

TOWN PLANNING BOARD

Minutes of 469th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 20.7.2012

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Timothy K.W. Ma
Vice-chairman

Dr. C.P. Lau

Ms. Anita W.T. Ma

Dr. W.K. Yau

Ms. Janice W.M. Lai

Ms. Christina M. Lee

Mr. H.F. Leung

Chief Traffic Engineer/New Territories West,
Transport Department
Mr. W.C. Luk

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

Assistant Director/New Territories (Atg.),
Lands Department

Mr. Edwin Chan

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

Secretary

Absent with Apologies

Professor Edwin H.W. Chan

Dr. W.K. Lo

Dr. Wilton W.T. Fok

Mr. Rock C.N. Chen

Professor K.C. Chau

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

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

In Attendance

Assistant Director of Planning/Board
Ms. Christine K.C. Tse

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

Town Planner/Town Planning Board
Ms. Roberta P.Y. Au

Agenda Item 1

Confirmation of the Draft Minutes of the 468th RNTPC Meeting held on 6.7.2012

[Open Meeting]

1. The draft minutes of the 468th RNTPC meeting held on 6.7.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/SK-HC/187 Proposed House (Ancillary Road) in “Green Belt” zone, Lots 877 (Part), 878 (Part), 879 RP (Part), 887 (Part) and 1939 RP (Part) and Adjoining Government Land in D.D. 244, Nam Pin Wai, Sai Kung (RNTPC Paper No. A/SK-HC/187D)

3. The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealing with one of the consultants of the applicant, namely MLA Architects (HK) Limited. As the item was for deferral of the consideration of the application, the Committee agreed that Ms. Lai could stay in the meeting.

4. The Secretary reported that on 12.7.2012, the applicant’s representative requested for a deferment of the consideration of the application for one month in order to allow time to address the departmental comments on the application.

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

[Mrs. Margaret W.F. Lam, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/124 Proposed Two Houses (New Territories Exempted Houses) in “Green Belt” zone, Lot 664 in D.D. 333, Shap Long Kau Tsuen, Lantau Island
(RNTPC Paper No. A/SLC/124B)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 11 of the Paper;
- (d) nine public comments from Green Lantau Association (GLA), Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited, World Wild Fund for Nature Hong Kong (WWF), and individuals of the public were received during the first three weeks of the statutory public inspection period which ended on 13.1.2012 . Seven public comments from Kadoorie Farm and Botanic Garden Corporation, GLA, WWF and individuals of the public on further information submitted by the applicant were received during the first three weeks of the statutory inspection period which ended on 10.7.2012. The commenters objected to the application or expressed concern on the application on the grounds that the proposed development was not in line with the planning intention of the “GB” zone; it would have adverse environmental and traffic impacts on the surroundings; it involved illegal clearance of vegetation and slope prior to

application; and it would set an undesirable precedent. No local objection/view was received by the District Officer (Islands); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 13 of the Paper. Although there were public comments against site formation works and slope clearance works at the site, there was no information or evidence to prove that such site formation works and slope clearance works would constitute an abuse of the planning process by the applicant. The site had a building status under lease and the proposed development was in conformity with the lease restrictions. Sympathetic consideration could be given to the application under very exceptional circumstance as the site had a building status. To address the landscape concern, a landscape condition was proposed for the proposed development if the application was approved by the Committee.

7. Members had no question on the application.

Deliberation Session

8. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.7.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Islands, Lands Department that the footprints of the proposed houses should be confined within the boundary of the application lot. If any site formation and

drainage works were required to be carried out on the adjoining government land, prior permission to carry out works should be sought from LandsD;

- (b) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the geotechnical assessment report endorsed by a Registered Geotechnical Engineer should be submitted in the detailed design stage together with the ground investigation, in-situ and laboratory test results to substantiate the recommendations made in Section 6 of the Geotechnical Planning Review Report. Also, any site formation, excavation and lateral support works proposal for the subject development should be submitted to the Buildings Department for approval and consent prior to the commencement of building works;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the Site could not provide the standard pedestal hydrant;
- (d) to note the comments of the Director of Fire Services that the detailed fire safety requirements for the proposed New Territories Exempted Houses would be formulated upon receipt of formal application via LandsD;
- (e) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department that there was no public drainage and sewerage system in the vicinity of the Site; and
- (f) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site and if there was underground cable (and/or overhead line) within or in the vicinity of the Site, the applicant should carry out following measures:

- (i) prior to establishing any structure within the application site, electricity supplier should be liaised to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure if necessary; 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.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/126 Proposed Temporary Swimming Pool and Garden Ancillary to an Existing House for a Period of 5 Years in “Green Belt” zone, Lot No. 131 in D.D. 321, Tai Long Wan Tsuen, Lantau Island
(RNTPC Paper No. A/SLC/126)

Presentation and Question Sessions

10. Mrs. Margaret W.F. Lam, STP/SKIs said that one replacement page (Page 1) of the Paper was tabled at the meeting for Members’ information. Mrs. Lam then presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary swimming pool and garden ancillary to an existing house for a period of five years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. He advised that as there were some trees and shrub planting within the Site, and the proposed swimming pool would reduce greenery in the Site. The applicant did not submit any tree or vegetation survey and information on the location of the pump room to demonstrate that the existing landscape resource within the site would not be adversely affected. Other concerned government departments had no objection to or adverse comment on the application;

- (d) three public comments raising objection to the application were received during the first three weeks of the statutory public inspection period, including Kadoorie Farm and Botanic Garden Corporation and individuals of the public. The main grounds of objection from the public comments included the proposed development was incompatible with the planning intention of the “GB” zone; there was a lack of recreational space in the area; there was adverse visual impact on the surrounding areas; there was no information on the proposed sewage treatment facilities or discharge methods; it was a waste of fresh water; and that construction works of the proposed swimming pool would cause environmental pollution. No local objection/view was received by the District Officer (Islands); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons as detailed in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone, which was primarily to define the limits of development areas, to preserve existing well-wooded hillslopes and other natural features, as well as to provide passive recreational outlets for the local population and visitors. There was a general presumption against development within this zone. The applicant failed to provide strong planning justifications in the submission for a departure from the planning intention, even on a temporary basis. The proposed development did not comply with the TPB Guidelines for Application for Development within “GB” zone (TPB-PG

No.10) in that the proposed development within “GB” zone would only be considered in exceptional circumstance and must be justified with very strong planning grounds. However, there was no strong justification provided in the submission to warrant the approval of this application under exceptional circumstances. CTP/UD&L of PlanD also had reservation on the application from the landscape planning point of view. There was no similar application within the “GB” zone approved by the Board or Committee, and the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative impacts of approving such applications would affect the intactness of the “GB” zone and lead to a general degradation of the environment of the area.

11. In response to the Chairman’s query, Mrs. Lam said that the proposed swimming pool and garden were ancillary uses of a House. According to the Notes of the OZP, ‘House’ development within “GB” zone required planning permission from the Town Planning Board (the Board).

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of development areas, to preserve existing well-wooded hillslopes and other natural features, as well as to provide passive recreational outlets for the local population and visitors. There was a general presumption against development within this zone. The applicant failed to provide strong planning justifications in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development did not comply with the Town Planning Board

(TPB) Guidelines for Application for Development within “GB” zone (TPB-PG No. 10) in that there was a general presumption against development within the “GB” zone and there was no strong justification provided in the submission to warrant the approval of this application under exceptional circumstances; and

- (c) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative impacts of approving such applications would affect the intactness of the “GB” zone and lead to a general degradation of the environment of the area.

[The Chairman thanked Mrs. Margaret W.F. Lam, STP/SKIs, for her attendance to answer Members’ enquires. Mrs. Lam left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 6

Section 12A Application

[Open Meeting]

Y/FSS/9

Application for Amendment to the Approved Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/16 from “Industrial” to “Other Specified Uses” annotated “Columbarium”, 23 Yip Cheong Street, Fanling, N.T. (Fanling Sheung Shui Town Lot No. 163)
(RNTPC Paper No. Y/FSS/9A)

13. The Secretary reported that Mr. Ivan Fu had declared an interest in this application as he had current business dealings with consultants of the applicant, namely AGC Design Limited and MVA Hong Kong Limited. The Committee noted that Mr. Fu had tendered an apology for being unable to attend the meeting.

14. The Secretary reported that on 13.7.2012, the applicant’s representative requested

for a deferment of the consideration of the application to the next meeting in order to allow time to address the departmental comments on the application.

15. 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 one month from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that three weeks were allowed for the preparation of the submission of the further information, and since a total of about two months and three weeks had been allowed, no further deferment would be granted unless under very special circumstances.

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-TKLN/1 Proposed 24 Cottage Houses (New Territories Exempted Houses (NTEHs)) in “Agriculture” and “Village Type Development” zones, Lot 1222 in D.D. 78, Ta Kwu Ling North
(RNTPC Paper No. A/DPA/NE-TKLN/1)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed 24 Cottage Houses (New Territories Exempted Houses);

- (c) departmental comments – the comments of the concerned government departments on the application were set out in paragraph 10 and Appendix III of the Paper. The Secretary for Development (SDEV) offered strong support to the application as it was an exceptional case which was justified on the need for the timely clearance of Chuk Yuen Village for the completion of the strategically important Liantang/Heung Yuen Wai Boundary Control Point (BCP) project by 2018, one of the Hong Kong’s “10 major infrastructure projects”. Concerned government departments had no objection to or adverse comment on the application;
- (d) nine public comments were received during the first three weeks of the statutory publication period. Two comments from the North District Council members supported the application as they considered that the proposed cottage houses would help to solve the housing need of the villagers and facilitate the construction of the Liantang/Heung Yuen Wai BCP. Seven comments from the villagers of Chuk Yuen Village raised objection to the application for the reasons that the proposed cottage houses would create problems regarding ‘*fung shui*’, access, electricity, drainage and sewerage, and the Government had not been fair, objective, transparent and consistent in handling the villagers’ land resumption, resite and compensation issues. No local objection/view was received by the District Officer (North); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons as detailed in paragraph 12 of the Paper and highlighted below:
 - (i) the proposed development fell mostly within the “Agriculture” (“AGR”) zone and was not in line with the planning intention of the “AGR” zone. Nevertheless, DAFC had no strong view on the proposal under application. The Administration had approved the special arrangements for resumption of Chuk Yuen Village to implement the BCP project. The Secretary for development had

offered strong support to the subject application;

- (ii) The implementation of the BCP project required the clearance of the whole Chuk Yuen Village, which was a pre-1898 recognised village in the New Territories and was located within the Frontier Closed Area. The indigenous villagers (IVs) and non-indigenous villagers (non-IVs) had been residing together in the village for a long time and had developed strong social ties. Having regard to their unique circumstances, the Government had offered the eligible non-IVs of Chuk Yuen Village the option of building a Cottage House on a piece of land within the Extended Village Area adjoining the Chuk Yuen Resite Area. However, despite continuous efforts in searching for a suitable piece of land as mentioned by the applicant in the submission, the only piece of land that could be secured by the applicant was the current application site which straddles the “AGR” and “Village Type Development” (“V”) zones. Approval of the application would facilitate the timely implementation of a strategically important infrastructural project;
- (iii) The proposed cottage houses were considered not incompatible with the surrounding environment and significant disturbance to existing landscape resources and character was not anticipated. The District Lands Officer / North, Lands Department (DLO/N of LandsD) intended to provide an alternative to the existing rehousing arrangement for the eligible non-IVs in satisfying their rehousing needs. It would not apply to non-IVs outside the village representative election boundary of Chuk Yuen Village, nor to IVs of Chuk Yuen Village who might exercise their once-in-a-lifetime right for Small House grant by acquiring suitable private agricultural land by way of Free Building Licence; and
- (iv) As for the local villagers’ objection to the application, concerned government departments had no objection/adverse comment on the proposed cottage houses on the application site. The Chief

Engineer/Boundary Control Point, Civil Engineering and Development Department (CE/BCP, CEDD) would provide technical advice to the applicants on the supporting facilities proposed in the application including access, EVA, drainage system and sewerage system. The public concerns on access, drainage, sewerage and other infrastructure could be addressed by imposing relevant approval conditions and advisory clauses should the Committee decide to approve the application. The subject application should be treated as an exceptional case to facilitate the timely clearance of Chuk Yuen Village for the completion of the Liantang/Heung Yuen Wai BCP project by 2018.

17. The Chairman said that the Liantang/Heung Yeung Wai BCP would provide an efficient access to the eastern part of the Guangdong Province in line with the transport planning strategy of “East in-East out”. The current resite offer was a special arrangement for the non-IVs affected by the implementation of the BCP.

Deliberation Session

18. 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 20.7.2016, 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 design and provision of firefighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.

19. The Committee also agreed to advise the applicant of the following :
- (a) to note the comments of the District Lands Officer/North, Lands Department (LandsD) that if the planning application was approved by the TPB, the applicants had to submit to his office for land exchange applications to implement the proposed cottage house on land plots with area not exceeding 1,500 square feet carved from the subject lot. The land exchange applications, if approved, might take such form and contain such conditions as LandsD might consider appropriate including, among others, payment of a premium;
 - (b) to note the comments of the Director of Environmental Protection that the septic tank and soakaway systems should meet the minimum clearance requirements as stated in Appendix D of the Environmental Protection Department Practice Note for Professional Persons ProPECC PN5/93 and that the cottage houses should be connected to public sewer when village sewerage was available in future;
 - (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that for the provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the standards of his department;
 - (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should preserve and avoid causing any disturbance impacts on the secondary woodland and watercourse outside the northwestern boundary of the site. Good site practices should be adopted particularly during the construction stage of the project; and

- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:
 - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.
- (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 obtain planning permission from the Town Planning Board where required before carrying out the road works.

Agenda Items 8 to 11

Section 16 Applications

[Open Meeting]

A/DPA/NE-TKP/15 Proposed Rebuilding of House (New Territories Exempted House) in “Unspecified Use” zone, Lot 828RP in D.D. 293 and Adjoining Government Land, To Kwa Peng, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/15 to 18)

A/DPA/NE-TKP/16 Proposed Rebuilding of House (New Territories Exempted House) in “Unspecified Use” zone, Lot 828A in D.D. 293 and Adjoining Government Land, To Kwa Peng, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/15 to 18)

A/DPA/NE-TKP/17 Proposed Rebuilding of House (New Territories Exempted House) in “Unspecified Use” zone, Lot 986 in D.D. 293 and Adjoining Government Land, To Kwa Peng, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/15 to 18)

A/DPA/NE-TKP/18 Proposed Rebuilding of House (New Territories Exempted House) in “Unspecified Use” zone, Lot 827 in D.D. 293 and Adjoining Government Land, To Kwa Peng, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/15 to 18)

20. The Committee noted that these four applications were similar in nature and the application sites were located in close proximity to each other. The Committee agreed that these four applications could be considered together.

21. The Secretary reported that on 3.7.2012, the applicant’s representative requested for a deferment of the consideration of four applications for two months in order to allow time for the applicant to provide further information to supplement the application.

22. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the applications should be submitted for its

consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for the preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/208 Proposed Shop and Services and Eating Place (in Wholesale
Conversion of an Existing Building only) in “Industrial” zone, No. 21
Po Wan Road, Sheung Shui (FSSTL 117)
(RNTPC Paper No. A/FSS/208B)

23. The Secretary reported that Mr. Ivan Fu had declared an interest in this item as he had current business dealings with AGC Design Limited and MVA Hong Kong Limited, the consultants of the application. The Committee noted that Mr. Fu had tendered an apology for being unable to attend the meeting. Ms. Janice Lai had also declared an interest in this item as she had current business dealings with one of the consultants of the applicant, namely MVA Hong Kong Limited. As Ms. Lai had no direct involvement in this item, the Committee agreed that Ms. Lai could stay in the meeting.

Presentation and Question Sessions

24. 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 shop and services and eating place (in wholesale conversion of an existing building only);
- (c) departmental comments – concerned departments had no objection to or

adverse comments on the application as detailed in paragraph 10 of the Paper;

- (d) no public comment was received during the first three weeks of the statutory publication period which ended on 26.1.2012. One comment on the further information submitted by the applicant was received during the first three weeks of the statutory publication period which ended on 17.4.2012. A member of the North District Council stated that he had no comment on the application. The District Officer advised that the Chairman of Sheung Shui Rural Committee (SSRC), Indigenous Inhabitants Representative (IIR) and Residents Representative (RR) of Sheung Shui Heung had no comment on the application. The incumbent North District Councillor (NDC) cum IIR of Sheung Shui Heung raised objection because there would be an increase in vehicular and pedestrian flow for the application site and Sheung Shui Heung;
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 12 of the Paper. Regarding the local objection from the incumbent NDC member cum IIR of Sheung Shui Heung which was mainly on traffic grounds, the C for T had no adverse comment on the application from the traffic viewpoint. An approval condition on the design and provision of vehicular access, parking spaces and loading/ unloading facilities was also recommended.

25. Members had no question on the application.

Deliberation Session

26. 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 20.7.2016, 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 vehicular access, parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission and implementation of the proposal for water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approval should be for the lifetime of the building. Upon redevelopment, the subject site would need to conform with zoning and development restrictions on the Outline Zoning Plan in force at the time of redevelopment which might not be the same as those of the existing building;
- (b) to note the advice of the District Lands Officer/North, Lands Department to apply for a special waiver to waive the Government's right to enforce the user restriction in the lease conditions for the conversion of the entire industrial building. For the avoidance of doubt, his department acting in the capacity as private landlord might, at its sole and absolute discretion, approve or reject such application. A separate lease modification application was required for amendment of the parking provisions or if the applicant wished to modify any other terms contained in the New Grant as a result of the special waiver application. However, there was no guarantee that such application would be approved. The lease modification, if approved, might take such form and contain such conditions as his department might consider appropriate including, among others, payment of a premium;
- (c) to note the comments of the Commissioner for Transport that for the

proposed shuttle bus service, there were established procedures for bus operation applications. Approval of the planning application should not be taken as an agreement / approval of the application for shuttle bus service;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that formal submission by an authorized person for the proposed conversion was required under the Buildings Ordinance and detailed comments would be given at the plans submission stage;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that as the site was situated in an area dominated by industrial buildings, landscape planting should be incorporated into the proposed development where feasible, such as vertical greening or roof greening, for enhancing the landscape quality and visual amenity of the building and local environment;
- (f) to note the comments of the Director of Fire Services as follows:
 - (i) detailed fire services requirements would be formulated upon receipt of formal submission of general building plans; and
 - (ii) the arrangement of emergency vehicular access should comply with the Code of Practice for Means of Access for Firefighting and Rescue which was administered by the Buildings Department;
- (g) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the application site was located within the flood pumping gathering ground; and
- (h) to note the comments of the Director of Food and Environmental Hygiene as follows:
 - (i) the proposed eating place must be granted with a valid food licence issued by the Director of Food and Environmental Hygiene. In this

connection, the applicant's attention should be drawn to the Food Business Regulation made under Section 56 of the Public Health and Municipal Services Ordinance, Cap. 132;

- (ii) the operation of the eating place must not cause any environmental nuisance to the surrounding; and
- (iii) the refuse generated by the proposed eating place were regarded as trade refuse. The management or owner of the site was responsible for its removal and disposal at their expenses.

Agenda Item 13

Section 16 Application

[Open Meeting]

A/FSS/210

Proposed Minor Relaxation of Non-Domestic Plot Ratio Restriction for Permitted Commercial / Residential Development in "Commercial / Residential (3)" zone, Junction of Ma Sik Road and Sha Tau Kok Road, Fanling (Fanling Sheung Shui Town Lot 177)
(RNTPC Paper No. A/FSS/210A)

28. The Secretary reported that the application was scheduled for consideration by the Committee at this meeting. However, as more time was required to clarify the stance of the Lands Department (LandsD) and Buildings Department (BD) on GFA exemption of the 24-hour public pedestrian walkway which was an essential information for consideration of the application, the Planning Department (PlanD) requested that consideration of the application be deferred for two months

29. After deliberation, the Committee decided to defer a decision on the application as recommended by PlanD. The application would be submitted to the Committee for consideration within two months upon PlanD's clarification of essential information with Lands Department and Buildings Department. The Committee also agreed to advise the applicant that the Committee had allowed a period of two months for PlanD to consult

concerned government departments.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/113 Temporary Goods Distribution and Storage Use for a Period of 3 Years
in “Other Specified Uses” annotated “Port Back-up Uses” zone, Lots
182 RP(Part) and 183 RP(Part) in D.D.52, Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/113)

Presentation and Question Sessions

30. Ms. Doris S.Y. Ting, STP/STN said that a replacement page (Page 16) of the Paper was tabled at the meeting for Members’ information. Ms. Ting then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary goods distribution and storage use for a period of three years;
- (c) departmental comments – concerned departments had no objection to or no adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) one public comment was received during the first three weeks of the statutory publication period. A member of North District Council stated that he had no comment on the application. No local objection/view was received by the District Officer (North); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons as detailed in paragraph 12 of the Paper.

31. In response to the Chairman's query, Ms. Ting said that the application site was not involved in any active enforcement action.

Deliberation Session

32. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.7.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no medium and heavy goods vehicles exceeding 5.5 tonnes including container trailers and tractors, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed for the operation of the application site at any time during the planning approval period;
- (d) the submission and implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.1.2013;
- (e) 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 31.8.2012;
- (f) the submission and implementation of the proposal for fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.1.2013;

- (g) the submission and implementation of 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 20.1.2013;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (i) if any of the above planning conditions (d), (e), (f) and (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the development on site;
- (b) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) a shorter compliance period was granted in order to closely monitor the compliance of approval conditions;
- (d) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (e) to note the District Lands Officer/North, Lands Department's advice that the owner of the lots should apply to his office for a new Short Term Waiver (STW) for the proposed structures and the regularization of some unauthorized structures. There was no guarantee that STW would be granted to the applicant. If the STW was granted, the grant would be

made subject to such terms and conditions to be imposed as the Government should deem fit to do so including the payment of STW fee;

- (f) to note the comments of the Director of Fire Services that:
 - (i) if no building plan would be circulated to his Department via the Centralized Processing System of Buildings Department and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the application site, the applicant was required to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission for fire services installations for his approval, the applicant was advised that:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the location of the proposed FSI and the access for emergency vehicles should be clearly marked on the layout plans;
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
 - (iii) moreover, to address the condition on provision of fire extinguisher(s), the applicant should submit certificate(s) under Regulation 9(1) of the Fire Service (Installations and Equipment) Regulations (Chapter 95B) to his department for compliance of condition;
- (g) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments 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 his Department's standards; and
 - (ii) the application site was located within the WSD flooding pumping gathering ground;
- (h) to note the Director of Agriculture, Fisheries and Conservation's advice that the applicant should be reminded to adopt good site practice and implement necessary measure including but not limited to provision of screen planting/ hoarding and control of surface runoff to minimize disturbance impacts potentially arising from the proposed development on the abandoned meander;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that:
- (i) the temporary structure under construction was too close to the existing trees that would adversely affect the growth of existing trees; and
 - (ii) one tree was topped and some trees were in fair health condition. Replacement planting was necessary;
- (j) 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 any potential environmental nuisances;
- (k) to note the comments of the Commissioner for Transport that the land

status of the access leading to the site should be checked with the lands authority and the management and maintenance responsibilities of the same access should be clarified with the relevant lands and maintenance authorities; and

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/157 Renewal of Planning Approval for Temporary Medium Goods Vehicle and Container Tractor/Trailer Park for a Period of 3 Years in “Open Storage” zone and area shown as “Road”, Lots 106, 108-110, 112-120, 122 (Part), 165S.A in D.D. 95 and Adjoining Government Land, Ho Sheung Heung, Kwu Tung North, Sheung Shui
(RNTPC Paper No. A/NE-KTN/157)

Presentation and Question Sessions

34. 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 renewal of planning approval for temporary medium goods vehicle and container tractor/trailer park for a period of three years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures located in the vicinity of the site, and environmental nuisance was expected. Other concerned government departments had no objection to or adverse comment on the application;

- (d) two public comments were received during the first three weeks of the statutory publication period. A member of the North District Council member indicated that he had no comment on the application, and required that the local residents would be consulted accordingly. The other commenter objected to the application mainly on the grounds that Ho Sheung Heung Road was not suitable for use by heavy vehicles and serious traffic accidents had occurred; and there were too many heavy vehicle parks in the neighbourhood causing various pollutions. No local objection/view was received by the District Officer (North); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons as detailed in paragraph 11 of the Paper. Although DEP did not support the application as there were domestic structures in the vicinity of the application site, no environmental complaints concerning the subject site had been received in the past three years. To address DEP's concerns, approval conditions restricting the operation hours, proper maintenance of the existing 3m-high fence and the drainage facilities were proposed. The applicant had erected a 3m-high corrugated metal fencing and planting of periphery trees to minimize the environmental nuisance. Moreover, the applicant could be advised to undertake environmental mitigation measures as set out in the revised 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites'. As for the local objection regarding the traffic and safety concerns, the Commissioner for Transport had no objection to the application.

[Ms. Janice W.M. Lai left the meeting temporarily at this point]

35. Members had no question on the application.

Deliberation Session

36. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.7.2015, 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. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) the existing 3-m high fence on the application site should be properly maintained during the approval period;
- (d) the existing drainage facilities on the application site should be properly maintained and rectified if they were found inadequate/ineffective during operation during the approval period;
- (e) the submission of a condition record of the existing drainage facilities on the site as previously implemented on the same site in the planning application No. A/NE-KTN/136 within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.10.2012;
- (f) the submission of the proposal for fire service installations and water supplies for fire-fighting 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 24.1.2013;
- (g) in relation to (f) above, the provision of fire service installations and water supplies for fire-fighting 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 24.4.2013;

- (h) the submission of tree preservation and landscape 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 24.1.2013;
- (i) in relation to (h) above, the implementation of tree preservation and landscape 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 24.4.2013;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (k) if any of the above planning conditions (e), (f), (g), (h), or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note the Director of Land's advice that portions of existing structures encroached on Lot 123 in D.D. 95, which was outside the application site boundary, and the owner of the lots should apply to his office for a Short Term Waiver and Short Term Tenancy for the proposed structures;
- (b) to note the Director of Fire Services' advice that:
 - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed site, fire service installations (FSIs) would need to be installed;

- (ii) in such circumstances, except where building plan was circulated to the Centralized Processing System of Buildings Department, the tenant was required to send the relevant layout plans to his Department (Address: Planning Group, 9/F, No. 1 Hong Chong Road, Fire Services Headquarters Building, Kowloon) incorporated with the proposed FSIs for his approval. In doing so, the applicant should note that:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans; and
 - (iii) detailed fire safety requirements would be formulated upon receipt of formal submissions of general building plans. The applicant would need to subsequently provide such FSIs according to the approved proposal;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- (i) if the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject application; and
 - (ii) for the unauthorized building works (UBW) erected on leased land, enforcement action might be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as acceptance of any existing works or UBW on the application site under the BO;

- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that:
- (i) there were existing water mains within and along the northern part of the application site. No structure or support for any structure, except boundary fences, should be placed or erected and no motor vehicles were allowed to park or remain for any purposes including for display within the area of 1.5 m from the centre lines of the water mains. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. If the applicant raised request for diversion of the water mains, the applicant should bear the cost of the diversion works;
 - (ii) for provision of water supply to the application site, 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
 - (iii) the application site was located within the WSD flooding pumping gathering ground;
- (e) to note the comments of the Commissioner for Transport that part of the application site encroached onto an area shown as 'Road' under the approved Kwu Tung North Outline Zoning Plan No. S/NE-KTN/8. To allow for future possible road improvement works, no structure should be built within the area shown as 'Road';

- (f) to note the comments of the Chief Town Planner/Urban Design & Landscape that some existing trees were found damaged and leaning. The applicant was required to rectify the leaning tree and replace the damaged trees and any dead tree within the site. In addition, regular tree maintenance program for the preserved trees should be submitted; and
- (g) 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 16

Section 16 Application

[Open Meeting]

A/NE-KTN/158 Temporary Open Storage of Ironmongeries, Scrap Metal and Waste, Steel and Building Materials and Miscellaneous Items and an Ancillary Office for a Period of 3 Years in "Agriculture" zone, Lot 542 S.A RP (Part) in D.D. 92, Castle Peak Road, Kwu Tung, Sheung Shui
(RNTPC Paper No. A/NE-KTN/158)

38. The Secretary reported that on 11.7.2012, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to provide further information to supplement the application.

39. 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 was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/74 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” zone, Lot 879 Section A in D.D. 39, Sheung Wo Hang
Village, Luk Keng
(RNTPC Paper No. A/NE-LK/74)

Presentation and Question Sessions

40. Ms. Doris S.Y. Ting, STP/STN, said that a replacement page (Page 4) of the Paper was tabled at the meeting for Members’ information. Ms. Ting then 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 – departmental comments were set out in paragraph 8 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site was vegetated and marshy, located in the vicinity of a natural stream and the site and its vicinity was of high potential for rehabilitation of agricultural activities. The construction of the proposed house and associated access road might adversely affect the surrounding habitats, including the natural stream nearby. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the approval of the proposed Small House might set an undesirable precedent of spreading village development outside the “V” zone and detracting from the compact village layout. Besides, the required access and site formation works for the proposed Small House would have further impact on the landscape around

the application site. The Commissioner for Transport (C for T) considered that such type of Small House development should be confined within the “V” zone as far as possible. He further advised that permitting such type of Small House development outside “V” zone would set an undesirable precedent case for similar applications in the future;

- (d) three public comments were received during the first three weeks of the statutory publication period. A member of the North District Council supported the application. The other two comments from Kadoorie Farm & Botanic Garden Corporation and World Wide Fund objected to the application on the grounds of the ecological degradation of the nearby stream due to channelization to prevent flood risk; reduction of agricultural land; sewerage problem, ground water pollution and flooding risk resulting from additional houses near the stream; adverse landscape impact on the subject area; and being not in line with the planning intention of the “AGR” zone. No local objection/view was received by the District Officer (North); and

[Ms. Janice W.M. Lai returned to join the meeting at this point]

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons as detailed in paragraph 10 of the Paper and highlighted below:
 - (i) the proposed development 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. DAFC did not support the application from an agricultural development point of view as the application site and its vicinity were of high potential for rehabilitation of agricultural activities. CTP/UD&L, PlanD had reservation on the application as approval of the proposed Small House may set an undesirable precedent of spreading village development outside the V” zone. C for T also considered that such type of Small House development

should be confined within the “V” zone as far as possible;

- (ii) There were public comments objecting to the proposed development mainly because of its impact on the nearby stream. There was no information in the application to address the public concerns;
- (iii) No similar application within the same “AGR” zone had been approved by the Committee. The approval of the application would set an undesirable precedent for similar application, and the cumulative effect of approving these applications would result in further loss of agricultural land, adverse traffic and landscape impact on the surrounding area, and adverse impact on the surrounding natural habitats including the nearby stream; and

41. In response to the Chairman’s query, Ms. Ting said that she had no information on any ‘fung shui’ woodland in the vicinity of the application site.

Deliberation Session

42. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification to merit a departure from the planning intention;
- (b) land was still available within the “Village Type Development” zone of Sheung Wo Hang Village, which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for

orderly development pattern, efficient use of land and provision of infrastructures and services; and

- (c) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impact of approving these applications would lead to further loss of agricultural land, adverse traffic and landscape impact on the surrounding area, and adverse impact on the natural habitats including the nearby stream.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/477 Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles and Shop and Services (Car Washing and Waxing Services) with Ancillary Storerooms for a Period of 3 Years in “Village Type Development” zone, Lot 1422 RP (Part) in D.D. 83 and Adjoining Government Land, Lung Yeuk Tau, Fanling
(RNTPC Paper No. A/NE-LYT/477)

Presentation and Question Sessions

43. Ms. Doris S.Y. Ting, STP/STN, said that three replacement pages (Pages 2, 4 and 10) of the Paper were tabled at the meeting for Members’ information. Ms. Ting then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park for private cars and light goods vehicles and shop and services (car washing and waxing services) with ancillary storerooms for a period of three years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. The Director of Environmental Protection did not support the application as there were sensitive receivers (domestic structures) in the vicinity of the site (with the nearest distance of about 5-7m to the immediate east and south of the application site) and along the access road, and environmental nuisance was expected. There were three non-substantiated complaint cases (between 2009 and first quarter of 2012 about air, noise and waste issues). Other concerned government departments had no objection to or adverse comment on the application;

- (d) two public comments were received during the first three weeks of the statutory publication period. One comment was from a North District Council member who stated that he had no comment on the application. Another comment was from an organization namely ‘新界原居民土地權益委員會’ which raised objection to the application mainly on the grounds of inappropriate operation hours, adverse noise and traffic impacts and fire safety issues that might be brought by the application. The District Officer (North) advised that the Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of Lung Yeuk Tau raised objection to the application on grounds that the village road was narrow and not suitable for goods vehicles to pass through. The development would attract outsiders to the application site and affect public order in the village; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of one year for the reasons as detailed in paragraph 11 of the Paper. Although the application site fell entirely within the “V” zone and village ‘environs’ (‘VE’) of San Uk Tsuen, and the development was not in line with the planning intention of the “V” zone, there was currently no known programme or proposal to implement Small House development at the application site. Approval of the subject temporary use would therefore not jeopardize the long-term planning intention of the “V” zone. It was noted that DEP did not support the application as there were domestic structures in the vicinity of the application site and three pollution complaints were received in the past three years regarding the site. However, the complaints were all

unsubstantiated cases. According to the application, the public vehicle park was mainly for parking of private cars. The operation hours of the vehicle park and the associated car washing/waxing shop were from 9:00 a.m. to 9:00 p.m. and 11:00 a.m. to 6:00 p.m. respectively. The car waxing and washing shop was proposed to be placed at the south-western part of the site further away from the existing village house. DEP's concerns on the possible environmental nuisance to the surrounding areas could be addressed by imposing approval conditions on the operation hours, maximum number of vehicles, prohibition of parking of vehicles other than private cars and light goods vehicles, and the locations of car waxing and washing shop. As for the local objections/public comments mainly on the grounds of traffic and noise problems and life hazards, it was noted that the concerned government departments including C for T and D of FS had no adverse comment on or no objection in-principle to the application. The local concerns on heavy vehicles using the access road and potential noise and air pollution could be addressed imposing the aforesaid approval conditions. Notwithstanding the above, in view of DEP's concern and the local objections received, it was recommended that a shorter approval period of one year be granted, instead of three years as proposed by the applicant, in order to monitor the situation.

44. Members had no question on the application.

Deliberation Session

45. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 20.7.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 9:00 p.m. and 9:00 a.m. for the temporary public vehicle park and between 6:00 p.m. and 11:00 a.m. for the car washing and waxing shop, as proposed by the applicant, was allowed on the application site during the planning approval period;

- (b) no vehicles other than private cars and light goods vehicles not exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to be parked within the application site during the planning approval period;
- (c) no more than 36 parking spaces for private car and 5 parking spaces for light goods vehicle, as proposed by the applicant, should be provided within the application site during the planning approval period;
- (d) no vehicles without valid licence issued under the Road Traffic Ordinance were allowed to be parked/stored within the application site during the planning approval period;
- (e) 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 tractors/trailers), as defined in the Road Traffic Ordinance, was allowed to be parked/stored on the site at any time during the planning approval period;
- (f) car waxing and washing activity should only be carried out at the south-western part of the application site, as proposed by the applicant, at any time during the planning approval period;
- (g) no vehicle repairing and other workshop activities were allowed to be carried out within the application site during the planning approval period
- (h) the submission and implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.1.2013;
- (i) the submission and implementation of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.1.2013;

- (j) the submission and implementation of the proposal for fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.1.2013;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon 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.

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

- (a) to note that a shorter approval period of 1 year was granted in order to closely monitor the operation of the temporary public vehicle park and shop and services (car waxing and washing shop);
- (b) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/North, Lands Department that the owner of the lot should be advised to apply to his

office for a Short Term Waiver (STW) and a Short Term Tenancy (STT) for the proposed and existing structures and the regularization of unauthorized occupation of government land. There was no guarantee that the STW and STT would be granted to the applicant. If the STT and STW 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 STW/STT fees/rent;

- (e) to note the comments of the Commissioner for Transport that the vehicular access leading to the application site was not under Transport Department's management. The applicant was advised to check the land status of the accesses with the lands authority, and to clarify the management and maintenance requirements of the accesses with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories East that any access road leading from Sha Tau Kok Road to the application site was not maintained by the Highways Department;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (h) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) as follows:
 - (i) a small portion of existing water mains fell within the boundary of the application site and the applicant should divert the existing watermains at his own cost. The method statement should be submitted to WSD for consideration; and
 - (ii) the application site was located within the flood pumping gathering

ground;

- (i) to note the comments of the Director of Fire Services as follows:
 - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the application site, fire service installations (FSIs) would need to be installed;
 - (ii) in such circumstances, except where building plan was circulated to the Centralized Processing System of Buildings Department, the applicant was required to send the relevant layout plans to Fire Services Department (Address: Planning Group, 9/F, No. 1 Hong Chong Road, Fire Services Headquarters Building, Kowloon) incorporated with the proposed FSIs for approval, in doing so, the applicant should note that:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the location of the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans; and
 - (iii) detailed fire safety requirements would be formulated upon receipt of formal submission of the aforesaid plans. The applicant would need to subsequently provide such FSIs according to the approved proposal;
- (j) to note Chief Town Planner/Urban Design and Landscape, Planning Department's comment that tree planting opportunity was available along the southern boundary of the application site; and
- (k) to follow the environmental mitigation measures as set out in the latest "Code of Practice on Handling the Environmental Aspects of Temporary

Uses and Open Storage Sites” issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/385 Temporary Warehouse for storage of Construction Materials and Metalware for a Period of 3 Years in “Government, Institution or Community” zone, Government Land in D.D. 46, Tai Tong Wu, Fanling
(RNTPC Paper No. A/NE-TKL/385)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of construction materials and metalware for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) two public comments were received during the first three weeks of the statutory publication period. One comment from a North District Council member stated that he had no specific comment on the application subject to that the residents nearby had been consulted. Another commenter raised objection to the application mainly on the grounds that the application site had been occupied by unauthorized development, construction waste had

been dumped onto the hillslope at the back of the factory and river, and the site had been used for dismantling of computer parts which had created pollution problem. The District Officer (North) advised that an incumbent District Council member, a Village Representative (VR) of Tai Tong Wu and villagers of Tai Tong Wu raised objection to the application mainly on the grounds that the applied use would increase traffic flow and overload the local van track, the dumping of unused tiles had caused pollution to the nearby river, and the storage activities would create noise nuisance; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons as detailed in paragraph 11 of the Paper. Regarding the local objections and the public comment against the applied use, the concerned government departments including C for T and DEP had no adverse comment on the application and DEP had not received any environmental pollution complaint concerning the application site in the past three years. To address the local concern on environmental impacts, approval conditions on operation hours, types of vehicles used, and types of activities were recommended to be imposed. While the dumping of waste onto the adjoining watercourse would be controlled under relevant ordinance, the applicant would be advised to adopt good site practice to avoid causing disturbance to adjoining watercourse. Moreover, the applicant would be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental nuisances and to liaise with the locals to address their concern.

48. In response to the query of the Chairman and Mr. Victor Yeung, Ms. Ting clarified that the residential structure in the vicinity of the application site was currently used as the watchman's quarter and no complaint had been received by Environmental Protection Department in the past three years.

Deliberation Session

49. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.7.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Saturdays, Sundays and public holidays was allowed, as proposed by the applicant, on the application site during the planning approval period;
- (c) no medium and heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed for the operation of the application site at any time during the planning approval period;
- (d) no dismantling and workshop activities should be carried out on the application site at any time during the planning approval period;
- (e) no storage of used electrical appliances, computer/electronic parts or any other types of electronic waste was allowed on the application site at any time during the planning approval period;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.1.2013;
- (g) in relation to (c) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.4.2013;
- (h) the submission of the proposal 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 20.1.2013;

- (i) in relation to (h) 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 20.4.2013;
- (j) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.1.2013;
- (k) in relation to (j) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.4.2013;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) planning permission should have been renewed before continuing the applied use at the application site;
- (b) to note the District Lands Officer/North, Lands Department's advice that an application should be submitted to his office for a new Short Term Tenancy (STT) for the change of user and STT boundary;

(c) to note the comments of the Director of Fire Services that if no building plan would be circulated to his Department via the Centralized Processing System of Buildings Department and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the application site, the applicant was required to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission for fire services installations for his approval, the applicant was advised that:

(i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and

(ii) the location of the proposed fire services installations and the access for emergency vehicles should be clearly marked on the layout plans; and

detailed fire safety requirements would be formulated upon receipt of formal submission of the aforesaid plans. The applicant would need to subsequently provide such FSIs according to the approved proposal;

(d) to note the comments of the Commissioner for Transport that the access leading to the application site was not under Transport Department's management, the applicant was advised to check the land status of the accesses with the lands authority. The management and maintenance requirements of the accesses should be clarified with the relevant lands and maintenance authorities accordingly;

(e) to note the comments of the Chief Highway Engineer/ New Territories East, Highways Department that any access road leading from Sha Tau Kok Road to the application site was not maintained by his department;

(f) 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 any potential environmental nuisances;

- (g) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that the application site was located within the WSD flood pumping gathering ground;
- (h) to note the comments of the Chief Town Planner/ Urban Design and Landscape, Planning Department that the applicant should not dump materials outside the application site;
- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant was advised to adopt good site practices to avoid causing any disturbance impacts on the watercourse particularly in terms of surface runoff;
- (j) to note the comments of the Chief Engineer/ Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. The Environment Protection Department should be consulted regarding the regarding the sewage treatment/ disposal facilities for the proposed development; and
- (k) to liaise with the local residents to address their concern on the development.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/386 Temporary Open Storage and Storage of Recycled Materials (Plastic Waste and Disused Pinball Machines) for a Period of 3 Years in “Agriculture” and “Open Storage” zones, Lots 86 (Part), 87 (Part) and 89 (Part) in D.D. 83, No. 227, Kwan Tei North Village, Sha Tau Kok Road, Fanling
(RNTPC Paper No. A/NE-TKL/386)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage and storage of recycled materials (plastic waste and disused pinball machines) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper, The 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. There was also no drainage proposal submitted to demonstrate that the open storage use on the site would not cause adverse drainage impact on the adjacent area;
- (d) one public comment was received during the first three weeks of the statutory publication period stating no comment. The District Officer (North) received an objection from the Indigenous Inhabitant Representative (IIR) of Kwan Tei on the grounds that there were residents living near the warehouse for storage of recycling materials, and the storage

of plastic waste and electronic waste might had fire hazard and would pollute the environment and the increased traffic flow would affect the residents' safety; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The applicant had not provided any strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis. A major portion of the site fell within Category 3 area under the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in which applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. Although part of the application site was previously approved for temporary open parking of lorries for a period of 3 years on 12.4.2002 under Application No. A/NE-TKL/198, the application was revoked by the Board on 12.10.2002 due to the non-compliance with approval conditions. As compared with the previous approval, the area of the application site had been substantially increased from 1,200m² to 3,300m² (+ 175%) and the nature of the use had been changed from a lorry park of five parking spaces to open storage use. Local objection due to environmental concern has been received from nearby residents. DEP did not support the application from the environmental point of view. Moreover, the applicant had not submitted any assessments/ proposals to demonstrate that the development would not cause adverse impact on the surrounding area. In this regard, the applied use did not meet the TPB Guidelines No. TPB PG-No. 13E in that there were adverse departmental comment on and local objection to the application and the applicant had not submitted any technical assessments/proposals to demonstrate that the use under application would not generate adverse environmental impacts on the surrounding areas. Approval of the application would set an undesirable precedent and

encourage other similar applications for open storage uses within the “AGR” zone.

52. Members had no question on the application.

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

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis;
- (b) the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments and local objection on the application and the applicant had failed to demonstrate that the development would not generate adverse environmental impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Agenda Items 21 to 26

Section 16 Applications

[Open Meeting]

A/NE-LYT/481 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 1600 S.C in D.D.76, Kan Tau Tsuen, Fanling (RNTPC Paper No. A/NE-LYT/481)

A/NE-LYT/482 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 1600 S.B in D.D. 76, Kan Tau Tsuen, Fanling (RNTPC Paper No. A/NE-LYT/482)

A/NE-LYT/483 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 1600 S.A in D.D. 76, Kan Tau Tsuen, Fanling (RNTPC Paper No. A/NE-LYT/483)

A/NE-LYT/484 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 1597 S.F, 1599 S.C and 1600 S.N in D.D. 76, Kan Tau Tsuen, Fanling (RNTPC Paper No. A/NE-LYT/484)

A/NE-LYT/485 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 1600 S.E in D.D. 76, Kan Tau Tsuen, Fanling (RNTPC Paper No. A/NE-LYT/485)

A/NE-LYT/486 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 1600 S.D in D.D. 76, Kan Tau Tsuen, Fanling (RNTPC Paper No. A/NE-LYT/486)

54. The Committee noted that these six applications were similar in nature and the application sites were located in close proximity to each other. The Committee agreed that these six applications could be considered together.

55. The Secretary reported that the applications were scheduled for consideration at this meeting. However, the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) advised that with reference to the aerial photo taken in

September 2011, the existing trees located on the site had been removed which had caused disturbance to the existing landscape resources and character. Moreover, his recent site visit revealed that the sites and their adjoining area were filled with construction materials covered in wild grass and no existing tree was found.

56. The Secretary noted that the applications might involve vegetation clearance and unauthorised land filling prior to the applications and that such practices contravened the approaches announced by the Board in July 2011 to deter “Destroy First, Build Later” activities. To allow more time for investigation and collect more information on the land filling/clearance works undertaken on the sites, it was recommended that a decision on the six applications be deferred for two months to ascertain whether any unauthorized clearance of vegetation and land filling works were involved that might constitute an abuse of the planning application process.

57. After deliberation, the Committee decided to defer the decisions on these six applications. The Committee agreed that the applications should be submitted for its consideration after the investigation in two months’ time.

Agenda Item 27

Section 16 Application

[Open Meeting]

A/NE-TKL/380 Proposed Temporary Concrete Batching Plant with Minor Relaxation of Building Height Restriction for a Period of 3 Years in “Industrial (Group D)” zone, Lots 22 (Part), 24 (Part) and 26 RP (Part) in D.D. 84, Ping Che Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/380A)

58. The Secretary reported that on 6.7.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address comments from government departments.

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/90 Proposed House (New Territories Exempted House – Small House) in
“Green Belt” zone, Government Land in D.D. 167, Sai O Village, Ma
On Shan

(RNTPC Paper No. A/MOS/90)

Presentation and Question Sessions

60. Mr. Anthony K.O. Luk, STP/STN pointed out that there was a typing error in paragraph 12.1 of the Paper. The percentage of the area of the proposed NTEH (Small House) which fell within the ‘Village Environs’ (‘VE’) of Sai O Village should be “91%”. Mr Luk then 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 – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 10 and Appendix IV of the Paper; and
- (d) no public comment was received during the first three weeks of the statutory publication period which ended on 3.4.2012. Two public comments on the further information submitted by the applicant were

received during the first three weeks of the statutory publication period which ended on 3.7.2012. The comments from Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited objected to the application as the absence of a sustainable layout plan and piecemeal approval of development would lead to deterioration of the living environment in the area; and the approval of Small House development would lead to cumulative ecological impacts on the nearby woodland. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 12 of the Paper. Regarding the public comment raising concern that approval of the proposed Small House would lead to deterioration of the living environment and cumulative ecological impacts on the nearby woodland, it was considered that the proposed development would not have any significant adverse traffic, environmental, drainage and landscape impacts on the surrounding area. Concerned government departments had no adverse comment on the application.

61. Members had no question on the application.

Deliberation Session

62. 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 20.7.2016, 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 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
- (b) the submission and implementation of drainage proposal to the satisfaction

of the Director of Drainage Services or of the TPB.

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

- (a) there were no existing public stormwater drains available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas;
- (b) public sewerage connection was not available for the application site. The applicant should consult the Environmental Protection Department (EPD) regarding the sewage treatment/disposal aspects of the proposed development and the provision of septic tank. In this regard, the applicant should note EPD's advice that sewer connection was feasible as a planned sewer was located close to the proposed Small House;
- (c) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works;
- (d) to note that it might be needed to extend the applicant's inside services to the nearest suitable Government water mains for connection for provision of fresh water supply to the 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 services within the private lots to Water Supplies Department's standards;
- (e) detailed fire safety requirements would be formulated by the Fire Services Department upon formal referral from the Lands Department (LandsD); and

- (f) to make necessary submission to District Lands Office/Tai Po, LandsD to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in Practice Notes for Authorized Persons No. APP-56. If such exemptions were not granted, the applicant should submit site formation plans to the Buildings Department in accordance with provision of the Buildings Ordinance; and
- (g) the applicant should implement preventive measures to avoid disturbance to the trees nearby.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/782 Proposed Shop and Services (Retail Shop) in “Industrial” zone, Unit E
(Portion), G/F, Century Industrial Centre, 33-35 Au Pui Wan Street, Fo
Tan
(RNTPC Paper No. A/ST/782)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services (retail shop);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;

- (d) one public comment was received during the first three weeks of the statutory publication period. The comment from the representative of the Owners' Committee of Unison Industrial Centre supported the application as the change in use of floor space on G/F could avoid industrial buildings being left vacant. No local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 11 of the Paper.

65. Members had no question on the application.

Deliberation Session

66. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.7.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire 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 20.1.2013;
- (b) in relation to (a) 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 20.4.2013; and
- (c) if any of the above planning conditions (a) and (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the

supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;

- (b) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing premises should not be adversely affected;
- (e) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application; and
- (f) refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/783 Shop and Services (Real Estate Agency) in “Industrial” zone,
Workshop E3, G/F, Haribest Industrial Building, 45-47 Au Pui Wan
Street, Fo Tan
(RNTPC Paper No. A/ST/783)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (retail shop) under application;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) one public comment was received during the first three weeks of the statutory publication period. The public comment was submitted by a member of the general public indicating no comment on the application. No local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years for the reasons as detailed in paragraph 11 of the Paper.

69. Members had no question on the application.

Deliberation Session

70. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.7.2015, 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 the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 20.1.2013; and
- (b) if the above planning condition (a) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the use should comply with the requirements under the Buildings Ordinance. For instance,

the shop should be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining workshop should not be adversely affected;

- (f) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application; and
- (g) refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/437 Proposed House (New Territories Exempted House – Small House) in
“Green Belt” and “Village Type Development” zones, Lot 243 S.C in
D.D 9, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/437)

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

Presentation and Question Sessions

72. Mr. C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 10 and Appendix IV of the Paper;
- (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 (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 12 of the Paper.

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

73. Members had no question on the application.

Deliberation Session

74. 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 20.7.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

TPB;

- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure that there would be no pollution or siltation of the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the septic tank (presumed to be the future sewerage connection point) should be within the site and within the “Village Type Development” zone. Adequate land should be reserved for the future sewer connection work. The proposed House should be connected to the future public sewer when available;
- (b) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (c) public sewerage connection point would be provided under the “North District Sewerage, Stage 2 Phase 1” scheme, the construction works of which was scheduled to commence in mid-2012 for completion by the end 2016. Upon completion of the scheme, the applicant should make proper sewer connection from his premises to the public sewerage at his own cost;
- (d) 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. 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 on 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 proposed village sewerage works under the project “North District Sewerage, Stage 2 Phase 1” was completed in around 2016/17. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;

- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:
 - (i) if septic tank and soakaway pit system was permitted to be used as an interim measure for sewage disposal before public sewer was available, any such permitted septic tank and soakaway pit system should be designed and maintained in accordance with the Environmental Protection Department’s Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) No. 5/93. The septic tank and soakaway pit system should be located at a distance of not less than 30m from any watercourses and should be properly maintained and desludged at a regular frequency. All sludge generated should be carried away and disposed of outside the Water Gathering Ground; and
 - (ii) 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 standards; 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 obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/452 Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Village Type Development” zones, Lot 1204 S.B ss.6 and 1204 S.B ss.9 in D.D. 19, Lam Tsuen San Tsuen, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/452B)

Presentation and Question Sessions

76. Mr. C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the application site fell partly within “Agriculture” (“AGR”) zone and had high potential for rehabilitation of agricultural activities. Other concerned government departments had no objection to or adverse comment 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; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 11 of the Paper. The application site straddled the “Village Type Development” (“V”) zone (57%) and the “AGR” zone (43%) on the Outline Zoning Plan. The proposed Small House development was not in line with the planning intention of “AGR” zone, and DAFC did not support the application from the agricultural point of view as the site had high potential for rehabilitation of the agricultural activities. The application did not meet the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Lam Tsuen San Tsuen. A similar application No. A/NE-LT/456 was recently approved by the Committee on 6.7.2012 mainly on the ground of sympathetic consideration in that the proposed Small House was an infill development sandwiched between an existing Small House and an approved Small House Application No. A/NE-LT/408. Hence, sympathetic consideration was given to the similar application A/NE-LT/456, despite that there was no general shortage of land available for Small House development in the “V” zone. Regarding the subject application, the immediate areas adjoining the application site to the south and to the west were generally vacant and covered with vegetation. The application site was not sandwiched between any approved Small Houses or existing village houses.

77. Members had no question on the application.

Deliberation Session

78. The Chairman noted that Application No. A/NE-LT/456 for a proposed Small

House was recently approved by the Committee on 6.7.2012. Both the sites of Application No. A/NE-LT/456 and the subject application were partly covered by “AGR” zone and partly covered by the “V” zone of Lam Tsuen San Tsuen, where there was no shortage of land to meet Small House demand. The Chairman enquired why PlanD had rendered support to Application No. A/NE-LT/456, but not the subject application. a Member also asked if there was sufficient justification to reject the application noting that it was in similar situation with the Application No. A/NE-LT/456. In response, Mr. C.T. Lau said that sympathetic consideration was given to the proposed Small House under Application No. A/NE-LT/456 as the site was an infill development sandwiched between an existing Small House and an approved Small House development under Application No. A/NE-LT/408. The proposed Small House under the subject application, however, was not an infill development as the immediate areas adjoining the application site to the south and to the west were generally vacant and covered with vegetation.

79. A Member referred to Plan A-2 of the Paper and pointed out that as the majority of the footprint of the proposed Small House (57%) under the subject application fell within the “V” zone, sympathetic consideration could be given to the application.

80. The Chairman said that the subject application was similar to Application No. A/NE-LT/456 in that both sites fell within the same “village environs” of Lam Tsuen San Tsuen and were partly covered by the same “V” zone. Hence, Small Houses, which were always permitted under the “V” zone, might be built around the application site in future. Sympathetic consideration should be given to the subject application in similar grounds.

81. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 20.7.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board;

- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (d) the provision of protective measures to ensure that no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (e) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

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

- (a) the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (d) the septic tank should be within the application site and within the “V” zone;
- (e) to note the comments of the Director Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;

- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant was required to maintain the drainage system properly; to rectify the systems if they were found to be inadequate or ineffective during the operation, and to indemnify the government against claims and demands arising out of damage or nuisance caused by failure of the system;
- (g) the applicant was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during the 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;
- (h) to note the comments of the Chief Engineer/Project Management, Drainage Services Department that the scope of provision of village sewerage to Lam Tsuen Valley “V” zone area was being finalized under the project 4332 DS “Lam Tsuen Valley Sewerage”. Village sewerage works near this area was scheduled to be started in 2012/2013 for completion in 2016/2017 tentatively, subject to the land acquisition and availability of the necessary funding. The applicant should be vigilant on the latest situation of the project works on which the village representatives would be kept informed by Drainage Services Department;
- (i) to note the comments of Chief Engineer/Development(2), Water Supplies Department in paragraph. 4 of Appendix IV of the Paper;
- (j) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the access leading to the application site was not maintained by his office; and
- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant/his 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/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.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/80 Temporary Private Car Park (Private Car and Light Goods Vehicle) for a Period of 3 Years in “Road” and “Village Type Development” zones, Lots 911 (Part), 912 (Part) and 931 S.B ss.21 (Part) in D.D. 165 and Adjoining Government Land, Tseng Tau Village, Shap Sz Heung, Sai Kung North
(RNTPC Paper No. A/NE-SSH/80)

Presentation and Question Sessions

83. Mr. C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed private car park (private car and light goods vehicle) for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (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; and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated for a period of three years for the reasons as detailed in paragraph 11 of the Paper.

84. Members had no question on the application.

Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.7.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles other than private cars and light goods vehicles were allowed to be parked within the application site;
- (b) no vehicle repairing, car washing/fuelling, vehicle dismantling and workshop activities should be permitted within the site during the planning approval period;
- (c) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.1.2013;

- (d) in relation to (c) above, the implementation of the landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 20.4.2013;
- (e) if any of the above planning conditions (a) or (b) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (f) if any of the above planning conditions (c) or (d) was not complied with by the specified date, the approval hereby given should cease to have effect and should be revoked on the same date without further notice; and
- (g) 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.

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

- (a) the applicant should resolve any land issues relating to the development with the concerned owners of the application site;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) the applicant should be reminded to apply to Lands Department (LandsD) for a Short Term Waiver (STW) if ancillary structures were to be erected for the car park. The occupier of the concerned government land within the site was also required to apply for a Short Term Tenancy (STT) if the application was approved. If the STW and/or STT was approved by LandsD at its discretion, such approval might be subject to such terms and conditions, including payment of fee/rental, as imposed by LandsD. Otherwise, LandsD would take lease enforcement and land control action

respectively as appropriate;

- (d) the existing village access connecting the temporary private car park was not under the management of the Transport Department and the applicant should clarify the land status, management and maintenance responsibility of the village access with the relevant lands and maintenance authorities in order to avoid potential land disputes;
- (e) the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site;
- (f) prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines;
- (g) 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
- (h) the applicant and his contractors should observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/399 Temporary Private Garden Ancillary to New Territories Exempted House for a Period of 3 Years in “Green Belt” and “Village Type Development” zones, Government Land Adjoining Lot 595 RP in D.D. 14, Tung Tsz, Tai Po
(RNTPC Paper No. A/NE-TK/399)

Presentation and Question Sessions

87. Mr. C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary private garden ancillary to New Territories Exempted House for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (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); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons as detailed in paragraph 12 of the Paper. The encroachment of the private garden onto the “Green Belt” (“GB”) zone without justifications was not in line with the planning intention of “GB” zone which was primarily for defining the limits of urban and sub-urban areas by natural features and to contain urban sprawl as well as to provide

passive recreational outlets. There was a general presumption against development within the “GB” zone. From the land use planning point of view, it was undesirable to allow these natural features be hard paved and fenced off for private garden use. The natural features should be retained for public enjoyment. The applicant failed to provide strong planning justifications in the submission for a departure from the planning intention, even on a temporary basis. The subject private garden of about 235m² was on government land. Even without the “GB” portion of 56m², the garden was already more than twice the size of the footprint of a NTEH of about 65.03m². There was no exceptional circumstance or strong justification that merited sympathetic consideration of the application for using additional land within the “GB” zone (i.e. 56m²) for private garden. The approval of the application would set an undesirable precedent for other similar applications and the cumulative impacts of approving such applications would undermine the planning intention of the “GB” zone. A similar application No. A/NE-TK/337 on the immediate south of the application site was rejected by the Board on review on 13.5.2011. There was no change in planning circumstances to merit a departure from the Board’s previous decisions. Moreover, there were four similar applications (No. A/NE-TK/334, 337, 338 and 366) rejected by the Committee for temporary private garden within the “GB” zone on the Ting Kok Outline Zoning Plan since 1.1.2010. As such, it was the Committee’s intention to be more stringent in consideration of such private garden use within the “GB” zone on the Ting Kok OZP.

88. Members had no question on the application.

Deliberation Session

89. The Chairman pointed out that the site was the subject of two previous applications for garden use approved by the Committee in May 2006 and September 2007. As there were previous applications approved on the site, he asked why the approval of the current application would set an undesirable precedent.

90. The Secretary said that it was the Board's intention to be more stringent in considering applications for private garden use within the “GB” zone. While each application should be considered on its own merits, no applications for private garden had been approved by the Board since 1.1.2010 as they were considered not in line with the planning intention of the “GB” zone.

91. 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 “Green Belt” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. The applicant failed to provide strong planning justifications in the submission for a departure from this planning intention, even on a temporary basis; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in general degradation of the natural environment in the area.

[The Chairman thanked Mr. Otto K.C. Chan, Ms. Doris S.Y. Ting, Anthony K.O. Luk, and Mr. C.T. Lau, STPs/STN, for their attendance to answer Members’ enquires. Mr. Chan, Ms. Ting, Mr. Luk and Mr. Lau left the meeting at this point.]

[The meeting was adjourned for a break of 5 minutes.]

Tuen Mun and Yuen Long District

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/437 Columbarium in “Government, Institution or Community” zone, Tuen
Mun Town Lot No. 392, Tsing Shan Tsuen, Tuen Mun
(RNTPC Paper No. A/TM/437)

Presentation and Question Sessions

92. The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealing with one of the consultants of the applicant, namely Term 73. As Ms Lai had no direct involvement in this item, the Committee agreed that she could stay in the meeting.

93. Mr. C.C. Lau, STP/TMYL, said that one replacement page (Page 16) of the Paper was tabled at the meeting for Members’ information. Mr. Lau then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the columbarium;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper; and
- (d) 680 comments were received during the first three weeks of the statutory publication period. 638 comments supported the application including individuals in 612 standard letters and local residents of Tsing Shan Tsuen in 26 standard letters. One commenter stated no objection. 41 objections were from the Incorporated Owners of Richie House and local

residents in ten standard letters and a religion institution. The commenters who supported the application stated that the columbarium could cater for strong demand for columbaria in the territory. The commenters who objected to the application stated that the Committee had already approved 10,000 niches in the locality. The columbarium use under application would generate additional adverse environmental and traffic impacts on the surrounding environment; and the burning of incense would cause air pollution nuisances and affect the living environment and health of local villagers and the nearby schools. No local objection/view was received by the District Officer (Tuen Mun); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 11 of the Paper. It was considered that columbarium use was generally in line with the planning intention of the “G/IC” zone. There was a previous application (No. A/TM/387) approved by the Committee on 21.8.2009 for columbarium use at the subject site but had been revoked due to non-compliance with the approval condition. The current application for columbarium was on the same site with the same number of niches (5,000 nos) submitted by the same applicant. Therefore, the approval of the application would not result in additional approved niches in the locality. Concerned government departments including Commissioner for Transport (C for T), Commissioner of Police (C of P), Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD), Director of Environmental Protection (DEP) had no objection to or adverse comments on the application. Regarding public comments that the Committee had already approved 10,000 niches in the locality, it should be noted that a similar Application No. A/TM/373 with the provision of 5,000 niches was approved with conditions by the Committee. The previously approved Application No. A/TM/387 with 5,000 niches located at the northeast of the subject site had been revoked. Therefore, the current valid approved number of niches in the locality was only 5,000 niches. Since the permission under Application No. A/TM/387 was revoked for non-compliance of approval condition, shorter compliance periods were

recommended for the subject application in order to monitor the fulfilment of approval conditions should the application be approved. Furthermore, the applicant should be advised to liaise with the nearby residents and other parties and to provide them relevant information of the development to address their concerns.

94. Members had no question on the application.

Deliberation Session

95. In response to the Chairman's enquiry, Mr. C.C. Lau said that in complying with the approval condition on the provision of fire services installation (FSI) under the previously approved Application No. A/TM/387, the applicant had proposed to provide an underground water tank and had submitted building plans to the BD for approval. Subsequently, the applicant had erected glass reinforced polyester water tanks at the ground level of the site, without obtaining building plan approval from the BD. In this regard, it was recommended to impose approval conditions on the submission and provision of FSI to the satisfaction of both BD and D of FS prior to commencement of operation of the columbarium use. In case of failure to comply with the approval conditions, the application would be revoked.

96. 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 20.7.2016, 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 provision of fire services installations prior to the commencement of operation of the columbarium use to the satisfaction of the Director of Fire Services and the Chief Building Surveyor/ New Territories West, Buildings Department, or of the TPB;
- (b) the submission of fire services installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services and the Chief Building Surveyor/ New Territories West, Buildings

Department, or of the TPB by 20.10.2012;

- (c) the implementation of fire services installations as indicated in the accepted submission within 6 months from the date of planning approval to the satisfaction of the Director of Buildings and Director of Fire Services or of the TPB by 20.1.2013;
- (d) the submission of landscape and tree preservation proposal with tree survey report within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.10.2012;
- (e) the implementation of landscape and preservation proposal as indicated in the accepted submission within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.1.2013;
- (f) if the above planning condition (a) was not complied with, the approval hereby given would cease to have effect and should on the same date be revoked without further notice; and
- (g) if any of the above planning conditions (b), (c), (d) or (e) 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.

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

- (a) shorter compliance periods were granted in order to monitor the fulfilment of approval conditions. Should the applicant failed to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that glass reinforced polyester (GRP) water

tanks were building works subject to control under the Buildings Ordinance (BO). If the existing GRP water tanks were erected on leased land without approval of the BD (not being a New Territories Exempted House), they were unauthorized under the BO and should not be designated for any approved use under the captioned application. For unauthorized building works (UBW) erected on leased land, enforcement action might be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. If the applicant intended to erect any new GRP water tanks, the prior approval and consent of the BD should be obtained. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO;

- (c) the granting of this planning approval should not be construed as condoning any structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinances or other enactment might be taken if contravention was found;
- (d) to note the comments of the Director of Environmental Protection that the applicant was required to comply with all relevant pollution ordinances including the Air Pollution Control Ordinance and the Water Pollution Control Ordinance, and also to make reference to his "Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places (September 2011)";
- (e) to note the Director of Leisure and Cultural Services' comments that the applicant would be responsible for the cost of construction and maintenance of the landscaping; and
- (f) to liaise with the nearby residents and other parties and to provide them with relevant information of the proposed development to address their concerns.

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/383 Temporary Storage Use (Aluminum Tubes, Canvas, Parts, Tools for Greening and Miscellaneous Stuff) with ancillary Workshop for a Period of 3 Years in “Recreation” zone, Lots 162 and 164 in D.D. 126, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/383)

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 temporary storage use (aluminium tubes, canvas, parts, tools for greening and miscellaneous stuff) with ancillary workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses in the vicinity of the site and along the access road, and environmental nuisance was expected. Other concerned government departments had no objection to or adverse comment on the application;
- (d) four public comments were received during the first three weeks of the statutory publication period. The comments were from two villagers of Ha Mei San Tsuen, a member of the Yuen Long District Council (YLDC) and a Village Representative of Ha Mei San Tsuen. All of them objected to the application on environmental and safety grounds. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 12 of the Paper. The storage with ancillary workshop was not in line with the planning intention of the “REC” zone which was primarily for recreational development for the use of public. It was also incompatible with the existing residential dwellings in the surrounding areas and the rural character. The applicant had not provided any strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis. The proposed temporary development was not in line with the Town Planning Board Guidelines 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that no previous planning approval had been granted for the site, DEP did not support the application from the environmental point of view and the applicant had not included any technical assessment/proposal in the submission to demonstrate that the development would not generate adverse environmental impact on the surrounding areas.

99. In response to the Chairman's query, Mr. Lai referred to Plan A-2 of the Paper and pointed out that the activities of open storage of construction materials to the northwest of the application site were suspected unauthorized developments. Enforcement actions would be taken upon detailed site investigations. By referring to Plan A-1, the Chairman said that planning approvals had been obtained for open storage use at the two areas to the further northwest of the application sites.

Deliberation Session

100. The Chairman said and Members agreed that the subject application site was different from the two areas to the northwest as it was located in an area of rural character.

101. 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 “Recreation” zone which was primarily for recreational developments for the use of the general public. No strong planning justifications had been provided in the submission to merit a departure from the planning intention, even on a temporary basis; and
- (b) the development did not comply with the Town Planning Board Guidelines 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 have adverse environmental impact on the surrounding areas, the development was also not compatible with the current residential use in the surrounding areas and there were adverse departmental comments on the application. .

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/384 Renewal of Planning Approval for Temporary “Container Storage with Ancillary Repair Workshops for Container Vehicles and Trailers” for a Period of 3 Years in “Open Storage” zone, Lots 664 (Part), 669 (Part), 670 (Part), 671 (Part), 672, 673, 714 (Part), 715 (Part), 716 (Part), 717 (Part), 723 S.A (Part), 724, 727 (Part), 728 (Part), 729 (Part), 730 (Part), 731 (Part), 734 (Part), 762 S.D (Part), 768 in D.D. 123 and Lots 558 (Part), 562 (Part), 588 (Part) in D.D. 126 and Adjoining Government Land, Yuen Long
(RNTPC Paper No. A/YL-PS/384)

Presentation and Question Sessions

102. 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 renewal of planning approval for temporary “container storage with ancillary repair workshops for container vehicles and trailers” for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) one public comment was received during the first three weeks of the statutory publication period. The commenter stated that the concerned department should respond on the renting arrangement for the government land in the application site. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a further period of three years for the reasons as detailed in paragraph 12 of the Paper. As for the public comment regarding the renting arrangement for the government land in the application site, an advisory clause to remind the applicant to note the comments of the District Lands Officer/Yuen Long on the occupation of government land was recommended.

103. Members had no question on the application.

Deliberation Session

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 8.8.2012 to 7.8.2015, 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. for the ancillary

repair workshop and between 7:00 a.m. to 11:00 p.m. for all other operations, 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) the existing trees within the application site should be maintained at all times during the approval period;
- (d) the existing drainage facilities within the application site should be maintained at all times during the approval period;
- (e) the stacking height of containers stored within the site should not exceed 8 units during the planning approval period;
- (f) the submission of the record 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 7.2.2013;
- (g) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2012.
- (h) 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 7.2.2013;
- (i) in relation to (h) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2013;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby

given should cease to have effect and should be revoked immediately without further notice; and

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

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

- (a) any land issues relating to the development with the concerned owner(s) of the application site should be resolved;
- (b) to note the comments of the District Lands Officer/Yuen Long's (DLO/YL) comments that the land under application site comprised Old Schedule Agricultural Lots held under the Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government. No approval was given for the specified structures as open shed for storage, 2-storey container office and guard room. Substantial areas of government land (GL) (about 5,186m² subject to verification) were involved and no permission had been given for its occupation. The application site was accessible via an informal local track on GL and other private land. 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 landowner would need to apply to his office to permit structures to be erected or regularize any irregularities on site. The current occupier would also need to apply to his office for occupation of the GL involved. Such application would be considered by Lands Department (LandsD) acting in the capacity of the landlord at its sole discretion and there was no guarantee that such application would be approved. 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 note the comments of the Chief Building Surveyor/New Territories West,

Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application; before any new building works (including containers and open storage sheds as temporary buildings) were to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they were Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO; for UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be constructed as an acceptance of any existing building works or UBW on the application 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 the B(P)R 41D; and if the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at building plan submission stage;

- (d) to note the advice of the Director of Environmental Protection to adopt the 'Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites' issued by the Environmental Protection Department to minimise the possible environmental impacts on the surrounding areas;
- (e) to note the comments of the Commissioner for Transport/New Territories, Transport Department (TD) that sufficient manoeuvring spaces should be provided within the subject site. No vehicle was allowed to queue back to public road or reverse onto/from the public road; and the proposed vehicular access leading to the application site from Fuk Hi Street fell outside TD's purview. The management and maintenance responsibilities should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the proposed access arrangement of the application site from Fuk Hi Street should be commented and approved by TD; adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains; and the applicant should be responsible for the maintenance of his own access arrangement;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the proposed use would not affect the nearby wooded area in the “Conservation Area” zone at the west of the site;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his office for approval; In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to paragraph 13.2(h) of the Paper;
- (i) to note the comments of the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department that the applicant should inform AMO immediately in case of discovery of antiquities or supposed antiquities in the subject sites during the course of ground excavation; and
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that for the provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standards. Water mains in the vicinity of

the site could not provide the standard pedestal hydrant.

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/238 Proposed House (New Territories Exempted House – Small House) in
“Residential (Group E)” zone, Lots 224 S.A ss.1 and 224 S.B ss.2 in
D.D. 130, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/238)

Presentation and Question Sessions

106. 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 – Small House)
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that the applicant should demonstrate clearly that the proposed development would not cause any increase in flooding susceptibility of the adjacent area. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) also advised that landscape planting should be proposed along the perimeter of the site where practical to enhance the screening and greening effect. Other concerned government departments had no objection to or adverse comment on the application;
- (d) one public comment was received from the Vice-Chairman of the Tuen Mun Rural Committee during the first three weeks of the statutory

publication period stating that he supported the application. No local objection/view was received by the District Officer (Tuen Mun); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 12 of the Paper. The proposed Small House did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there was no shortage of land within the “Village Type Development” (“V”) zone for Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen to meet the Small House demand. Since there was sufficient land in the subject “V” zone for these three villages, the current application did not warrant any sympathetic consideration. Besides, the applicant failed to demonstrate that the proposed development would not have adverse drainage and landscape impacts on the area.

107. Members had no question on the application.

Deliberation Session

108. In response to the Chairman's query, Mr. Kan said that as stipulated in the Notes for the “Residential (Group E)” (“R(E)”) zone on the Outline Zoning Plan, no new development (except ‘New Territories Exempted House’ (‘NTEH’)) shall exceed a maximum plot ratio of 1.0, a maximum site coverage of 40% and a maximum building height of 4 storeys over single-storey car park (15m). As Small House was a kind of NTEH, the development parameters restriction stipulated on the “R(E)” zone did not apply to the proposed Small House under the subject application. Instead, the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) should be applied in considering the proposed Small House development. In this regard, the proposed Small House did not comply with the Interim Criteria in that there was no shortage of land within the “V” zone to meet the Small House demand, and the applicant failed to demonstrate that the proposed Small House would not have adverse drainage and landscape impacts on the area.

109. In response to a Member's enquiry, Mr. Kan said that the development

restrictions stipulated under the “R(E)” zone were not applicable to NTEH (including Small House).

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

- the proposed New Territories Exempted House/Small House (NTEH/SH) did not comply with the Interim Criteria for Consideration of Application for NTEH/SH in New Territories in that there was no shortage of land within the “Village Type Development” zone for Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen to meet the demand forecast for SH development, and the applicant failed to demonstrate that the proposed development would have no adverse drainage and landscape impacts on the surrounding areas. There were no exceptional circumstances to warrant approval of the application.

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/76 Temporary Open Storage of Construction Materials with Ancillary Offices for a Period of 1 Year in “Green Belt” and “Village Type Development” zones, Lots 1387 (Part) and 1388 (Part) in D.D. 375 and Adjoining Government Land, Tuen Mun
(RNTPC Paper No. A/TM-SKW/76)

Presentation and Question Sessions

111. 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 temporary open storage of construction materials with ancillary offices for a period of one year;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view. A site visit was conducted on 7.6.2012 and it was observed that the site was hard paved and currently occupied for open storage of construction materials and no existing tree was found within the site. The site was surrounded by wooded area and village houses, and was situated in an area of rural landscape character. The site and the open storage adjacent to the site were suspected unauthorised uses. The applied use was incompatible with its surrounding environment. When comparing the aerial photograph taken in 2011 and his recent site visit in 2012, it was noted that the mature trees and vegetation originally located within the site had been completely removed. This had caused significant adverse impact on the existing landscape resources. As approximately 31% of the site was located in the “GB” zone, approval of the application would set an undesirable precedent and encourage further removal of trees in the wooded area, leading to degradation of the “GB” zone and the rural environment. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers (residential dwellings) located to the immediate east and southwest of the site and environmental nuisance was expected. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) also advised that the application site was in an area where no direct public sewerage connection was available. Other concerned government departments had no objection to or adverse comment on the application;

- (d) one public comment was received during the first three weeks of the statutory publication period. The commenter raised concerns on the reasonableness of applying for open storage and office within the “GB” zone and that the applied use might adversely affect the health of the

residents in the nearby dwellings, and might cause fire risk and traffic safety problem along the narrow roads in the So Kwun Wat area. No local objection/view was received by the District Officer (Tuen Mun); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 12 of the Paper. The applied use was not in line with the planning intentions of the “V” zone and the “GB” zone. No strong justification had been given in the submission for a departure from such planning intentions, even on a temporary basis. The applied use did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that no previous permission for open storage at the site had been granted. There were adverse departmental comments and public concerns on the application. The applicant failed to demonstrate that the temporary development would not generate adverse environmental, drainage and landscape impacts. There were no exceptional circumstances that warranted sympathetic consideration of the application. The applied use also did not comply within the “GB” zone with the Town Planning Board Guidelines 10 for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that there was a general presumption against development and there were no exceptional planning circumstances that warranted approval of the application. The temporary development was considered incompatible with the nearby residential dwellings, agricultural land and the rural setting of the general area. In particular, it adjoined a Small House which was about one metre to the east. No similar application had been approved in the same “V” zone. The approval of the application would set an undesirable precedent for similar applications. The cumulative impact of approving such applications would result in a general degradation of the environment.

112. Members had no question on the application.

Deliberation Session

113. 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 applied use was not in line with the planning intentions of the “Village Type Development” (“V”) zone which was primarily intended for development of Small Houses by indigenous villagers. It was also not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. No strong justification had been given in the submission for a departure from such planning intentions, even on a temporary basis;
- (b) the temporary development did not comply with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that no previous planning approval had been granted for the applied use on the site, there were objection and adverse comments from government departments and the public, and the applicant failed to demonstrate that the temporary development would not generate adverse environmental, drainage and landscape impacts on the surrounding areas;
- (c) the temporary development did not comply with the TPB Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that there was a general presumption against development within “GB” zone and there were no exceptional planning circumstances that warranted approval of the application; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “V” and “GB” zones. The cumulative impact of approving such applications would result in a general degradation of the environment.

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

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/415 Temporary Open Storage of Vehicles (Including Private Car, Van, Tractor, Goods Vehicle (5.5 tonnes or below or over 5.5 tonnes), Bus (16 passengers or under or over 16 passengers) and Motor Cycle) for a Period of 3 Years in “Undetermined” zone, Lot 2 (Part) in D.D. 96 and Lots 153 (Part), 154 (Part), 155, 156 (Part), 157 (Part), 183 (Part) and 184 (Part) in D.D. 99, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/415)

Presentation and Question Sessions

114. 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 temporary open storage of vehicles (including private car, van, tractor, goods vehicle (5.5 tonnes or below or over 5.5 tonnes), bus (16 passengers or under or over 16 passengers) and motor cycle) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the application as the site was for the continuation of an existing similar use. He also advised that a rare fish species (i.e. Rose Bitterling) was recorded in the nearby stream and ponds during his recent site visit. Provided that relevant planning approval conditions would be imposed to ensure that no workshop or dismantling activities would be carried out in the site and water pollution control

measures (i.e. petrol interceptor) was effective in mitigating potential water pollution to the concerned stream, he had no adverse comment on the application from the ecological perspective. Should the application be approved, the applicant should consider diverting the surface runoff away from this stream as far as possible. The Director of Environmental Protection (DEP) concurred with DAFC's view that surface runoff from the site should first be diverted away from the stream as far as possible. He advised that there was no pollution complaint against the site in the past three years. Other concerned government departments had no objection to or adverse comment on the application;

- (d) one public comment was received during the first three weeks of the statutory publication period. Kadoorie Farm and Botanic Garden Corporation (KFBG) objected to the application because the site was for parking vehicles. The runoff from the site could potentially carry pollutants such as lubricants and oil and it would enter the stream where population of a very rare fish species, Rose Bitterling, was found. KFBG urged the Board to reject the application to safeguard this extremely rare fish species. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a period of three years for the reasons as detailed in paragraph 12 of the Paper. The application was in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that the site fell within the Category 3 areas and temporary open storage of new left-hand-drive vehicles prior to sale had been granted since 1998. All the approval conditions of the previous permission had been complied with. As compared with the previously approved Application No. A/YL-ST/367, the current application occupied a smaller site (-1140 m² or -35.3%), with fewer parking spaces (-20 nos.), and the use of temporary open storage of vehicles was similar. Concerned government departments had no objection to or adverse comment on drainage, traffic, landscape and environmental aspects. Although the site

fell within the Wetland Buffer Area (WBA) of the TPB Guidelines PG-No. 12B, the DAFC noted that the site was for the continuation of an existing similar use on a temporary basis. Regarding the public comment objecting to the application on ecological grounds, DAFC and DEP shared the public concern regarding the potential water pollution to the nearby stream where population of a very rare fish species, Rose Bitterling, was found. The DAFC had no adverse comment on the application from the ecological perspective provided that no workshop or dismantling activities would be carried out on the site and water pollution control measures (i.e. petrol interceptor) would be in place to mitigate potential water pollution to the concerned stream. The DEP advised that surface runoff from the site should first be diverted away from the stream as far as possible before mulling over other mitigation measures, which might involve peripheral channel, sediment trap and petrol interceptor. To address the departmental comments and public concerns on the potential water pollution to the nearby stream, approval conditions prohibiting dismantling, repairing and workshop activities and requiring submission and provision of necessary water pollution control measures were recommended.

115. In response to the Chairman's query, Mr. Kan said that rare fish species was during a recent site visit by AFCD.

Deliberation Session

116. Some Members had concerns on the possible ecological impacts of the applied use on the nearby stream and the rare fish species therein. In this regard, Mr. K.C. Kan said that DAFC and DEP had no objection to the application and approval conditions prohibiting dismantling, repairing and workshop activities and requiring submission and provision of necessary water pollution control measures were recommended.

117. A Member asked how it could be ensured that the applicant would comply with the recommended approval conditions. In response, Mr. Kan said the approval conditions were imposed with a prescribed time limit. The applicant was required to submit and implement the proposals to the satisfaction of the concerned government departments before

the prescribed time limit. When staff of PlanD visited, they would inspect the condition of the site to monitor the site conditions and report to the concerned government departments should there be any problems identified. If non-compliance of approval conditions was found, the approval given would be revoked and the Planning Authority could take enforcement action against the development.

118. In response to the query of the Chairman and a Member, Mr. Kan said that the subject open storage yard had been in operation since planning approval was given in 1998 the surface runoff which discharged into the stream nearby was currently provided on the site. Due to DAFC's latest concern on the rare fish species in the stream, it was recommended to stipulate approval conditions requiring the submission and implementation of a drainage proposal with a view to diverting the surface runoff from the site away from the stream. The Chairman said that the applied use had been in operation for a number of years, and the rare fish species could still be found in the stream. To ensure that the applied use would not cause adverse impact on the rare fish species in the nearby stream, the Chairman suggested and Members agreed that shorter compliance periods for submission of drainage proposal (3 months) and implementation of drainage proposal (6 months) should be stipulated.

119. A Member asked if the requirement of DEP as mentioned in paragraph 10.1.4 of the Paper should be incorporated as an approval condition. The Chairman said that a copy of the relevant RNTPC Paper would be sent to the applicant who would then be aware of DEP's comments. Mr. Kan supplemented that PlanD would consult relevant government departments regarding the applicant's submission for compliance with the approval conditions.

120. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.7.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no cutting, dismantling, repairing and workshop activity, including container repairing and vehicle repairing, were allowed on the site during

the planning approval period;

- (c) the paving on the site should be maintained at all times during the planning approval period;
- (d) the existing trees within the application site should be maintained at all times during the planning approval period;
- (e) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.10.2012;
- (f) the implementation of drainage proposal and submission of photographic records of the 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 20.1.2013;
- (g) the submission of proposal of water pollution control measures to avoid polluting the stream to the west of the application site within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 20.1.2013;
- (h) in relation to (k) above, the implementation of proposal of water pollution control measures to avoid polluting the stream to the west of the application site within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 20.4.2013;
- (i) the submission of a tree survey plan within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.1.2013;
- (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 20.1.2013;

- (k) in relation to (h) 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 20.4.2013;
- (l) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.1.2013;
- (m) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the temporary development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land under application site comprised Old Scheduled agricultural lots held under Block Government Lease which

contained the restriction that no structures were allowed to be erected without the prior approval of the Government. Short Term Waiver No. 3217 was granted to Lot 184 permitting structures with built-over area not exceeding 6.10m² and height not exceeding 2.5m for the purpose of ancillary use to open storage of new left-hand-drive vehicles prior to sale. The site was accessible to Lok Ma Chau Road via a short stretch of open government land (GL). His office provided no maintenance work for the GL and did not guarantee right-of-way. The registered owners of lots other than Lot 184 should be reminded to apply to his office for regularizing/rectifying any irregularities detected on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. 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 follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (e) to note the views of Director of Environmental Protection and Director of Agriculture, Fisheries and Conservation Department that surface runoff from the site should first be diverted away from the stream as far as possible should the application be approved before mulling over other mitigation measures and that measures to control water pollution arising from surface runoff within the site might involve peripheral channel, sediment trap and petrol interceptor;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should ensure that the proposed development/use would not affect the ponds and wooded areas in the vicinity. The applicant should consider diverting the surface runoff away from the nearby stream as far as possible. Otherwise, necessary water

pollution control measures should be installed onsite to ensure that the proposed use would not affect the water quality of the stream. The site should only be used for storing vehicles, and not for workshop or dismantling activities;

- (g) to note the Chief Engineer/Mainland North, Drainage Services Department's detailed comments at Appendix V of the Paper;
- (h) to note the comments of the Commissioner for Transport that the application site was connected to an unknown local access road before connecting to Lok Ma Chau Road and this local access road was not managed by 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;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site and BD was not in a position to offer comments on their suitability for the use related to the application. Before any new building works (including store rooms as temporary buildings) 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 Buildings Ordinance. An emergency vehicular access to all buildings under Building (Planning) Regulation 41D should be provided. his detailed comments at Appendix VI of the paper;
- (j) to note the comments of the Director of Fire Services that fire service installations (FSIs) 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 FSIs to his Department for approval.

His detailed advice was at Appendix VII of the paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed at Appendix VII of the Paper, the applicant was required to provide justifications to his department for consideration;

- (k) to note the Director of Electrical and Mechanical Services' detailed comments at Appendix VIII of the Paper; and
- (l) the permission was given to the development/uses under application. It did not condone any other development/uses and fence which currently occur on Lots 101, 102, 174 and 178 in D.D. 99 which had been excluded by the applicant and not covered by the application. The applicant should be requested to take immediate action to discontinue such development/uses and remove the fence not covered by the permission.

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/416 Renewal of Planning Approval for Temporary Public Vehicle Park
(Including Container Vehicles and Heavy Goods Vehicles) for a Period
of 3 Years in "Residential (Group D)" zone, Lots 158, 162 RP (Part)
and 198 S.B in D.D. 105 and Adjoining Government Land, San Tin,
Yuen Long
(RNTPC Paper No. A/YL-ST/416)

Presentation and Question Sessions

122. 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 (including container vehicles and heavy goods vehicles) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers (residential dwellings) within 100m from the boundary of the site. The nearest residential dwellings was at about 26m to the north of the site, and environmental nuisance affecting the nearby residential use was expected. Other concerned government departments had no objection to or adverse comment 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); and
- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated for a further period of three years for the reasons as detailed in paragraph 12 of the Paper. The temporary development was in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site fell within the Category 2 areas where previous planning approval for the same use had been granted since 2006 (i.e. Applications No. A/YL-ST/311 and 371). All the approval conditions of the previous permission had been complied with. Although DEP did not support the application as there were residential dwellings in close proximity to the site (the nearest being 26m away), no environmental complaint had been received in the past three years and there was no local objection received on the current application. Currently, the site had been paved and fenced. To address DEP's concerns and mitigate the potential environmental impacts on the surrounding area, approval conditions restricting the operation hours, the activity on-site and the requirement for maintenance of paving and boundary fencing were recommended. 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.

123. Members had no question on the application.

Deliberation Session

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 8.8.2012 to 7.8.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, repairing and workshop activity, including container repairing and vehicle repairing, were allowed on the site during the planning approval period;
- (d) the existing trees within the site should be maintained at all times 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) a vehicular access/run-in between the site and Castle Peak Road – San Tin should be maintained at all times during the planning approval period;
- (g) no reversing in or out from the site was allowed 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 as-built drainage plans 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 7.2.2013;
- (j) the submission of a tree survey plan 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 7.2.2013;
- (k) the submission of proposal on a buffer area fronting Castle Peak Road – San Tin within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.2.2013;
- (l) in relation to (k) above, the provision of a buffer area fronting Castle Peak Road – San Tin within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.5.2013;
- (m) 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 7.2.2013;
- (n) in relation to (m) 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 7.5.2013;
- (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.

125. 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) the permission was given to the development/uses under application. It did not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such development/uses and remove the structures not covered by the permission;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that land on the application site comprised Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government. No approval was given for the specified structures as site offices (about 72.24m² subject to verification). No permission was given for occupation of the government land (GL) (about 868m² subject to verification) included into the application site. The applicant was requested to clarify the discrepancies found on the size of existing structure and alignment of the eastern boundary. Ingress/egress of the site abutted directly onto Castle Peak

Road – San Tin section. His office provided no maintenance work for the GL involved and did not guarantee right-of-way. The lot owner would need to apply to his office to permit structures to be erected or regularize any irregularities on site. The occupier would also need to apply to his office for occupation of the GL involved. Such application would be considered by LandsD acting in the capacity of the landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fees, as might be imposed by LandsD;

- (d) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (e) to note the comments of the Director of Environmental Protection regarding sewage disposal issue and that the applicant was reminded that all wastewaters from the site should comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department’s detailed comments at Appendix VI of the Paper;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that any unauthorized building works carried out on the site. They were subject to enforcement action under section 24 of the Buildings Ordinance (BO); the granting of the planning approval should not be construed as condoning any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found; and formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site did not abut on and was accessible from a street having a width not less than 4.5m wide,

the development intensity should be determined by the Building Authority under Building (Planning) Regulation 19(3) at the building plan submission stage;

- (h) to note the comments of the Director of Fire Services that fire service installations (FSIs) 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 FSIs to his Department for approval. His detailed advice was at Appendix VII of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed at Appendix VII of the Paper, the applicant was required to provide justifications to his department for consideration; and
- (i) to note the Director of Electrical and Mechanical Services' detailed comments at Appendix VIII of the Paper.

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/725 Proposed Low-Density Residential Development and Minor Relaxation of Building Height Restriction in “Residential (Group D)” zone, Lots 163 S.A, 163 S.B, 164, 165 S.B (Part), 165 RP (Part), 166 RP, 167 RP, 168, 169, 170 and 171 in D.D.128 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/725)

126. The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealing with one of the consultants of the applicant, namely ADI Limited. As Ms Lai had no direct involvement in this application, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

127. Mr. Ernest C.M. Fung, STP/TMYL, drew Members' attention to a typing error in the first sentence of paragraph 11.4 on Page 14 of the Paper. This sentence should read "Other concerned government departments including C for T, DLO/YL of LandsD and CE/MN of DSD have no objection to the application". Mr. Fung then presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed low-density residential development and minor relaxation of building height restriction (from 6m to 6.6m);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) six public comments from three commenters namely, Ha Tsuen Concern Group, a Yuen Long District Council member and Ha Tsuen Rural Committee were received during the first three weeks of the statutory publication period. The commenters objected to the application mainly on the grounds of adverse traffic, environmental and '*fung shui*' impacts. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 11 of the Paper. Regarding the local objections to the application on the grounds of adverse traffic and environmental impacts, it was noted that the Director of Environmental Protection (DEP) and the Commissioner for Transport (C for T) had no adverse comment on the application and '*fung shui*' concerns were not planning considerations.

128. Members had no question on the application.

Deliberation Session

129. 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 20.7.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscape proposal, including a tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of the road widening proposal of the section of Deep Bay Road fronting the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of parking and loading/unloading facilities and ingress/egress for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the implementation and maintenance of the drainage mitigation measures identified in the Drainage Impact Assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the implementation and maintenance of the sewerage mitigation measures identified in the Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (f) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the advice of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) to apply to him for a land exchange. The land exchange application would only be considered upon receipt of formal application to LandsD, but there was no guarantee that the application (including the granting of additional government land (GL) would be approved, and such application would be considered by LandsD acting in the capacity as the landlord as its sole discretion. In the event any such application was approved, it would be subject to terms and conditions including, among others, the payment of premium and administrative fee as might be imposed by LandsD. Noting that portions of Lot 165 S.B and 165 RP in D.D.128 were excluded from the site, surrender of private land outside the site would not be accepted in the land exchange application under normal circumstances. The actual site area of the private lots involved would be subject to verification in land exchange stage if any land exchange was applied for by the applicant to LandsD. As regards the land issues in relation to the proposed drainage facilities, he should offer his comment upon receipt of a detailed proposal, which included the alignment of the proposed drainage channel, from the applicant;

- (b) to note the comments of the Director of Environmental Protection that agreement with the Drainage Services Department (DSD) on the proposed sewer pipe connecting the proposed development to the Lau Fau Shan Sewage Pumping Station should be sought, in particular the maintenance responsibility of the new sewer to be built by the applicant, and that the date of completion of Lau Fau Shan sewer hinged on many factors/uncertainties and it might subject to change;

- (c) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority, and that the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (d) to note the comments of the Chief Highway Engineer/New Territories West,

Highways Department (HyD) that the design of the proposed road widening of the section of Deep Bay Road should be in accordance with the latest version of Transport Planning and Design Manual and other relevant design standards, guidelines and specifications issued by HyD. Adequate drainage measures should also be provided at the vehicular access to prevent surface runoff flowing from the site onto nearby public roads/drains;

- (e) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department to include the followings in the forthcoming landscape submission:
- (f) more trees should be provided along the southern boundary of the site; and
- (g) the interval distance of the proposed stainless steel cables for climbing plants as shown on Attachment B – Figure 3.0 elevation of noise barrier should be clearly specified for clarity;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage if the site was not abutting on a specified street having a width not less than 4.5m. Provision of emergency vehicular access (EVA) was applicable under B(P)R 41D, and access to site under B(P)R 5 was also applicable. Any proposed internal street, if required, should be excluded from site area for calculation of plot ratio and site coverage, and should comply with Building (Private Street and Access Road) Regulations. Access road connecting the public road to the site should also be subject to Building (Private Street and Access Road) Regulations and should be completed before Occupation Permit application. In addition, provision of open space was applicable under the B(P)R 25, and the area of proposed recreational facilities was gross floor area (GFA) accountable under the Buildings Ordinance (BO) unless exempted. The newly issued PNAP-APP 151 and 152 on the pre-requisite and overall cap on GFA

concession should also be noted. Formal submission under the BO was required for any proposed new works. Detailed comments would be made at the building plan submission stage; and

- (i) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The EVA provision in the site should comply with the 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.

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/797 Temporary Open Storage of Converted Containers, Construction Materials and Construction Machinery, Logistics Vehicles Back-Up Centre, Sales of Metals and Warehouse for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3169 (Part), 3170 (Part), 3172 RP (Part), 3173 S.A RP (Part), 3173 S.B (Part), 3173 S.C, 3174 RP (Part), 3175 (Part), 3176, 3177 (Part), 3178 (Part), 3179 (Part), 3184 (Part), 3185 (Part) and 3187 RP (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/797)

Presentation and Question Sessions

131. Mr. Ernest C.M. Fung, STP/TMYL, said that two replacement pages (Page 6 and 10) of the Paper were tabled at the meeting for Members’ information. Mr. Fung then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary open storage of converted containers, construction materials and construction machinery, logistics vehicles back-up centre, sales of metals and warehouse for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (about 2m from the site) and along the access road (Ping Ha Road) and environmental nuisance was expected. There was one unsubstantiated environmental complaint pertaining to the site received over the past three years. Other concerned government departments had no objection to or adverse comment on the application;
- (d) one public comment was received during the first three weeks of the statutory publication period. The commenter was a resident living nearby who objected to the application on the grounds of noise and vibration nuisance generated by the compaction of scrap metals on the site by heavy machineries, and dust nuisance from heavy vehicles accessing the site. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of one year for the reasons as detailed in paragraph 12 of the Paper. Although DEP did not support the application, no environmental complaint had been received by DEP in the past three years and relevant approval conditions restricting operation hours, stacking height of materials/containers stored, prohibition of workshop activities on-site, and the provision of paving for the site would be recommended to address DEP's concern. As for the public comment regarding noise/vibration/dust nuisance concerns, approval conditions prohibiting workshop activities and the provision of paving for the site were recommended. Besides, a shorter approval period of one year was recommended to monitor the situation of the site. The applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize

the possible environmental impacts on the adjacent areas.

132. In response to a Member's query, Mr. Fung said that the site was subject to planning enforcement action.

Deliberation Session

133. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 20.7.2013, 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. to 8:00 a.m. was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays was allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (d) the stacking height of containers stored at any other location within the site should not exceed 8 units during the planning approval period;
- (e) no cutting, dismantling, repairing, melting, compaction, cleansing and workshop activity was allowed on the site during the planning approval period;
- (f) no material was allowed to be stored/dumped within 1m of any tree during the planning approval period;
- (g) the existing drainage facilities on-site should be maintained at all times during the planning approval period;

- (h) the submission of a condition record of the existing drainage facilities within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.10.2012;
- (i) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.8.2012;
- (j) the submission and implementation 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 20.1.2013;
- (k) the submission and implementation of a landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 20.1.2013;
- (l) the submission and implementation of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of Director of Highways or of the TPB by 20.1.2013;
- (m) the provision of paving for the site within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 20.10.2012;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (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.

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

- (a) planning permission should have been obtained before continuing/commencing the development on-site;
- (b) shorter approval and compliance periods were granted in order to monitor the situation of the site and the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (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 comprised 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 government land (GL) involved. He would continue to process the submitted application for Short Term Waiver to regularize the irregularities on-site. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. 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 from Ping Ha Road required traversing through Government Land Allocation No. TYL 825 granted to the Chief Engineer/Land Works, Civil Engineering Development Department (CE/LW, CEDD) for 'Ping Ha Road Improvement – Remaining Works'. CE/LW, CEDD should be consulted

for the interface issues, if any. He provided no maintenance works for the GL involved and did not guarantee right-of-way;

- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport 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. Sufficient manoeuvring space should be provided within the site. No vehicle was allowed to queue back to public road or reverse onto/from public road;
- (g) to note the advice of the Chief Highway Engineer/New Territories West, Highways Department to construct a run-in/out at the access point at Lau Fau Shan Road in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement, and comments that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that a regular tree maintenance programme should be submitted;
- (i) to note the advice of the Director of Fire Services 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. The applicant should also adhere to the ‘Good Practice for Open Storage’ at Appendix V. 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

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action might be taken by the Building 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). Formal submission under the BO was required for any proposed new building works, including any temporary structures, and an Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The temporary converted containers/open shed for storage/office were considered as temporary buildings, and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Prior approval and consent of the BA should be obtained before any new building works were to be carried out on the site. Emergency vehicular access should be provided to all buildings under B(P)R 41D.

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/799 Temporary Open Storage of Containers, Repair Workshop and Staff
Canteen for a Period of 3 Years in “Comprehensive Development
Area” zone, Lots 3200 RP, 3201 RP and 3206 RP in D.D. 129, Ha
Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/799)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of containers, repair workshop and staff canteen for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons detailed in paragraph 12 of the Paper.

136. Members had no question on the application.

Deliberation Session

137. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.7.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant,

was allowed on the site during the planning approval period;

- (c) the stacking height of containers stored within the site should not exceed 8 units during the planning approval period;
- (d) no material was allowed to be stored/dumped within 1m of any tree on the site during the planning approval period;
- (e) the existing drainage facilities on-site 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 20.1.2013;
- (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 20.1.2013;
- (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 20.4.2013;
- (i) the submission of a landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 20.1.2013;
- (j) in relation to (i) above, the implementation of the landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 20.4.2013;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without

further notice;

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

138. 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 resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) the permission was given to the development/uses under application. It did not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such development/uses and remove the structure not covered by the permission;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government. Short Term Waiver No. 3128 was granted to Lot No. 3200 RP in D.D. 129 permitting structures with a built-over area not exceeding 235.08m² and a height not exceeding 4.88m for storage, canteen and ancillary use. No approval was given for the remaining covered area of 394.35m² (629.43m² – 235.08m²). A structure without

prior approval from his office was erected on Lot No. 3201 RP in D.D. 129. Portion of this structure encroached onto the adjoining government land (GL) outside the application boundary. The applicant was requested to clarify the discrepancy. The application site abutted directly onto Fung Kong Tsuen Road. He provided no maintenance works for the GL involved and did not guarantee right-of-way. The landowners would need to apply to him to permit structures to be erected or regularize any irregularities on-site. The current occupier would also need to apply to him for occupation of any GL involved. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. 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;

- (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. Sufficient manoeuvring space should be provided within the site. No vehicle was allowed to queue back to public road or reverse onto/from public road;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (h) to note the comments of the Director of Fire Services that portable

hand-operated approved appliances should be provided for storages, open sheds or enclosed structures with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to the structures, as required by occupancy and should be clearly indicated on plans. 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 fire service installations (FSIs) 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;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action might be taken by the Building 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). Formal submission under the BO was required for any proposed new building works, including any temporary structures, and an Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The temporary converted containers/open shed for storage/office were considered as temporary buildings, and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Prior approval and consent of the BA should be obtained before any new building works were to be carried out on the site. 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 the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant should bear the cost of any

diversion works of existing water mains affected by the development. If diversion was not feasible, a waterworks reserve within 1.5m from the centerline of the water mains should be provided to WSD, and no structure should be erected over this waterworks reserve and such area should not be used for storage purpose. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. The Government should not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site.

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/236 Proposed Temporary Open Storage of Second-hand Motorcycle for a Period of 3 Years in “Recreation” zone, Lot 1768 (Part) in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/236)

Presentation and Question Sessions

139. 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 second-hand motorcycle for a period of three years;
- (c) departmental comments – departmental comments were set out in

paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses (residential dwellings) in the vicinity of the site (the closest one being about 15m away) and along the access road (Deep Bay Road) and environmental nuisance was expected. She also advised that no pollution complaint pertaining to the site was received over the past three years. The Chief Town Planner/ Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) commented that the proposed temporary use was considered incompatible with the planned uses of the “REC” zone and approval of the application would set an undesirable precedent which would encourage more temporary open storage uses in the “REC” zone. The Commissioner for Transport (C for T) was concerned that the approval of the application might set an undesirable precedent for other similar applications in the surrounding areas as the site gained access from the single-lane two-way Deep Bay Road. Other concerned government departments had no objection to or adverse comment on the application;

- (d) two public comments were received during the first three weeks of the statutory publication period. The comments were received from a Ngau Hom Tsuen villager who objected to the application on the grounds of fire risks, traffic impacts, and environmental impacts. Another comment was received from a villager who objected to the application on the grounds of noise nuisance, environmental impacts, illegal workers, law-and-order, and fire risks as the site was very close to his village. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons as detailed in paragraph 12 of the Paper. 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. The applicant did not submit strong planning justification for a departure from the planning intention, even on a temporary basis. The applied use was not compatible with the residential dwellings in the vicinity of the site. In this regard, DEP did not support the application and

there were local objection and adverse departmental comments on the environmental and landscape aspects. The application did not meet the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that no previous approval for open storage use had been granted for the site, and the applicant had not submitted any technical assessment/ proposal to demonstrate that the applied use would not have adverse traffic, environmental and landscape impacts on the surrounding areas.

140. Members had no question on the application.

Deliberation Session

141. In response to the Chairman's query, Mr. Fung said there were some similar uses in the vicinity of the site and they were unauthorized development currently subject to planning enforcement actions.

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

- (a) the proposed development was not in line with the planning intention of the "Recreation" 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 not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that no previous approval had been granted for the site, there were local objections and adverse departmental comments on the environmental and landscape aspect, and the proposed development would have adverse environmental and landscape impacts on the surrounding areas; and

- (c) the proposed development was incompatible with the residential dwellings in the vicinity of the site.

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/237 Temporary Open Storage of Construction Materials for a Period of 3 Years in “Residential (Group E)” zone, Lots 2189 RP and 2378 RP (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/237)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as sensitive uses in the vicinity of the site (the closest one being about 5m away) and the access road (Lau Fau Shan Road), and environmental nuisance was expected. Other concerned government departments had no objection to or adverse comment on the application;
- (d) one public comment was received during the first three weeks of the

statutory publication period. The commenter, a villager, requested the Board to alleviate the noise and flooding impacts of the development on the area. No local objection/view was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated for a period of three years for the reasons as detailed in paragraph 12 of the Paper. Regarding DEP's comments, there had not been any pollution complaint pertaining to the site over the past three years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours, the stacking height of materials, prohibition of workshop activities and restriction on the types of vehicle used were recommended. Regarding the public request to alleviate the noise and flooding impacts of the development on the area, approval conditions were recommended to address the public comment.

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 20.7.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of the materials stored, as proposed by the applicant, should not exceed the height of the boundary fence during the planning approval period;
- (d) no dismantling, cleansing, repairing and workshop activity, as proposed by

the applicant, was allowed on the site during the planning approval period;

- (e) no medium and heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to enter, park or operate at the site during the planning approval period;
- (f) no storage of materials and no parking of vehicles, as proposed by the applicant, was allowed within 1m of any tree on the site during the planning approval period;
- (g) the existing drainage facilities on-site should be maintained at all times during the planning approval period;
- (h) the submission of a condition record 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 20.1.2013;
- (i) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.8.2012;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.1.2013;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.4.2013;
- (l) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of Director of Highways or of the TPB by 20.1.2013;

- (m) in relation to (l) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of Director of Highways or of the TPB by 20.4.2013;
- (n) the submission of a landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 20.1.2013;
- (o) in relation to (n) above, the implementation of the accepted landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 20.4.2013;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (q) if any of the above planning conditions (h), (i), (j), (k), (l), (m), (n) or (o) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (r) 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.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long of 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 to permit structures to be erected or regularize any irregularities on-site and for occupation of the government land (GL) involved. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such 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. He did not guarantee right-of-way from the site to Lau Fau Shan Road and provided no maintenance work for the GL involved;

- (c) 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;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Sufficient manoeuvring space should be provided within the site. No vehicle was allowed to queue back to public road or reverse onto/from public road;
- (e) to note the advice of the Chief Highway Engineer/New Territories West, Highways Department to construct a run-in/out at the access point at Lau Fau Shan Road in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement, and that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (f) to note the comments of the Chief Town Planner/Urban Design and

Landscape, Planning Department that weeds and climbers nearby and on top of the existing trees should be cleared. Compensatory planting should be included in the landscape submission for a dead tree at the western boundary of the site;

- (g) to note the comments of the Director of Fire Services in Appendix V of the Paper and to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout 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. The applicant should also adhere to the 'Good Practice for Open Storage' at Appendix VI. 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

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; if the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage; the converted container and open shed for office and storage uses were considered as temporary buildings and were subject to control under B(P)R Part VII.

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/276 Renewal of Planning Approval for Temporary Religious Institution (Seminary) for a Period of 3 Years in “Residential (Group D)” and “Village Type Development” zones, Lots 1134 S.B RP (Part), 1134 S.B ss.1 (Part), 1135 S.B (Part) and 1135 S.C (Part), in D.D. 104, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/276)

Presentation and Question Sessions

147. 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 renewal of planning approval for temporary religious institution (seminary) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use could be tolerated for a period of three years for the reasons detailed in paragraph 12 of the Paper.

148. Members had no question on the application.

Deliberation Session

149. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 8.8.2012 to 7.8.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the drainage facilities implemented on the site should be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities within 6 months from the date of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2013;
- (c) the submission of fire service installations (FSIs) 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 7.2.2013;
- (d) in relation to (c) above, the provision of FSIs 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 7.5.2013;
- (e) if the above planning condition (a) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (f) if any of the above planning conditions (b), (c) or (d) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note the other detailed comments of the Director of Fire Services as

mentioned at Appendix IV of the Paper; and

- (b) to note the comments of the Chief Building Surveyor/New Territories West of Buildings Department that if the proposed use under application was subject to the issue of a license, any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority.

Agenda Items 48 to 49

Section 16 Applications

[Open Meeting]

A/YL-KTN/370 Proposed Residential Development (Houses) in “Comprehensive Development Area” and “Undetermined” zones, Various Lots in D.D. 107 and Adjoining Government Land, Kam Tin (to the East of the Fishery Research Station of the Agriculture, Fisheries and Conservation Department), Yuen Long
(RNTPC Paper No. A/YL-KTN/370)

A/YL-KTN/371 Proposed Residential Development (Houses) in “Comprehensive Development Area” and “Undetermined” zones, Various Lots in D.D. 107 and Adjoining Government Land, Kam Tin (to the South of Cheung Chun San Tsuen), Yuen Long
(RNTPC Paper No. A/YL-KTN/371B)

151. The Committee note that the two applications were similar in nature and the application sites were located in close proximity to each other. The Committee agreed that the two applications could be considered together.

152. The Secretary reported the two items were submitted by Bright Strong Ltd (a subsidiary of Sun Hung Kai Properties Ltd) with AECOM Asia Co. Ltd, Belt Collins International (HK) Ltd and Urbis Ltd as members of the consultant team. Mr. Ivan Fu had declared an interest in the two items as he had current business dealings with Sun Hung Kai

Properties Ltd, AECOM Asia Co. Ltd, Belt Collins International (HK) Ltd and Urbis Ltd. It was noted that Mr. Fu had tendered an apology for being unable to attend the meeting. Ms. Janice Lai had also declared an interest in the items as she had current business dealings with Sun Hung Kai Properties Ltd and AECOM Asia Co. Ltd. As the items were for deferral of the consideration of the applications, the Committee agreed that Ms. Lai could stay in the meeting.

153. The Secretary reported that on 9.7.2012, the applicant requested the Board to defer making decisions on the two applications for two months in order to prepare supplementary information to address the latest departmental comments received in April and May 2012.

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

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/550 Proposed Houses in “Residential (Group D)” zone, Lots 634 and 649 in
D.D. 106 and Adjoining Government Land, Kam Sheung Road, Pat
Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/550)

Presentation and Question Sessions

155. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the 4 proposed houses;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) eleven public comments were received during the first three weeks of the statutory publication period. The comments were received from a Yuen Long District Councillor and ten local villagers/ residents. Out of the eleven commenters, seven of them objected to the application and four of them expressed concerns on the application mainly on the grounds that the proposed development would occupy an existing footpath, and it would cause adverse visual, air ventilation, drainage and traffic impacts and public security problem. The District Officer (Yuen Long) advised that he did not receive any comments from the locals and a Yuen Long District Councillor had expressed the same views as the public commenters; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper. Concerned government departments consulted had no adverse comments on the application. Regarding the public comments on the proposed development, the applicant proposed to set back the proposed houses to retain the existing footpath and appropriate approval conditions were recommended to avoid/minimize the adverse landscape and drainage impacts of the proposed development.

156. Members had no question on the application.

Deliberation Session

157. 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 20.7.2016, 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 setting back of the proposed development to avoid the encroachment on the existing footpath to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the submission and implementation of water supply for fire fighting and fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB; and
- (e) the design and provision of parking facilities, loading/unloading spaces or lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owner had to apply to LandsD for land exchange. There was no guarantee that the land exchange application (including the granting of additional government land) would be approved. Such application would be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application was approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as might be imposed by LandsD. The applicant proposed to retain an existing

footpath within the site. LandsD reserved the comment on this matter and detailed arrangement would be considered at land exchange stage. Besides, the proposed vehicular access to the site had to gain through the adjoining private land. LandsD would not guarantee any right of way to the site. The applicant had to make his own arrangement to secure the required access to the site. Regarding the submitted drainage plan, the proposed catchpit/manhole and portion of the proposed underground pipe to be constructed outside the site as well as the existing U-channel/open channel fell within other private land. The applicant should seek consent from the concerned lot owners for such installation within other private land. Besides, the actual site area was subject to survey. The site boundary of private lots involved and the site area would be subject to verification in land exchange stage if land exchange was applied for by the lot owner to LandsD. In addition, the site fell within the “village environs” (“VE”) of Ng Ka Tsuen. Under the prevailing land administration practice, land falling within the “VE” was normally preserved for Small House development by indigenous villagers. There was no guarantee that the land exchange if submitted in future would be considered or approved by the government;

- (b) the approval of the application did not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the BA and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that if the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) during

plan submission stage. There was a piece of land between the site and the road. Any right of way existed over this piece of land would have great implication on the availability of access to the site under B(P)R5. The proposed open space provision should not be less than the requirements as stipulated in the Second Schedule of B(P)R. Recreational facilities and guard room, unless exempted, were accountable for gross floor area (GFA) calculation under the Buildings Ordinance. The QBE requirements (Quality and Sustainable Built Environment requirements) and the new GFA concession policy were applicable to the site. The requirements on provision of access and emergency vehicular access (EVA) to all buildings under B(P)R5 and 41D should be observed. Detailed checking of plans would be carried out upon formal submission of building plans;

- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant should provide screen planting to soften the visual impact of the boundary wall in their future landscape submission. The applicant should also clearly indicate the boundary wall in the future landscape submission. In view that the adjacent lots surrounding the site were mostly temporary uses which might cause nuisance to future residents, an effective screen planting with layers of trees and large shrubs was recommended along the site boundary. Besides, the applicant was advised that appropriate edge treatment or screen planting along the boundary wall of the proposed development would be considered as an essential requirement in the landscape proposal;
- (e) to note the comments of the Commissioner for Transport that the site was connected to public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West,

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

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed development should not generate adverse drainage impact on the adjacent areas;
- (h) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority. The EVA provision at 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 the B(P)R 41D;
- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should prevent damaging the trees adjacent to the lots during construction or operation as far as practicable;
- (j) to note the comments of the Director-General of Civil Aviation that since the site was in close vicinity of the Shek Kong aerodrome, it might be affected by aircraft noise when there were aircraft operations at Shek Kong aerodrome. Besides, as air traffic of the Hong Kong International Airport increases, there was a possibility that departing aircraft would use a departure flight path close to the subject area. Under this scenario, the site would be affected by aircraft noise, and the noise might be particularly audible when the background noise was low;
- (k) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the existing water mains would be affected. In case it was not feasible to divert the affected water mains, a Waterworks Reserve of 3 metres wide with 1.5 metres on each side measuring from the centerline of the affected water mains should be provided to WSD. No structure should be erected over this Waterworks

Reserve and such area should not be used for storage or car-parking purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. Besides, no tree/shrubs should be planted within the Waterworks Reserve;

- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application 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 site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and , if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines; and

- (m) to undertake consultation with the local residents on the preservation of the existing footpath within the site.

Agenda Item 51

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/569 Temporary Open Storage of New Coaches and New Vehicle Parts with Ancillary Workshop for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 560 (Part), 563 (Part), 564 (Part), 565 (Part), 618 S.C (Part) and 618 RP (Part) in D.D. 106, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/569)

Presentation and Question Sessions

159. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of new coaches and new vehicle parts with ancillary workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers (residential structures) located to the immediate west and in the vicinity of the site and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the submitted landscape and tree preservation proposal was not satisfactory. Other concerned government departments had no objection to or adverse comment on the application;
- (d) one public comment from a Yuen Long District Councillor was received during the first three weeks of the statutory publication period. He objected to the application as many of the previous applications submitted by the

same applicant were revoked due to non-compliance with planning conditions, and the noise from the site would also cause nuisance to the local residents. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 12 of the Paper. The planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone was for the preservation of the character of the rural area. The subject open storage use, as a non-conforming and undesirable industrial-related uses within the zone, should be gradually phased out to help achieve the implementation of the planning intention to upgrade the environmental quality of the area. The continuation of the temporary open storage use at the site would jeopardize the compatible permanent uses and hence the planning intention of the “OU(RU)” zone, and would contradict with the existing and future residential land uses in the vicinity. The applied use did not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the applicant failed to demonstrate in the submission that the development would not generate adverse environmental and landscape impacts on the surrounding areas as there were adverse departmental comments and local objection against the application. There was a public comment stating that the applicant failed to demonstrate genuine effort in complying with the planning conditions and the operation would cause nuisance to the local residents. Moreover, the applicant did not comply with the approval conditions under the previous approvals. Approval conditions in relation to the fire safety aspects were imposed in the three previously approved applications (No. A/YL-KTS/416, 470 and 479) for same open storage use (with/without workshop) at the site. However, all the three planning permissions were subsequently revoked as the approval conditions on fire safety aspect were not complied with by the specified time limit. Noting the applicant's repeated failures to comply with the approval conditions, the application did not warrant sympathetic consideration.

160. Members had no question on the application.

Deliberation Session

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

- (a) the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone was for the preservation of the character of the rural area. Non-conforming and undesirable industrial-related uses such as the open storage use at the site within the zone should be gradually phased out to help achieve the implementation of the planning intention to upgrade the environmental quality of the area. There had been material change in planning circumstances upon approval of a proposed residential development to the immediate northeast of the site which would act as a catalyst to realize the planning intention. The continuation of the temporary open storage use at the site would jeopardize the compatible permanent uses hence the planning intention of the “OU(RU)” zone;
- (b) the development did not comply with the Town Planning Board PG-No. 13E in that the applicant failed to demonstrate with submission that the development would not generate adverse environmental and landscaping impacts on the surrounding areas, and that there were adverse departmental comment and local objection against the application; and
- (c) the surrounding land uses in the vicinity were mainly residential structures/dwellings/development and agricultural land. The development was not compatible with the existing and future residential land uses in the vicinity.

Agenda Item 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/642 Public Vehicle Park (Private Cars and Light Goods Vehicles) in
 “Village Type Development” zone, Lots 83 (Part), 85 RP (Part), 86
 (Part), 87 S.B (Part), 87 RP (Part) and 92 RP (Part) in D.D. 111 and
 Adjoining Government Land, Shui Kan Shek Tsuen, Fan Kam Road,
 Sheung Che, Pat Heung, Yuen Long
 (RNTPC Paper No. A/YL-PH/642)

Presentation and Question Sessions

162. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the public vehicle park (private cars and light goods vehicles);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) three public comments were received during the first three weeks of the statutory publication period. The comments were received from the village representative of Sheung Che and two local residents and they objected to or expressed concerns on the application as the subject site currently served as an emergency vehicular access (EVA) and local access/pedestrian way for the nearby residential dwellings. The development comprised too many carparks and would adversely affect or obstruct the EVA and local access/pedestrian way and cause safety problem to the children and the elderly. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 11 of the Paper. The development was not in line with the planning intention of the “V” zone. The public vehicle park at the site on a 24-hour daily basis might cause adverse environmental impacts to the local residents. Although the applicants submitted a revised carpark layout with a width of 4.5m wide vehicular access at the site, the applicants had not provided any details in his submission on the measures to mitigate the potential environmental impacts of the development on the surrounding area. The applicants therefore failed to demonstrate that the development would not generate adverse environmental impacts on the surrounding areas. As advised by the District Lands Officer, Yuen Long, Lands Department (DLO/YL, LandsD), there was an existing access passing through the site, which connecting Fan Kam Road and the existing village houses to the north. Approval of the application might affect the local access through the site to the surrounding areas. Moreover, the access road leading from Fan Kam Road to the site was narrow with the width of about 3 metres to 4 metres and there was no proper pavement for the pedestrians. Frequent vehicular traffic due to the public vehicle car park in the midst of a village cluster might also pose road safety concern. There were also local objections to the public vehicle park on road safety ground.

163. Members had no question on the application.

Deliberation Session

164. 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 “Village Type Development” zone which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion

and reprovisioning of village houses affected by government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. No strong planning justification had been given in the submission to justify a departure from the planning intention; and

- (b) the site was located within a village cluster. The applicants failed to demonstrate that the development would not have adverse environmental impacts on the adjacent residential dwellings.

Agenda Item 53

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/643 Temporary Site Office for a Period of 3 Years in “Village Type Development” zone, Lot 1663 RP (Part) in D.D. 111, Leung Uk Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/643)

165. The Secretary reported that Ms. Janice Lai had declared an interest in this item as the application was submitted by Mr Lai Eduardid Fernande who was one of her family members. As the interest was direct, the Committee agreed that Ms. Lai should be invited to leave the meeting temporarily for this item.

[Ms. Janice Lai left the meeting temporarily at this point.]

Presentation and Question Sessions

166. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary site office for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comment on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons as detailed in paragraph 11 of the Paper.

167. Members had no question on the application.

Deliberation Session

168. In response to the Chairman's query, Ms. Ho said that the subject site office was related to landscaping works.

169. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.7.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed at the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the site should only be used as office and 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;

- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site at all times 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 on the site should be maintained at all times during the planning approval period;
- (g) the submission of records of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.1.2013;
- (h) the implementation of the accepted 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 20.1.2013;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (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; and
- (k) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owners of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department's (LandsD) that the private land involved 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. The subject lot was covered by a Short Term Waiver (STW) No. 3123 for office and greenhouse use with permitted built-over area not exceeding 91.34m² and building height not exceeding 6.1m. LandsD reserved the right to take appropriate action should there be any breach of conditions of the STW be found. Moreover, the site was directly accessible from Kam Tin Road via private land and government land (GL). LandsD did not provide maintenance works on this GL nor guarantee right-of-way. The lot owner 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 application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (d) to note the comments of the Commissioner for Transport that the site was connected to the public road network via a section of local access 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 the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest 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;
- (g) to note the comments of the Director of Fire Services (D of FS) that the installation/ maintenance/modification/repair work of fire service installations should be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC should after completion of the maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to D of FS for consideration;
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the 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; and

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing 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 use. Before any new building works (including office as temporary buildings) 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 (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 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 the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access under Building (Planning) Regulations (B(P)R) 5 and 41D respectively. 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 54

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/644 Renewal of Planning Approval for Temporary “Open Storage of Building Materials” for a Period of 3 Years in “Residential (Group D)” zone, Lots 100 RP, 101 S.A&B RP and 101 S.C RP in D.D. 111, A Kung Tin, Fan Kam Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/644)

[Ms. Janice Lai returned to join the meeting at this point.]

Presentation and Question Sessions

171. Ms. Bonita K.K. Ho, 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 building materials’ for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers (residential dwellings) located to the north east (the nearest one about 40m away) of the site and environmental nuisance was expected. Other concerned government departments had no objection to or adverse comment 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); and

- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated for a further period of three years for the reasons detailed in paragraph 12 of the Paper. Regarding DEP's comments, there had not been any pollution complaint pertaining to the site over the past three years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and on-site activities to minimize any possible nuisance to the surroundings were recommended.

172. Members had no question on the application.

Deliberation Session

173. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 8.8.2012 to 7.8.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed at the site during the planning approval period;
- (b) no operation on Sundays and statutory holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out at the site during the planning approval period;
- (d) the drainage facilities implemented under Application No. A/YL-PH/588 on the site should be maintained at all times during the planning approval period;
- (e) setting back of the site to avoid encroachment on waterworks reserve at all times during the planning approval period;

- (f) the submission of tree preservation and landscape 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 7.2.2013;
- (g) in relation to (e) above, the implementation of tree preservation and landscape 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 7.5.2013;
- (h) the provision of boundary fence for the application site, 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 7.2.2013;
- (i) the submission of records of existing drainage facilities on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2013;
- (j) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) 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) 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 7.2.2013;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2013;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby

given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) to note the comments of the District Lands Officer/Yuen Long that no structure was allowed to be erected without prior approval from his office. Short Term Waiver (STW) Nos. 2484 and 2799 were approved to Lots 100 RP and 101 S.A & S.B RP in D.D. 111 respectively. His office reserved the right to take enforcement action under respective STW or lease if there was indeed any breach of the pertaining conditions. The site was accessible to Fan Kam Road via a short track over government land (GL). His office did not carry out maintenance works of the GL;
- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD was not responsible for the maintenance of any existing vehicular access connecting the site and Fan Kam Road;
- (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 adopt environmental mitigation measures to minimize any possible environmental nuisances;
- (d) to note the comments of the Director of Fire Services that in consideration

of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed buildings/structures, the applicant was advised to make reference to the requirements as stated in Appendix VI of the Paper;

- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the proposed site encroached upon waterworks reserve for the existing 1.2m water mains. No structure should be erected and no tree or shrubs should be planted within the waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with Buildings Ordinance (BO). Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future;
- (g) to note the comments of the 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, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and

Guidelines, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the 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; and

- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that there was scope for more landscape planting at the northern portion of the application site. Also, it was noted that currently there were storage materials placed very close to the trunks of existing trees at the southern portion of the application site, which was undesirable and should be rectified.

Agenda Item 55

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/172 Proposed School Extension of Pat Heung Central Primary School in
“Village Type Development” zone, Lot 348 S.A in D.D. 112, 199 Lin
Fa Tei, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-SK/172)

Presentation and Question Sessions

175. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed school extension of Pat Heung Central Primary School
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) one public comment was received during the first three weeks of the statutory publication period. The commenter was in support of the application for the reasons that the proposed school extension could benefit the local villagers and that the existing historical school building could be preserved. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 11 of the Paper. The public comment in support of the application was noted.

176. Members had no question on the application.

Deliberation Session

177. In response to the Chairman's query, Ms. Ho said the subject school extension was proposed to cater for the needs of cross-boundary students.

178. 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 20.7.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of a landscape proposal to the

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

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

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owner would need to apply to his office to permit any structures to be erected or regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions including among others the payment of premium or fee, as imposed by LandsD. Besides, the site was accessible from Kam Sheung Road via private land and government land. His office did not provide maintenance works on this government land nor guarantees right-of-way;
- (c) to note the comments of the Director of Environmental Protection that the applicant should follow the Class Assessment Document for Standard Schools in providing suitable mitigation measures to minimize any environmental impacts;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that landscaping should be provided to soften the continuous façade of the school building;
- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing

authority. The emergency vehicular access provision in the site should comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulations (B(P)R) 41D; and

- (f) to note the comments of the the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing 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 (including containers and open sheds as temporary buildings) 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 (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 the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with B(P)R 5 and 41D respectively. The development intensity for the extension of the then Pat Heung Tung Yik Public School with plot ratio (PR) of 0.59 and site coverage (SC) of 59% had been endorsed in the BCI meeting on 19.2.2002. It was noted that the proposed development intensity in this application (i.e. PR 0.96 and SC of 43.34%) deviated from the said accepted PR and SC. As such, he reserved his comment under B(P)R 19(3) and the development intensity should be determined at the building plan submission stage.

Agenda Item 56

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/595 Temporary Warehouse for Storage of Construction Materials and Household Materials with Ancillary Office for a Period of 3 Years in “Undetermined” zone, Lot 1162 RP (Part) in D.D. 119 and Adjoining Government Land, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/595)

Presentation and Question Sessions

180. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage of construction materials and household materials with ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate northeast and in the vicinity of the site, and environmental nuisance was expected. Other concerned government departments had no objection to or adverse comment 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); and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use could be tolerated for a period of three years for the reasons detailed in paragraph 11 of the Paper. Regarding DEP’s comments, there

had not been any pollution complaint pertaining to the site over the past three years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours, prohibiting open storage and workshop activities and restricting the use of heavy goods vehicles were recommended.

181. Members had no question on the application.

Deliberation Session

182. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.7.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no open storage was allowed on the application site at any time during the planning approval period;
- (d) no workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no heavy goods vehicle exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to enter/exit the application site at any time during the planning approval period;
- (f) no vehicle queuing and no reverse movement of vehicles on Kung Um Road at the vehicular access of the site were allowed;

- (g) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 20.1.2013;
- (h) in relation to (g) above, the provision of 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 20.4.2013;
- (i) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.1.2013;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.4.2013;
- (k) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.1.2013;
- (l) in relation to (k) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.4.2013;
- (m) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.1.2013;
- (n) in relation to (m) 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 20.4.2013;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not

complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (p) if any of the above planning conditions (g), (h), (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land owners and the occupier(s) of the government land would need to apply to his office permit 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, 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, access of the site was opened onto Kung Um Road. His office provided no maintenance works on this access nor guarantees right-of-way. Part of the government land was temporarily allocated to Drainage Services Department for the project, namely “PWP Item 4368DS (part-upgraded from 4235DS in Might 2009) – Yuen Long South Branch Sewers”;

- (d) to note the Commissioner for Transport's comment that sufficient space should be provided within the site for manoeuvring of vehicles;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run-in/out to be constructed at the access point at Kung Um Road should be in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate, to match with the existing pavement. Adequate drainage measures should be provided at the site access to prevent surface water running from the site to the nearby public roads and drains. his department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) 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;
- (g) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix IV of the Paper. The applicant was advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the existing structures which apparently had not been obtained approval under the Buildings Ordinance (BO) should be removed. Formal submission under the BO was required for any proposed new works, including any temporary structures. The proposed toilets, storeroom, open shed and ancillary offices 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. Moreover, the granting of the planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works should circumstances require; and

- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “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 57

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/596 Temporary Open Storage of Construction Machinery and Materials and Vehicle Repair Workshop for a Period of 3 Years in “Undetermined” zone, Lots 2366 RP, 2367 and 2386 RP (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/596)

Presentation and Question Sessions

184. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction machinery and materials and vehicle repair workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate east and in the vicinity of the site, and environmental nuisance was expected. Other concerned government departments had no objection to or adverse comment 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; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years for he reasons

detailed in paragraph 12 of the Paper. Regarding DEP's comments, there was one environmental complaint against the site concerning air nuisance arising from paint spraying, and the complainant subsequently informed that no more paint spraying was detected and was satisfied with the improved situation. To mitigate any potential environmental impacts, approval conditions restricting the restricting the operation hours, the use of heavy goods vehicles, and no paint spraying activities on the site were recommended.

185. Members had no question on the application.

Deliberation Session

186. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.7.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no heavy goods vehicle exceeding 24 tonnes, including container tractors/trailers, 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;
- (d) no paint spraying activities, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (e) the existing drainage facilities implemented under Application No. A/YL-TYST/437 on the application site should be maintained at all

times during the planning approval period;

- (f) 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 20.1.2013;
- (g) the submission of 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 20.1.2013;
- (h) in relation to (g) above, the implementation of 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 20.4.2013;
- (i) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.8.2012;
- (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 20.1.2013;
- (k) in relation to (j) 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 20.4.2013;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should

cease to have effect and should on the same date be revoked without further notice; and

- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owners concerned would need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal road on government land and other private land extended from Kung Um Road. His office did not provide maintenance works for this track nor guarantee right-of-way;
- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant management and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West,

Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. This department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (f) 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;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (h) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix V of the Paper. 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 required, the applicant should provide justifications to his Department for consideration;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing 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 (including containers and open sheds as temporary buildings) 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 (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 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 the site under the BO. The site should be provided with means of obtaining access thereto from a street under Building (Planning) Regulation (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 of not less than 4.5 m wide, 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 the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. 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 58

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/598 Temporary Recyclable Collection Centre for a Period of 3 Years in “Residential (Group D)” zone, Lots 1497 (Part), 1498 RP (Part), 1499 (Part) and 1512 RP (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/598)

Presentation and Question Sessions

188. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary recyclable collection centre for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate east and west and in the vicinity of the site, and environmental nuisance was expected. Other concerned government departments had no objection to or adverse comment 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); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons detailed in paragraph 12 of the Paper. 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. The development was also incompatible with the residential structures in the surrounding areas, in particular those to its immediate east and west. 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 of the “R(D)” zone, even on a temporary basis. The application did not comply with the TPB PG-No. 13E in that there was no previous approval granted for the use at the site. In addition, there were adverse comments from DEP in view of the environmental nuisance of the development on the residential uses in the surrounding areas. In this regard, the applicant’s submission could not address DEP’s concern and demonstrate that the development would not generate adverse environmental impact on the surrounding areas. The 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.

189. Members had no question on the application.

Deliberation Session

190. 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, the submission could not demonstrate that the development would not generate adverse environmental impact on the surrounding areas, and there were adverse departmental comments on the application. The development was also not compatible with the residential uses 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 59

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/439-1 Extension of time for commencement of the approved house
development for a period of 4 years until 15.8.2016 (i.e. an additional 4
years from the original approval)
(RNTPC Paper No. A/YL-KTS/439-1)

Presentation and Question Sessions

191. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the extension of time for commencement of the approved house development for a period of four years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 8 of the Paper;
- (d) four public comment were received during the first three weeks of the statutory publication period. The comments were received from Pat Heung Rural Committee and the village representatives of Kam Tsin Wai Tsuen and Ng Ka Tsuen and a Yuen Long district Councillor. The commenters objected to or express concerns on the application as the proposed development would cause pollution or adverse environmental impact and flooding problem, and that the local village roads were narrow and the proposed development would cause adverse traffic impact and road safety problem; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for extension of time (EOT) for commencement of the approved development for four additional years for the reasons as detailed in paragraph 9 of the Paper. The commencement of the approved house development was delayed as the applicant was exploring development options to preserve the Grade III historic buildings/structures, namely Kong Ha Wai, taking into account the advice of the Commissioner for Heritage's Office (CHO) and the Antiquities and Monuments Office of the Leisure and Cultural Services Department (AMO of LCSD). Moreover, the applicant had made efforts for the compliance with the approval conditions and had fulfilled approval condition (e) in relation to the submission of a detailed Archaeological Investigation to assess the archaeological impact of the proposed construction works at the site before any construction works commenced. The proposed extension period of four additional years would not result in an aggregate extension period longer than the original duration

(i.e. four years) for commencement of the approved development proposal and was in line with the Town Planning Board Guidelines on Extension of Time for Commencement of Development (TPG PG-Nos. 35B) and there was also no objection to the EOT from concerned government departments. As regard the comments raised by the public on the impacts on environment, drainage and traffic grounds, concerned government departments had no adverse comment and relevant approval conditions were recommended.

192. In response to a Member's query, Ms. Ho said the applicant had not provided specific reason as to why an extension of time for four years was needed. However, noting that there were three graded historic buildings on the site, sufficient time would be required for the applicant to formulate a development option, which could utilize the site as well as preserve the graded historic buildings. Since the site comprised both building and agricultural lots, time would also be required by the applicant to apply for a land exchange.

Deliberation Session

193. 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 15.8.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of Landscape Master Plan (LMP) including a comprehensive tree survey with tree preservation proposal and compensatory planting scheme prior to commencement of any site works to the satisfaction of the Director of Planning or of the TPB;
- (b) the implementation of the approved LMP including the tree preservation proposal and compensatory planting scheme to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a Drainage Impact Assessment and implementation of

flood mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;

- (d) the provision of emergency vehicular access, water supply for fire-fighting and fire services installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (e) the design and provision of a local access road along the western and northern boundaries of the site for reprovisioning of the existing local track to serve the land lots to the west of the site to the satisfaction of the Director of Lands or of the TPB.

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

- (a) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicant wished to seek any further extension of time for commencement of the development, the applicant might submit a fresh application under section 16 of the Town Planning Ordinance. The TPB Guidelines No. 35B and 36A should be referred to for details;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the proposed local access along the western boundary of the site should be carved out and surrendered free of costs to the Government for future maintenance after its completion. If the applicant insisted to manage and maintain the proposed local access, it should be excluded from the land exchange application and the proposed reprovisioning of the existing local track should be covered by separate agreement. The applicant might be required to maintain the existing local track for public use until the proposed reprovisioning of local access was completed to the Government's satisfaction. The detailed design of the proposed local access should also be clarified. Besides, a land exchange application for the proposed development should be submitted to his office for consideration. However, there was no guarantee that the land

exchange application would eventually be approved;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the subject site did not abut on a street of not less than 4.5m wide and hence the development intensity of the site would be determined by the Building Authority under Building (Planning) Regulations (B(P)R) 19(3). In view of the size of the site, the area of internal street required under the Buildings Ordinance (BO) s16(1)(p) might had to be deducted from the site area for the purposes of plot ratio and site coverage calculations under the BO. The proposed local access road along the western site boundary should be deducted from the site area. Besides, the proposed club house should be accountable for gross floor area (GFA) under the BO, unless otherwise exempted. The applicant's attention was also drawn to the provision of emergency vehicular access under B(P)R 41D. Detailed comment would be made upon formal submission of building plans. In addition, The QBE (quality and sustainable built environment) requirements and the new GFA concession policy were applicable to the site;
- (d) to note the comments of the Director of Fire Services that the emergency vehicular access provisions should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the B(P)R 41D and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (e) to note the Antiquities and Monuments Office, Leisure and Cultural Services Department's comments that the Grade III historic building on the site should be preserved in-situ and be integrated as far as possible into the redevelopment scheme. The applicant was also advised to indicate the progress on the preparation of formal submission of the preservation-cum-residential development plan;
- (f) to note the comments of the Chief Engineer/Mainland North and Chief Engineer/Land Drainage, Drainage Services Department that there was no

public sewerage in the vicinity of the area. The applicant should seek approval from the Environmental Protection Department on the proposed means of disposal of the sewage generated from the development;

- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the proposed development should avoid affecting the mature trees at the northern area of the site as far as practicable;
- (h) to note comments of the Secretary for Security that the proposed development should comply with the height restrictions of the Shek Kong Airfield;
- (i) to note the comments of the Director-General of Civil Aviation that as air traffic increases, there was a possibility that take-offs would take place from both runways of the Hong Kong International Airport independently. Under this scenario, there would be a departure flight path close to the Kam Tin area and the developer of any noise sensitive uses in Kam Tin should note that their sites would be affected by aircraft noise, and the noise might particularly audible when the background noise was low. Besides, the site might also be subject to aircraft noise of the Shek Kong aerodrome; and
- (j) to note the comments of the Director of Electrical and Mechanical Services that the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure in the vicinity of the LV (low voltage) / HV (high voltage) electricity supply lines, the applicant and his contractors should liaise with CLP Power Hong Kong Limited (CLPP) and ask CLPP to divert the existing electricity supply lines away from the vicinity of the proposed development.

[The Chairman thanked Mr. C.C. Lau, Mr. Vincent T.K. Lai, Mr. K.C. Kan, Mr. Ernest C.M. Fung and Ms. Bonita K.K. Ho, STPs/TMYL, for their attendance to answer Members’ enquires.

Mr. Lau, Mr. Lai, Mr. Kan, Mr. Fung and Ms. Ho left the meeting at this point.]

Agenda Item 60

Any Other Business

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/547-4 Temporary open storage of building and recycling materials, construction machinery, used electrical/ electronic appliances, cargo compartments with ancillary packaging activities and parking of municipal vehicles for a period of 1 year in “Undetermined” zone, Lot 1463 S.B ss.1 (Part) in D.D. 119, Lots 2720 RP, 2722 RP, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734 (Part), 2735, 2736 RP (Part), 2737 RP (Part) and 2738 (Part) in D.D. 120 and Lots 1678 RP, 1679 RP, 1681 RP, 1682 (Part), 1683 (Part), 1684 (Part), 1685, 1686, 1687, 1688, 1689, 1690, 1691 (Part), 1692 and 1693 in D.D. 121, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/547-4)

Presentation and Question Sessions

195. The Secretary reported that an application for extension of time (EOT) for compliance with planning condition (j) under Application No. A/YL-TYST/547 was received on 17.7.2012. The application was approved by the Committee for temporary open storage of building and recycling materials, construction machinery, used electrical/ electronic appliances, cargo compartments with ancillary packaging activities and parking of municipal vehicles for a period of one year subject to approval conditions. Approval condition (j) was related to the implementation of fire service installations proposal within 6 months until 23.3.2012. Extension of time for compliance with condition (j) had already been extended twice from 6 months to 10 months until 23.7.2012.

196. The Secretary continued to point out that the application for extension of time for compliance with condition (j) was received on 17.7.2012, and only five days before the

deadline for compliance on 23.7.2012. 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 for EOT was submitted before the expiry of the specified time limit. As the application was received by the Board on 17.7.2012, there was insufficient time for Planning Department (PlanD) to obtain departmental comments before the expiry of the specified time limit on 23.7.2012. It was therefore recommended not to consider the EOT application.

Deliberation Session

197. After deliberation, the Committee agreed that the application for extension of time for compliance of planning conditions could not be considered for the reason that the application submitted less than 6 weeks before the expiry of the specified time limit on 23.7.2012. There was insufficient time for the Planning Department (PlanD) to obtain departmental comments before the expiry of the specified time limit. The Committee could not consider the section 16A application.

198. There being no other business, the meeting closed at 6:25 p.m..