 111 and Adjoining Government Land, Wang Toi Shan, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/630)

141. The Secretary reported that on 13.12.2011, the applicant requested the Board to defer making a decision on the application for two months in order to allow sufficient time for the preparation of supplementary information on drainage and fire service aspects for the application.

142. 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 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/631 Proposed Temporary Open Storage of Vehicles (Private Vehicles and Vans) for Sale with Ancillary Office for a Period of 3 Years in “Residential (Group D)” zone,
Lots 357 and 362 s.B RP (Part) in D.D. 114, Wang Toi Shan,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/631)

Presentation and Question Sessions

143. Mr. W.W. Chan, 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 vehicles (private cars and vans) for sale with ancillary office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that there was no environmental complaint on the site received in the past 3 years. However, he did not support the application as there were sensitive receivers, i.e. residential dwellings located to the immediate north (about 2m away) and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views –PlanD considered that the proposed 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 development was not incompatible with the adjoining mixture of open storage yards, workshops, a warehouse, agricultural land plots and scattered residential dwellings. The site also directly abutted Kam Tin Road and had good accessibility. Since there was no known development proposal for permanent residential development within the “R(D)” zone, appropriate use of the site in the interim period might be considered. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the zone;
- (ii) the application site fell within Category 3 of the TPG PG-No. 13E, the development generally complied with TPB PG-No.13E in that previous approvals for a similar use had been granted for the site since 1999 and no adverse comment from the relevant departments except DEP and no local objection had been received. As previous approvals had been granted and there was no major change in planning circumstances since the last planning approval, sympathetic consideration could be given to the current application;
- (iii) although DEP did not support the application as there were sensitive receivers, i.e. residential dwellings located to the immediate north (about 2m away) and in the vicinity of the site, and environmental nuisance was expected, no local objection had been received during the statutory publication period and no environmental complaint had been received by DEP in the past 3 years. Approval conditions restricting the operation hours of the use and prohibiting heavy goods vehicles and workshop-related activities were recommended to address potential environmental concerns. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. The

applicant would also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to alleviate any potential impact. Relevant approval conditions were also recommended to address the technical requirement of C for T, CE/MN of DSD, CTP/UD&L, PlanD and D of FS;

- (iv) no local objection and public comment had been received against the proposed development.

144. Members had no question on the application.

Deliberation Session

145. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.12.2014, 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 after 8:00 p.m. on Saturdays and between 7:00 p.m. and 9:00 a.m. on weekdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no heavy goods vehicle exceeding 24 tonnes, including container trailer/tractor, 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) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out at the site at any time during the planning approval period;

- (e) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (f) no storage of dismantled vehicles and waste materials was allowed on the site at any time during the planning approval period;
- (g) the existing run-in should be maintained at all times during the planning approval period;
- (h) the existing drainage facilities should be maintained at all times during the planning approval period;
- (i) the submission of records of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.3.2012;
- (j) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.3.2012;
- (k) in relation to (j) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.6.2012;
- (l) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.1.2012;
- (m) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.3.2012;
- (n) in relation to (m) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the

Director of Fire Services or of the TPB by 16.6.2012;

- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (p) if any of the above planning conditions (i), (j), (k), (l), (m) or (n) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (q) upon 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.

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

- (a) shorter compliance periods were granted so as to monitor the progress of compliance with approval conditions. 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;
- (b) to resolve any land issues relating to the development with the concerned owner of the site;
- (c) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the government. No approval had been given for the specified structures as office, toilets and car parks. The site was accessible from Kam Tin Road via private land and government land (GL). LandsD did not provide

maintenance work on this GL nor guarantee right-of way. The lot owner still needs to apply to LandsD to permit any 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 might be imposed by LandsD;

- (d) to note the comments of 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 adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by Environmental Protection Department to adopt environmental mitigation measures to minimize any possible environmental nuisances;
- (f) to note the comments of Director of Fire Services that in consideration of the design/nature of the proposed structure, fire service installations (FSIs) were anticipated to be required. Therefore, 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. In formulating FSIs proposal for the application, for other storages, open sheds or enclosed structure with total floor area less than 230m² 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. Should the applicant wish to apply for exemption from the provision of FSI as

prescribed by his department, the applicant was required to provide justifications to his department for consideration. Besides, having considered the nature of the subject open storage use, i.e. a recycling site, the applicant was required to provide fire extinguisher(s) for the proposed development. In this regard, the applicant should submit a valid fire certificate (FS 251) to his department for approval; and

- (g) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person must be appointed to coordinate all building works. 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.

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/294 Proposed Utility Installation for Private Project
(Electricity Transformer) and Excavation of Land
in “Village Type Development” zone,
Lots 1562 S.A ss.15 S.B and 1562 S.A ss.15 S.C in D.D. 119,
Kiu Hing Road, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/294)

Presentation and Question Sessions

147. Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed utility installation for private project (electricity transformer) and excavation of land;
- (c) departmental comments – concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the proposed electricity transformer was required for the provision of adequate and reliable electricity supply to about 28 Small Houses in the locality. As it provided support to the village development, it was in line with the planning intention of the “V” zone. The development was of small scale and was considered not incompatible with the surrounding environment which was predominantly rural in character. The proposed land excavation of 1.5m within the site in relation to the construction of the proposed electricity transformer was also considered reasonable and not excessive;
 - (ii) the government departments consulted had no adverse comment on the application. DEP considered that the proposed development would unlikely cause any adverse environmental impact on the surrounding areas. As the development would not affect any existing trees, DAFC and CTP/UD&L, PlanD also had no adverse comment on the application from the nature conservation and landscape planning points of view. Approval conditions were recommended to require the submission and implementation of

landscape proposal and water supplies for fire fighting and FSIs proposal to address the technical requirements of CTP/UD&L, PlanD and D of FS;

- (iii) no local objection and public comment had been received against the proposed development.

148. Members had no question on the application.

Deliberation Session

149. 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 16.12.2015, and after the said date, the permission should cease to had effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) that the lot owner(s) and occupier(s) of government land would need to apply to his office to regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. If excavation works on government land was involved, prior

approval from his office and other concerned department would be necessary. Besides, access to the site was open to Kiu Hing Road via a short stretch of government land which was also served as right-of-way to the private lots located adjoining the site. His office did not provide maintenance works for such government land nor guarantee right-of-way to the site;

- (b) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (c) to note the comments of Director of Electrical and Mechanical Services that as the package transformer was to provide electricity supply to the nearby customers at the subject location, the associated electricity demand should be provided by the nearest substation as far as possible;
- (d) to note the comments of 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 proposed electricity transformer;
- (e) to note the comments of Director of Agriculture, Fisheries and Conservation that the applicant should adopt good site practice and avoid affecting any existing trees in the vicinity during the course of works.

- (f) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that landscape planting should be proposed around the electricity transformer where practicable for enhancing the screening and green effect;
- (g) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact on the adjacent areas and the existing drainage facilities. DLO/YL, LandsD should be consulted and consent from the relevant lot owners should be sought for any drainage works to be carried out outside the site boundary;
- (h) to note the comments of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The provision of emergency vehicular access (EVA) for the site should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under Building (Planning) Regulations (B(P)R) 41D; and
- (i) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that the proposed electricity transformer structure would be considered as a building requiring prior approval and consent of the Building Authority (BA) and an Occupation Permit for its occupation and use. The proposed private electricity package transformer and excavation of land on-site for construction of 1.5m deep cable trench were subject to control under the Buildings Ordinance (BO). Before any new building works were to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

The site should be provided with means of obtaining access thereto from a street under Building (Planning) Regulations (B(P)R) 5 and EVA should be provided under B(P)R 41D. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. Detailed scrutiny under the BO would be carried out upon formal submission of any proposed new works, including any temporary structures and excavation works.

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/295 Proposed Temporary Warehouse for Storage of Building Materials
for a Period of 3 Years in “Agriculture” zone,
Lots 1024 (Part) and 1025 (Part) in D.D. 117 and
Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/295)

Presentation and Question Sessions

151. Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of building materials for a period of 3 years;
- (c) the departmental comments - the Director of Environmental Protection (DEP) advised that there was no environmental complaint concerning the site received in the past 3 years. However, he did not support the application as there were sensitive receivers of residential uses to the north

and in the vicinity of the site, and environmental nuisance was expected; the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the proposed use of the site as temporary warehouse for storage of building materials considering there was potential of agricultural rehabilitation at the site;

- (d) during the first three weeks of the statutory public inspection period, one public comment from a Yuen Long District Council member was received who objected to the application as he considered that the access road to the site was very narrow and was not suitable for use by heavy vehicles. Moreover, the travelling of heavy vehicles would generate noise and dust nuisances to the residents living along the access road; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the proposed warehouse was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. In this regard, DAFC did not favour the application from the agricultural point of view as there was potential of agricultural rehabilitation at the site. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
 - (ii) the development was not compatible with the surrounding residential and agricultural uses. Although there were warehouses and open storage yards in the vicinity of the site, they were mostly suspected unauthorized developments subject to enforcement action taken by the Planning Authority. DEP did not support the application as there were sensitive receivers of residential uses to the north and in

the vicinity of the site, with the nearest at about 40m away to the northwest, and environmental nuisance was expected;

- (iii) there had not been any planning approval for temporary warehouse or storage use in the same “AGR” zone before. The previous application for a similar warehouse use was rejected by the Committee in 2008. As there was no change in planning circumstances since then, rejection of the subject application was consistent with the Committee’s previous decision. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “AGR” zone, causing degradation to the surrounding rural environment; and
- (iv) there was one public objection to the application on traffic and environmental grounds.

152. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development was not compatible with the surrounding residential and agricultural uses. It would generate adverse environmental impact on the

residential structures located to the north and in the vicinity of the site; and

- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications into the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

154. Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary community based recyclable collection centre (including plastics, paper and metals) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that there was no environmental complaint concerning the site received in the past 3 years. However, he did not support the application as there were sensitive receivers of residential uses to the immediate north

and south and in the vicinity of the site, and environmental nuisance was expected;

- (d) during the first three weeks of the statutory public inspection period, eight public comments from two Yuen Long District Council members, the resident representative of Tong Yan San Tsuen, the indigenous inhabitant representative and the resident representative of Shan Ha Tsuen, three local residents and Designing Hong Kong Limited were received raising objection to the application. The commenters objected to the application mainly on the grounds of environmental impact in terms of dust, air pollution, malodour, noise nuisance, water pollution and land contamination, fire hazard, traffic impact, land use incompatibility and violation of planning intention; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) although the use applied for was a temporary community based recyclable collection centre, the development was of no difference to a typical open storage yard for recycling materials and electronic waste. The development was therefore not in line with the planning intention of the “R(D)” zone. It was incompatible with the planned residential use and the existing residential structures scattered in the surrounding areas, in particular those to its immediate north and south. Although there were storage yards and workshops in the vicinity of the site, they were mostly suspected unauthorized developments subject to enforcement action taken by the Planning Authority. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
 - (ii) the application did not comply with the TPB PG-No. 13E in that there was no previous approval granted at the site and there were

adverse comments from DEP on the application in view of the environmental nuisance of the development on the surrounding sensitive receivers of residential uses, the nearest being at its immediate north and south, as well as local objections. Moreover, the applicant had not included any technical assessment/proposal in the submission to demonstrate that the proposed development would not generate adverse environmental impact on the surrounding areas;

- (iii) although 10 similar applications for temporary open storage uses in the same “R(D)” zone had been approved either by the Committee or the Board on review previously, the applications were all approved before 2002 and prior to the classification of the site into the current 4 categories under the previous TPB PG-No. 13D. Since 26.10.2001, no further similar application had been approved within the same “R(D)” zone. In this regard, approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “R(D)” zone, causing degradation to the surrounding environment.

155. Members had no question on the application.

Deliberation Session

156. 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 “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification had been given in the submission to justify a

departure from the planning intention, even on a temporary basis;

- (b) the application did not comply with the Town Planning Board PG-No. 13E in that no previous planning approval had been granted for the use on the site, no relevant technical assessments had been included in the submission to demonstrate that the development would not generate adverse environmental impact on the surrounding areas, and there were adverse departmental comments on and local objections to the application. The development was also not compatible with the current and planned residential use in the surrounding areas; and
- (c) as no approval for similar uses had been granted in the subject “R(D)” zone since 2002, approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses to proliferate into the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/558 Renewal of Planning Approval for Temporary “Retail Shop for Hardware Groceries” Use under Application No. A/YL-TYST/496 for a Period of 3 Years in “Residential (Group B) 1” zone, Lot 1375 RP (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/558)

Presentation and Question Sessions

157. Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary “retail shop for hardware groceries” use under Application No. A/YL-TYST/496 for a Period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that there was no environmental complaint concerning the site received in the past 3 years. He learnt the claim of the Owners’ Committee of Jasper Court, which was to the immediate east of the site, that the applied use had involved workshop activities and traffic of heavy vehicles. Given the same applied use and the similar environmental setting around the site, he maintained his previous comments that should the applied use involve workshop activities and traffic of heavy vehicles, environmental nuisances were envisaged and it was considered environmentally undesirable;
- (d) during the first three weeks of the statutory public inspection period, 52 public comments from the Owners’ Committee and the residents of Jasper Court were received objecting to the application. The commenters objected to the application mainly on the grounds of environmental nuisances including noise and air pollution, road safety, increase of traffic flow, environmental hygiene, fire hazard, incompatible land use, visual impact and public security. They considered that the loading/unloading activities would affect pedestrian/traffic safety; the odour and toxic gas generated by storage of paints and thinner and the noise and odour generated by cutting of metal would affect health; the storage of inflammable materials and goods would pose fire hazard and affect safety of the residents, and lowering of the property value. They felt annoyed with the frequent submission of planning applications from the applicant and the continuous consultations of the Board. They also pointed out that the shop operated on Sundays and holidays and in early morning with workshop activities being carried out, there was illegal extension of the site over the past years and that the retail shop for hardware groceries should be

developed elsewhere far away from residential development. There was also suggestion to extend the railings for narrowing the footpath to prevent parking of vehicles on the footpath. The development also involved storage of construction materials, unauthorized structures and illegal occupation of government land which affected the living environment and was not compatible with the surrounding areas. Environmental assessment should be carried out to assess the impact of noise, air, visual and safety impacts generated by the development. There was no actual need of retail use in the area.

- (e) the Planning Department (PlanD)'s views –PlanD considered that the proposed temporary use could be tolerated for a further period of one year to monitor the situation on the site based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) although the development was not entirely in line with the planning intention of the “R(B)1” zone, it was small in scale and located at the fringe of the “R(B)1” zone to the east of Tong Yan San Tsuen Road. Besides, there were a restaurant, warehouses and workshops located within the adjoining “I” zone across Tong Yan San Tsuen Road. The temporary retail shop was considered not incompatible with the surrounding land uses. Since there was no known programme for long-term development of the site, it was considered that the renewal of the planning approval on a temporary basis would not frustrate the planning intention of the zoned use on the OZP;
 - (ii) the application was generally in line with the TPB PG-No. 34B in that there had been no material change in planning circumstances since the granting of the previous temporary approval; and the conditions of the previous approval, including those in relation to the maintenance of the existing boundary fence and drainage facilities, had been complied with.

- (iii) the residential development, Jasper Court, which was located to the immediate east of the site, was separated from the site by a fence wall. While DEP considered that there could be environmental nuisances if the site involved workshop activities and use of heavy vehicles, no environmental complaint had been received by DEP in the past 3 years, and the development was proposed for retail purpose with no workshop activities. The applicant had provided boundary fence to separate the site and the open area to its north during the approval period of a previous application. He also reaffirmed in the current application that the retail shop would only operated within the restricted operation hours of 8:30 a.m. to 6:30 p.m. with no operation on Sundays and public holidays and no workshop activities be carried out within the site. Approval conditions restricting the operation hours, prohibiting metal cutting and workshop activities, restricting the type of vehicles used, prohibiting loading/unloading activities along Ma Fung Ling Road and requiring the maintenance of the existing boundary fence on-site were recommended to address possible concern on the environmental impact. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impact;

- (iv) the government departments consulted generally had no adverse comment on the application. Relevant approval condition was recommended to require the maintenance of the existing drainage facilities on-site. The applicant would also be advised to note D of FS’s comments that the FSIs implemented on-site should be inspected periodically by a registered FSI contractor in accordance with the Fire Service (Installations and Equipment) Regulations;

- (v) there were strong local objections to the application from the residents of the adjacent residential development, Jasper Court, on the grounds of pedestrian/traffic safety, noise and environmental nuisance, fire hazard, public security and workshop activities as well as hours of operation. In this regard, concerned departments, including C for T, DEP, D of FS and Commissioner of Police, had no adverse comment on the application. In the last application considered in 2010, C for T pointed out in particular that loading/unloading was allowed on the road section outside the retail shop and it was unlikely that the retail shop would generate additional traffic on the road which still had adequate capacity. Besides, no extension of the shop nor workshop activity was observed during PlanD's site inspection conducted on 28.10.2011 (Friday) and the applicant had proposed not to operate on Sundays/holidays. Relevant approval conditions were recommended to address the possible environmental concerns, including restrictions on workshop activities and operation hours. Any non-compliance with the approval conditions would result in revocation of the planning permission. Compared with the situation when the last application which was considered a year ago, there had been no change in planning circumstances pertaining to the site;
- (vi) in view of the strong local objections, the last application was only approved for a period of 1 year to monitor the situation on the site. Noting that there were still strong local objections to the current application, it was suggested to approve the current renewal application for a period of 1 year, instead of 3 years sought, to continue monitoring the situation on the site.

158. Members had no question on the application.

Deliberation Session

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

temporary basis for a further period of 1 year from 19.12.2011 to 18.12.2012, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:30 p.m. and 8:30 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no metal cutting or other workshop activities were allowed to be carried out on the application site at any time during the planning approval period;
- (d) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed for the operation of the application site at any time during the planning approval period;
- (e) no loading/unloading activities were allowed to be carried out along Ma Fung Ling Road at any time during the planning approval period;
- (f) the existing boundary fence on the application site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities implemented under Application No. A/YL-TYST/496 on the application site should be maintained at all times during the planning approval period;
- (h) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (i) upon the expiry of the planning permission, the reinstatement of the

application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) shorter approval period was allowed to continue monitoring the situation on the site;
- (b) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that Lot 1375 RP in D.D. 121 was covered by Short Term Waiver No. 3294 to allow the use of the land for the purpose of temporary retail shop for hardware groceries with permitted built-over area not exceeding 59.6 m² and height not exceeding 5m above the level of ground. The lot owner(s) and occupier(s) of the government land concerned would need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such applications would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such applications were approved, they would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible from Tong Yan San Tsuen Road through the pavement and a short stretch of government land. His office did not provide maintenance works for such access nor guarantee right-of-way;
- (d) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (e) to note the comments of Director of Fire Services that pursuant to

Regulation 8(b) of the Fire Service (Installations and Equipment) Regulations, Chapter 95B of the Laws of Hong Kong, the owner(s) of any fire service installation (FSI) or equipment which was installed in any premises should have had such FSI or equipment inspected by a registered FSI contractor at least once every 12 months; and

- (f) to note the comments of 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 at the site. If the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works were to be carried out on the site including any temporary structures, the 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 of the BO. For UBW erected on leased land, enforcement action might be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. The site should be provided with means of obtaining access thereto from a street under the Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/559 Temporary Storage of Metal Ware and Construction Materials
for a Period of 3 Years in “Undetermined” zone,
Lots 2813 (Part), 2814 (Part), 2815 RP (Part) and
2816 RP (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/559)

Presentation and Question Sessions

161. Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary storage of metal ware and construction materials for a period of 3 Years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that there was no environmental complaint concerning the site received in the past 3 years. However, he did not support the application as there were sensitive receivers of residential uses to the west and southwest and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were

summarised below:

- (i) the proposed storage use was not in conflict with the planning intention of the “U” zone which was intended to cater for the continuing demand for open storage which could be accommodated in conventional godown premises. The development was considered not incompatible with the surrounding areas. Since there was no known programme for permanent development, the applied use on a temporary basis would not frustrate the long-term use of the area;

- (ii) Although DEP did not support the application in view of the residential uses located to the west and southwest and in the vicinity of the site, the applied development was only for storage purpose within container structures. The applicant also proposed not to operate the site during night time between 7:00 p.m. and 7:00 a.m. and on Sundays and public holidays, not to allow open storage use; not to carry out repairing, cleaning, dismantling and workshop activities on the site; and not to use vehicles over 5.5 tonnes for the operation of the site. It was expected that the development would not generate significant environmental impact on the surrounding areas if it was implemented accordingly. Approval conditions restricting the operation hours, prohibiting open storage use and the carrying out of repairing, cleaning, dismantling and workshop activities, and restricting the type of vehicles used were recommended to address possible concern on the environmental impact. Any non-compliance with the approval condition would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impact;

- (iii) the government departments consulted generally had no adverse comment on the application. Relevant approval conditions were also recommended to address the technical requirements of CTP/UD&L, PlanD, CE/MN of DSD and D of FS;
- (iv) while the applicant proposed not to had open storage use and not to carry out workshop activities on the site, it was observed that the site was occupied as an open storage yard with workshop. In this regard, the applicant should be advised that the planning permission granted by the Committee did not condone any other use/development including the open storage with workshop which currently exists on the site but not covered by the application, and he should take immediate action to discontinue such use/development not covered by the permission;
- (v) no local objection and public comment had been received against the proposed development.

162. Members had no question on the application.

Deliberation Session

163. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.12.2014, 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 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no storage at the open area of the application site, as proposed by the

applicant, was allowed during the planning approval period;

- (d) no repairing, cleaning, dismantling or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (f) the existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (h) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.6.2012;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.6.2012;
- (j) in relation to (i) 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 16.9.2012;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (l) if any of the above planning conditions (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to had effect and should on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development including the open storage the metal ware with workshop which currently exists 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;
- (b) renewal of the planning permission should had been made before continuing the applied use at the site;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that while application for Short Term Waiver at Lot 2816 RP in D.D. 120 had been received, the owners of the remaining lots concerned still need to apply to his office to regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal track on government land extended from Kung Um Road. His office did not

provide maintenance works for this track nor guarantee right-of-way. Part of the government land was temporarily allocated to the Drainage Services Department for the “PWP Item 4368DS (part-upgraded from 4235DS in Might 2009) – Yuen Long South Branch Sewers” project;

- (e) to note the comments of Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (h) to note the comments of Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix IV of the RNTPC Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration;
- (i) to note the comments of 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 under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works were to be carried out on the site including any temporary structures, the prior approval and consent of the Building Authority (BA) should be obtained. An Authorized Person should be appointed as the co-ordinator

for the proposed building works in accordance of the BO. For unauthorized building works (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 planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. The converted containers for office/storage/toilet and shed were considered as temporary buildings that were subject to control under the Building (Planning) Regulations (B(P)R) Part VII. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and

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

Agenda Item 43

Section 16 Application

[Open Meeting]

A/YL-TYST/560 Government Refuse Collection Point in “Green Belt” zone,
Government Land at Ma Fung Ling Road, Tong Yan San Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-TYST/560)

165. The Secretary reported that on 8.12.2011, the applicant requested the Board to defer making a decision on the application for two months in order to allow sufficient time to address public concerns on the application.

166. 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 44

Section 16 Application

[Open Meeting]

A/YL-TYST/562 Proposed Temporary Open Storage of Building Materials, Recycling Materials (Metal, Plastic and Paper), Construction Machinery and Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years in “Undetermined” zone,
Lots 490 RP (Part), 709, 710, 711, 723, 724, 725, 729, 730, 731
and 732 in D.D. 119, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/562)

167. The Secretary reported that Ms. Anna S. Y. Kwong had declared an interest in

this application as she had working relationship with PlanArch Consultants Ltd, one of the consultants of the application. As the case was for deferral, the Committee agreed that Ms Kwong could be allowed to stay in the meeting.

168. The Secretary reported that on 2.12.2011, the applicant requested the Board to defer making a decision on the application for two months in order to allow sufficient time to address departmental comments on the application.

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

[The Chairman thanked Mr. Vincent T.K. Lai, Mr. K.C. Kan, Mr. Ernest C.M. Fung and Mr. W.W. Chan, STPs/TMYL, for their attendance to answer Members' enquires. Messrs. Lai, Kan, Fung and Chan left the meeting at this point.]

Agenda Item 45

Any Other Business

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/422-4 Application for Extension of Time for Compliance with Planning Condition - Temporary Private Car Park for a Period of 3 Years in "Village Type Development" zone, Lots 994 and 995 in D.D.9, Nam Wa Po, Kau Lung Hang, Tai Po (RNTPC Paper No. A/NE-KLH/422-4)

Presentation and Question Sessions

170. The Secretary reported that an application for extension of time (EOT) for compliance with planning conditions (c) under application No. A/NE-KLH/422 was received on 9.12.2011. The application was approved by the Committee for temporary private car park for a period of 3 years up to 10.12.2013 subject to approval conditions. Approval condition (c) was related to the submission of proposals of preventive measures against water pollution within the water gathering grounds within 3 months (extended three times to 12 months until 10.12.2011). The application for extension of time for compliance with conditions was received on 9.12.2011, that was only one day before the deadline for compliance with condition (c) on 10.12.2011. According to TPB PG No. 34B, an application submitted less than 6 weeks before the expiry of the specified time limit might not be processed for consideration of the Board, despite the application was submitted before the expiry of the specified time limit. The planning permission had been revoked on 10.12.2011. Hence, this EOT application would not be considered.

Deliberation Session

171. After deliberation, the Committee agreed that the application for extension of time for compliance of planning conditions could not be considered for reason that condition (c) had already expired on 10.12.2011, and planning approval for the subject application had ceased to had effect and had on the same date been revoked. The Committee could not consider the section 16A application as the planning permission no longer existed at the time of consideration.

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