

TOWN PLANNING BOARD

**Minutes of 472nd Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 7.9.2012**

Present

Mr. Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Dr. C.P. Lau

Ms. Anita W.T. Ma

Professor K.C. Chau

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. Christina M. Lee

Mr. H.F. Leung

Chief Traffic Engineer/New Territories East,

Transport Department

Mr. K.C. Siu

Chief Engineer (Works), Home Affairs Department

Mr. Frankie W.P. Chou

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

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

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

Secretary

Absent with Apologies

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Dr. W.K. Yau

Mr. Rock C.N. Chen

Dr. W.K. Lo

Ms. Janice W.M. Lai

In Attendance

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

Chief Town Planner/Town Planning Board
Mr. Edward W.M. Lo

Town Planner/Town Planning Board
Mr. William W.L. Chan

General

1. The Chairman had tendered apologies for not attending the meeting. The Vice-chairman chaired the meeting.

Agenda Item 1

Confirmation of the Draft Minutes of the 471st RNTPC Meeting held on 24.8.2012

[Open Meeting]

2. The Vice-chairman said that two replacement pages to pages 96 and 110 of the draft minutes of the 471st RNTPC Meeting held on 24.8.2012 were tabled at the meeting for Members' information since these two pages were missing in the draft minutes dispatched to Members. As Members did not raise any comment on the draft minutes, the draft minutes were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

3. The Secretary informed Members that on 5.9.2012, the Court of First Instance dismissed a judicial review (JR) lodged by Lindenford Limited against the Town Planning Board's decisions in respect of the zoning amendments of Skyway House site on the Mong Kok Outline Zoning Plan. The Secretary said that the details of the judgment of the JR case would be reported in the next Town Planning Board meeting.

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/SK-CWBS/3 Application for Amendment to the Approved Clear Water Bay Peninsula South Outline Zoning Plan No. S/SK-CWBS/2 from “Conservation Area” to “Village Type Development”, Lot 175 RP in D.D. 230, Mau Po, Clear Water Bay, Sai Kung
(RNTPC Paper No. Y/SK-CWBS/3)

Presentation and Question Sessions

4. Mr. Ivan Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Mr. Charles Yum, Senior Town Planner/Sai Kung and Islands (STP/SKIs), and the following applicant’s representative were invited to the meeting at this point:

Ms. Tam Chiu King

5. The Vice-chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. Charles Yum, STP/SKIs, to brief Members on the background of the application. Mr. Yum did so as detailed in the Paper and made the following main points with the aid of a PowerPoint:

Background

- (a) the applicant, an indigenous villager of Ha Yeung Village who owned the application site, proposed to amend the approved Clear Water Bay Peninsula South Outline Zoning Plan No. S/SK-CWBS/2 by rezoning the application site at Mau Po Village from “Conservation Area” (“CA”) to “Village Type Development” (“V”) to facilitate his application for Small House development;

- (b) the application site was covered by dense vegetation and trees which formed part of the natural woodland. It was not accessible by road or footpath. The application site was more than 80m away from village cluster of Mau Po;

Proposal

- (c) the application site with an area of 217m² was proposed for a Small House development with an open area for fruit planting and making fertilizers. The proposed Small House development would have a total gross floor area of 195.09m² with a building height of 3 storeys/8.23m;

Applicant's Justifications

- (d) the applicant's justifications were detailed in paragraph 2 of the Paper and highlighted as follows:
 - (i) the applicant had submitted a Small House application to Lands Department since 1999 but there was still no available land for his Small House redevelopment after 13 years. The application site was recently given to the applicant by his senior family members. Approval of the rezoning application for Small House development could help solve his housing problem;
 - (ii) the proposed development would not cause blockage to any river or water pollution;
 - (iii) the applicant would keep more open area within the application site for cultivation which would be environmentally friendly and could beautify the surrounding area;
 - (iv) the proposed development would not generate adverse impacts on the surrounding environment;
 - (v) the open area within the application site and the roof of the proposed Small House would be used for planting of fruit trees and vegetables

and compost making; and

- (vi) if the application was not approved, the existing temporary structure in the application site would be used for storage of tools and equipment for cultivation, which would be an unsightly mess.

Departmental Comments

- (e) the departmental comments were detailed in paragraph 9 and highlighted as follows:

- (i) the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) did not support the planning application since the application site fell outside the 'Village Environ' ('VE') of Ha Yeung Village. According to the Indigenous Inhabitant Representative of Ha Yeung Village, the 10-year Small House Demand Forecast for Ha Yeung (including Mau Po) Village was 200 and the outstanding Small House applications for Ha Yeung Village was 20;
- (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) stated that it was observed that the application site was overgrown with greenery which dominated its immediate vicinity. There was a natural woodland and a small stream nearby. The proposed rezoning would affect the vegetation at the application site as well as any associated access for construction and future use. Although the impact on trees was limited in this context, the proposed rezoning would threaten the integrity of the "CA" zone. As such, he did not support the subject rezoning application from the nature conservation point of view;
- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view. The application site was away

from the existing Sheung Sze Wan Village at the northeast and Sheung Sze Wan Road to the east. The application site was covered with mature woodland and was surrounded by native woodland of the “CA” zone. Vegetation clearance for Small House development and associated site formation works and connecting access to the application site (outside the application site) would likely result in significant landscape impact. However, no tree or vegetation survey was provided or landscape mitigation proposal was submitted. Approval of the application would set an undesirable precedent and attract further piecemeal encroachment of the Small House development into the “CA” zone. The cumulative effect of approving similar applications would result in a general degradation of the environment. Therefore, he objected to the captioned application from the landscape planning perspective.

Public Comments

- (f) during the first three weeks of the statutory publication period, six public comments were received. The six comments were submitted by a Sai Kung District Council member, Designing Hong Kong Limited, Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and two members of the public. They requested the Board to reject the application on the grounds that trees and vegetation at the subject area would be adversely affected; some active agricultural land were found adjacent to the application site; the proposal rezoning was not in line with the planning intention of the “CA” zone and there was no justification for a departure from the planning intention; and there was still enough space for development within the original “V” zone. No local objection/view was received by the District Officer (Sai Kung);

Planning Department's Views

- (g) PlanD did not support the application based on the assessments made in paragraph 11 of the Paper, which were summarized as follows:

- (i) the application site was covered by dense vegetation and trees which formed part of the natural woodland covering a wider area zoned “CA” with the planning intention to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment from the adverse effects of development. There was a general presumption against development in this zone. In general, only developments that were needed to support conservation or were essential infrastructure projects with overriding public interest might be permitted. The current “CA” zone for the application site was considered appropriate;

- (ii) although the 3.22 ha of land (or equivalent to about 128 Small House sites) available within the “V” zones in Ha Yeung was insufficient to meet the 10-year Small House demand forecast of 200 Small Houses for Ha Yeung (about 5.5ha of land) in the long run, there were still land currently available within the “V” zones in Ha Yeung to meet the outstanding demand of 20 Small Houses. The application site was located outside ‘VE’ of Ha Yeung Village and Mau Po Village and DLO/SK did not support the planning application. The application site was more than 80m away from the village cluster of Mau Po and separated by sloping topography. It was considered more appropriate to concentrate Small House developments close to the existing village cluster within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Besides, the planning permission system also provided the flexibility for Small House development in other zone near the existing village and each case would be considered by the Board based on its own merits;

- (iii) the application site was not accessible by road or footpath, and was separated from the village clusters of Mau Po and Ha Yeung by slopes covered by dense natural woodland and vegetation. The

distance between the application site to Sheung Sze Wan Road and Lung Ha Wan Road was 100m and 200m respectively. Vegetation clearance for the development of the Small House, associated site formation works and connecting access to the application site during construction and upon completion of the Small House would likely result in significant adverse impacts on the landscape and dense vegetation on the application site and surrounding areas. No tree or vegetation survey was provided or mitigation proposal was submitted in this regard. The proposed rezoning from “CA” to “V” would threaten the integrity of the “CA” zone. Both DAFC and CTP/UD&L of PlanD objected to the application;

- (iv) there was no similar rezoning application for development of house/New Territories Exempted House/Small House ever approved in the vicinity. The approval of the application would set an undesirable precedent and attract further piecemeal encroachment of the Small House development into the “CA” zone. The cumulative effect of approving similar applications would result in a general degradation of the environment; and
- (v) there were objections received from members of the public and the green groups on the grounds that the rural characteristic, trees and vegetation in the area would be adversely affected and there was no justification in the application for a departure from the planning intention of the “CA” zone. The concerns had been addressed in paragraphs 11.1 and 11.3 of the Paper.

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

6. The Vice-chairman then invited the applicant’s representative to elaborate on the application. With the aid of the visualizer, Ms. Tam Chiu King made the following main points with an aerial photo:

- (a) the application site was originally not a woodland. It was used for paddy farming by the elderly of her family in 1960s. The farm had already existed in 1920s. Subsequently the farm was abandoned in 1980s since the elderly of her family could not continue farming due to health problem and old age and her younger family members left the farm to work in the urban areas. The vegetation mentioned by DAFC was largely weeds overgrown on abandoned farmland;
- (b) noting that there was about 3.22 ha (or equivalent to about 128 Small House sites) of land available within the “V” zones in Ha Yeung for Small House development and there was only 20 outstanding Small House applications as mentioned in the Paper, she asked whether it was possible to exchange the application site for a piece of land within the “V” zones in Ha Yeung for her Small House development. This could avoid disturbing the natural environment of the application site and could at the same time meet her housing need; and
- (c) though the proposed Small House development would inevitably affect the vegetation in the application site, there were only weeds but no mature trees. Therefore, she did not realize that she had to submit a tree preservation proposal. She was willing and prepared to submit a tree preservation and transplanting proposal if the application was approved.

7. In response to a Member’s question, Mr. Ivan Chung said that the location of the farm as pointed out by Ms. Tam in the aerial photo was roughly around the application site as shown on Plan Z-3 of the Paper. Another Member asked Ms. Tam whether she had discussed with Lands Department or District Office about her land exchange proposal. Ms. Tam replied that she only noted from the Paper that land was still available within the “V” zone and the proposal had only come up after she received the Paper on 31.8.2012 (i.e. one week before the meeting). She therefore had not discussed the proposal with the relevant departments.

8. Ms. Tam added that her son had applied for Small House development for 13 years, and hoped that the Government could strike a balance between nature conservation and

the need for Small House development.

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

Deliberation Session

10. In response to a Member's question, the Secretary said that new Small House development was neither a Column 1 nor Column 2 use under the "CA" zone, but redevelopment of existing house was a Column 2 use under the "CA" zone. Therefore, the applicant had to submit a section 12A planning application for rezoning the application site from "CA" to "V" in order to facilitate her Small House development at the application site. In response to the same Member's question, the Secretary said that there was no precedent case of approving section 12A application for rezoning sites zoned "CA" for Small House development. Instead, there were incidences where the Board had agreed to rezone "CA" sites to other uses to meet representations in the plan-making process.

11. The Vice-chairman commented that the construction of a road access to the application site to serve the proposed Small House would increase the adverse impact to the natural environment. The application was therefore not in line with the planning intention of the 'CA' zone.

12. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the application site was covered by natural woodland and forming part of the wider "Conservation Area" zone covering the natural slopes and hills between the Ha Yeung and Mau Po Village. The current "Conservation Area" zone was considered appropriate;

- (b) land was still available within “Village Type Development” zone covering Ha Yeung for Small House development. Besides, the application site was located some distance away from the existing village clusters of Ha Yeung and Mau Po Villages. It was considered more appropriate to concentrate proposed Small Houses close to the existing village cluster within the “Village Type Development” zone for orderly development pattern, efficient use of land and provision of infrastructures and services;
- (c) the application site was not accessible by road or footpath. Vegetation clearance for the development of the Small House, associated site formation works and connecting access to the application site during construction and upon completion of the Small House would result in significant adverse impacts on the landscape and dense natural vegetation on the application site and surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative effect of approving similar applications would result in a general degradation of the environment.

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/SK-SKT/1 Application for Amendment to the Draft Sai Kung Town Outline Zoning Plan No. S/SK-SKT/5 from “Government, Institution or Community (2)” to “Village Type Development”, Government Land opposite to Lake Court, Sai Kung
(RNTPC Paper No. Y/SK-SKT/1)

Presentation and Question Sessions

13. The Secretary reported that Ms. Janice W.M. Lai, whose spouse owned a shop in

Sai Kung, had declared an interest in this item. Mr. H.F. Leung had also declared an interest in this item since the consultant of the applicants had made donation to the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong, in which he was working. The Committee noted that Ms. Lai had tendered apologies for not attending the meeting. As Mr. Leung had no direct involvement in the subject application, the Committee agreed that Mr. Leung's interest was indirect and he could stay in the meeting.

14. Mr. Ivan Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Mr. Charles Yum, Senior Town Planner/Sai Kung and Islands (STP/SKIs), and the following applicants' representatives were invited to the meeting at this point:

Mr. Siu Leung Hung, Keith

Ms. Wan Lai Ming, Nikki

15. The Vice-chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. Charles Yum, STP/SKIs, to brief Members on the background of the application. Mr. Yum did so as detailed in the Paper and made the following main points with the aid of a PowerPoint:

Proposal

- (a) the applicants proposed to rezone a piece of government land opposite to Lake Court (the application site) from "Government, Institution or Community (2)" ("G/IC(2)") zone to "Village Type Development" ("V") zone on the draft Sai Kung Town Outline Zoning Plan (OZP) No. S/SK-SKT/5 for development of Small Houses;

Background

- (b) the application site was located outside the 'Village Environ' ('VE') of Tui Min Hoi Village and was currently occupied by a temporary fee-paying public carpark under a short term tenancy (STT). Tui Min Hoi Village, which was a recognized village, was zoned "V" on the OZP and was located to the immediate west and southwest of the application site. To the east of the application site was Hong Kin Road and to the further east

and north were Lake Court (a fishermen village) zoned “V”, Costa Bello zoned “Residential (Group C)” and a site zoned “Commercial” (“C”) on the OZP.

Applicants’ Justifications

- (c) The applicants’ justifications were detailed in paragraph 2 of the Paper and highlighted as follows:
- (i) land available for indigenous villagers to develop Small House was insufficient and the vacant land in the “V” zone was mostly steep slopes which were not suitable for Small House development;
 - (ii) demand for car parking space in the locality was low noting the low occupancy rate of the carparks at the application site and those nearby as well as the low parking fee of the carpark at the application site; and
 - (iii) it would be a right time to rezone the application site, which was left undeveloped since 2005, from “G/IC” to other uses. The rezoning was in line with the latest government policy to avoid under-utilized “G/IC” sites with no specific development plans. As the application site was just adjacent to the existing “V” zone, it was appropriate to rezone the site to “V”.

Departmental Comments

- (d) the departmental comments were detailed in paragraph 8 and highlighted as follows:
- (i) the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) stated that the application site was not within any ‘VE’. The 10-year Small House Demand Forecast for Tui Min Hoi Village was 20. According to record, there were only 3 Small House

applications at Tui Min Hoi Village being processed by DLO/SK's office. According to the prevailing Small House Policy, Small House applications for sites within a 'VE' would be considered. However, consideration would also be given to applications for sites within a "V" zone which encircled a recognized village and was larger than the 300 feet 'VE';

- (ii) the Commissioner for Transport (C for T) in general had reservation on the application. Such type of development should be confined within the "V" zone as far as possible. Although additional traffic generated by the proposed village type development might not have significant impact on the capacity of the adjoining road network, such type of development outside "V" zone, if permitted, would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. The existing car parking demand at and in the vicinity of Sai Kung Town and the utilization of the in-town public car parking spaces (on-street and off-street) were already high on weekdays and at some locations might far exceed their capacity on weekends and public holidays. It was considered that the STT car park at Hong Kin Road should be maintained for use by local residents as well as serving as a supplement to alleviate the high demand for car parking spaces in the Sai Kung Town. Further, the proposed rezoning to "V" would also generate additional parking demand in the area as a whole. The application was therefore not supported by C for T.

Public Comments

- (e) During the first three weeks of the statutory publication period, 36 public comments were received with two of them supporting and the remaining objecting to the application. The supporting comments were submitted by Sai Kung Rural Committee and District Councillor on grounds that the application site was within Tui Min Hoi 'VE', many private lands were taken away in the past by the Government for public infrastructure

development and there was insufficient land to meet the Small House demand (i.e. about 30 eligible villagers). The objecting comments were from residents of various villages in Tui Min Hoi, members of the public, Sai Kung Tui Min Hoi Lake Court Mutual Aid Committee and Sai Kung Tui Min Hoi District Residents' Joint Committee. Their reasons of objections included possible adverse impact by additional population on the existing community and infrastructural facilities, lack of community facilities in the district due to the loss of several "G/IC" sites in the past, road safety concern, limited public transportation serving the area and lack of public car parks in the area. No local objection/view was received by the District Officer (Sai Kung);

Planning Department's Views

- (f) PlanD did not support the application based on the assessments made in paragraph 10 of the Paper, which were summarized as follows:
 - (i) the planning intention of "G/IC(2)" zone was primarily for the provision of government, institution or community (GIC) facilities serving the needs of the local residents and/or a wider district, region or the territory. Although there was as yet any designated permanent GIC user, the application site was conveniently served by Hong Kin Road and within walking distance from the clusters of population nearby. It helped address the parking demand from nearby residents as well as serve as a supplement to alleviate the high demand for car parking spaces in the Sai Kung Town. As the application site could provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments which might arise, the current "G/IC(2)" zone was considered appropriate;
 - (ii) Although the 0.2ha of land available within the "V" zone of Tui Min Hoi village to the west of the application site (equivalent to 7 Small

House sites) was insufficient to meet the 10-year Small House demand forecast of the village (i.e. 20 Small House sites) in the long run, there were still land currently available within the “V” zone to meet the outstanding demand of 3 Small Houses. Besides, there was provision for planning application for Small House development under the subject “G/IC” zone. In view of the above, it might be more appropriate to regulate Small House development of the village under section 16 of the Town Planning Ordinance and each planning application would be considered by the Board on its individual merit;

- (iii) C for T did not support the application as Small House development should be confined within the “V” zone as far as possible. Permitting Small House development outside “V” zone would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Furthermore, the car park at the application site under STT should be maintained for use by local residents as well as serving as a supplement to alleviate the high demand for car parking spaces in the Sai Kung Town. Utilization of the in-town public car parking spaces (on-street and off-street) were already high on weekdays and at some locations might far exceed their capacity on weekends and public holidays. The proposed rezoning to “V” would also further generate additional parking demand in the area;
- (iv) there was no similar rezoning application for the rezoning of “G/IC” site to “V” ever approved in the vicinity. The approval of the application would set an undesirable precedent for other similar applications in the “G/IC” zone, the cumulative impact of approving similar applications would result in further loss of “G/IC” sites and adverse traffic impact on the surrounding areas; and
- (v) while two public comments from district councillors supported the application, there were objections from members of the public,

individual residents of different villagers of Tui Min Hoi, the residents of Sai Kung Tui Min Hoi Lake Court Mutual Aid Committee and Sai Kung Tui Min Hoi District Residents' Joint Committee and the objection reasons were the lack of public parking space in the area, adverse impact on the existing community and infrastructural facilities, lack of community facilities in the district, road safety concern, limited public transportation means to serve the district and no justification for a departure from the planning intention of the "G/IC(2)" zone.

16. The Vice-chairman then invited the applicants' representatives to elaborate on the application. Ms. Wan Lai Ming, Nikki made the following main points:

- (a) the applicants were indigenous villagers;
- (b) as regards the car parking provision in the area, a site zoned "C" to the north of the application site, which was previously used as an open-air carpark and sold recently for commercial use, had included the provision of car parking spaces in the land sale conditions. There were two other open-air carparks near Marine Police Headquarter to the south of the application site providing about 80 parking spaces. Besides, the carpark at the application site was not fully occupied; and
- (c) the proposed rezoning was in line with the Government's policy of rezoning "G/IC" sites for residential use. Indeed the Board had just agreed the rezoning of a "G/IC" site at Hong Kin Road to "Residential (Group B)5" and a "G/IC (4)" site in Sai Kung Town to "Residential (Group B)4" as proposed by PlanD.

17. Mr. Siu Leung Hung, Keith made the following main points:

- (a) many people would choose to park their cars along the roadside rather than in carparks especially at night time, which was shown by the extent of illegal parking at Hong Kin Road. The occupancy rate of the carpark at

the application site was not high despite the low parking fee, which had explained why the STT for carpark use was granted at a low rate. The “C” site to the north of the application site which was sold by LandsD last year was required to provide car parking spaces in accordance with the requirement of Hong Kong Planning Standards and Guidelines. If there was a high demand for car parking space, more spaces should have been provided at the future commercial development at the “C” site. Besides, the occupancy rate of the existing multi-storey carpark at Hiram’s Highway was very low and a number of roadside parking spaces were also provided near the Hong Kong Housing Society housing development nearby. Although there was shortage of parking spaces in the town centre of Sai Kung Town, the temporary car park at the application site was quite far away from the town centre and inconvenient to the drivers/passengers. In view of the above, the temporary car park at the application site was not fully utilized as it was not able to meet the parking demand in Sai Kung Town Centre and was not favoured by the local people in the vicinity. The application site, which was not designated for any long-term use, could be rezoned for Small House development;

- (b) the Board had recently agreed to the rezoning of two nearby “G/IC” sites in Sai Kung Town for residential developments. The proposed rezoning by the applicants was only following the Government’s proposal and should not set any undesirable precedent; and
- (c) the application site and its nearby area were served by a frequent minibus service which had high patronage. The residents living near the application site did not have to rely on private cars for commuting;
- (d) the vacant land in the “V” zone in Tui Min Hoi was mainly sloped area that was not suitable for Small House development; and
- (e) the application site was only used for temporary car parking. The Government should rezone the application site to appropriate zoning if there was no plan to develop it for GIC uses. If there was a shortage of

parking spaces, the Government could develop a multi-storey carpark at the “C” site to meet the parking demand for the residents and visitors, instead of selling the site for commercial use.

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

Deliberation Session

19. A Member commented that the occupancy rate of the carparks at the application site which was a temporary use was irrelevant in considering the application. Instead, consideration should be given on whether there was any plan for GIC use at the application site. The Vice-chairman agreed that Members should focus on the rezoning proposal.

[Dr. Wilton W.T. Fok arrived to join the meeting at this point.]

20. In response to a Member’s question, the Secretary explained that the Committee had agreed on 10.8.2012 to propose amendments to the Sai Kung Town OZP by rezoning two sites zoned “G/IC(4)” and “G/IC” at Hong Tsuen Road and Hong Kin Road respectively for residential use. Both sites were suitable for housing development and government departments had confirmed that the sites were no longer required for GIC developments. There was also no shortage of GIC facilities in the area and hence these sites could be released for housing development to meet the community aspiration for more housing land. In the instant case, though there was no planned GIC uses at the application site, C for T would like to maintain the temporary carpark at the application site for use by the local residents and as a supplement to alleviate the high demand for car parking spaces in the Sai Kung Town. Given that there was still land available within the “V” zone to meet the outstanding Small House demand in the area, and if required, the applicants could submit planning applications for Small House development in nearby areas including the application site. Members might consider whether the application site should be rezoned for Small

House development at this stage. She also supplemented that planning applications for Small House development could be considered by the Board on individual merits, making reference to the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories.

21. A Member commented that the applicants did not give sufficient justification to demonstrate an urgent need for rezoning the application site for Small House development, and thus the application should not be approved.

22. In response to another Member's question, the Secretary stated that the landuse zonings included in an OZP had undergone a statutory plan-making process involving the exhibition of the OZP for representations and comments and the hearing process before the OZP was approved by the Chief Executive in Council. In this regard, an application for rezoning under section 12A of the Ordinance would need to include strong justifications to support the rezoning proposal. The Vice-chairman said that the applicants did not provide adequate justifications to demonstrate any urgent need for the proposed rezoning of the application site for Small House development. The applicants could submit section 16 application for Small House development at the application site should there be a need to do so in future.

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

- (a) the current "Government, Institution or Community(2)" ("G/IC(2)") zone on the Outline Zoning Plan was considered appropriate. There was no strong planning justification to demonstrate that the rezoning proposal was necessary;
- (b) land was still available within the "Village Type Development" zone of Tui Min Hoi Village to meet the outstanding demand for Small House development. Under the "G/IC" zone, there was provision for planning application for Small House development under section 16 of the Town Planning Ordinance and each planning application would be considered by

the Town Planning Board on its individual merit; and

- (c) the approval of the application would set an undesirable precedent for other similar applications in the “G/IC” zone. The cumulative impact of approving similar applications would result in further loss of “G/IC” sites and adverse traffic impact on the surrounding areas.

Sha Tin, Tai Po and North District

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-TK/11 Application for Amendment to the Approved Ting Kok Outline Zoning Plan No. S/NE-TK/17 from “Coastal Protection Area” to “Other Specified Uses” annotated “House (Redevelopment)”, Lot 1200A in D.D. 29, 7 Po Sam Pai, Tai Po
(RNTPC Paper No. Y/NE-TK/11)

Presentation and Question Sessions

24. Ms. Jacinta K.C. Woo, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), Mr. C.T. Lau, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), and the following applicants were invited to the meeting at this point:

Mr. Cheng Cheung Sing

Ms. Ting Lai Ping Bonny

25. The Vice-chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. C.T. Lau, STP/STN, to brief Members on the background of the application. Mr. Lau did so as detailed in the Paper and made the following main points with the aid of a PowerPoint:

Background

- (a) the applicants, owners of the application site, submitted an application to rezone the application site from “Coastal Protection Area” (“CPA”) to “Other Specified Uses” annotated “House (Redevelopment)” (“OU(HR)”) on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17 for redevelopment of an existing 2-storey house to a 3-storey house. The site was flat and paved, and accessible via local track off Ting Kok Road. At present, there were a 2-storey house and some temporary structures erected on the site;

- (b) about 30m to the east of the application site was the Ting Kok Site of Special Scientific Interest (SSSI) which comprised a large patch of dwarf mangroves. An ancestral hall was about 30m to the west. No other house was found within the “CPA” zone except another 2-storey house to the south-west of the application site. About 60m to the northwest on the opposite side of Ting Kok Road was the village proper of Po Sam Pai;

Proposal

- (c) in the application site with an area of 485.81m², the existing 2-storey house was proposed to be redeveloped into a 3-storey house with a total floor area of 125.4m² (41.8m² per floor) at a plot ratio of 0.26 and a site coverage of 9%;

Applicants’ Justifications

- (d) the applicants’ justifications were detailed in paragraph 2 of the Paper and highlighted as follows:
 - (i) the existing house was more than 40 years old and suffering from increasingly serious leakage problem. Only redevelopment of the house could solve the leakage problem;

 - (ii) the proposed redevelopment was compatible with the surrounding area which was dominated by village houses; and

- (iii) the proposed redevelopment would not cause any adverse ecological, sewerage, drainage, visual and traffic impacts on the area. No tree felling would be involved.

Departmental Comments

- (e) the departmental comments were detailed in paragraph 8 and highlighted as follows:
 - (i) the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) had no objection to the application. Although the lot might consist of “0.01 ac. House” (equivalent to 40.5m²) granted under New Grant No. TP7377, its lease conditions were untraceable; and
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning point of view. If this rezoning application was approved, it would set an undesirable precedent to similar applications leading to more land being rezoned within the “CPA” and destroying the integrity of the coastal protection area. The development intensity of the site would also be increased adding pressure to the existing landscape resources. No strong justification had been given by the applicants for the rezoning application. Moreover, although there seemed to be scope for additional planting within the site in particular along the boundary, there was no landscape proposal included in the application to maximise the greening on site.

Public Comments

- (f) during the first three weeks of the statutory publication period, three public comments were received. The commenters, including the Designing Hong Kong Limited, Kadoorie Farm & Botanic Garden Corporation and a

local villager, objected to the application mainly on the following grounds:

- (i) the area was zoned “CPA” which was intended to protect and conserve the natural coastline. In general, development should be excluded from this zone;
 - (ii) there was no mitigation measure provided in the submission; and
 - (iii) the construction and operation of the proposed development would generate runoff causing ecological impacts on the woodland which was ecologically linked to the SSSI. The approval of the application would set a precedent for other similar applications within “CPA” in the area. The Board should consider all the potential cumulative impacts so caused in approving the subject application.
- (g) No local objection/view was received by the District Officer (Sai Kung);

Planning Department’s Views

- (h) PlanD did not support the application based on the assessments made in paragraph 10 of the Paper, which were summarized as follows:
- (i) the application site was located within the “CPA” zone along the coastline of Plover Cove and in proximity to the Ting Kok SSSI. The mangrove habitat in the Ting Kok SSSI was of special landscape and ecological value requiring a high degree of protection, and the mangrove was vulnerable to development in the adjoining areas. In order to protect the special landscape and ecological value of the coastal areas, the “CPA” zoning was considered appropriate for the area surrounding the Ting Kok SSSI. Piecemeal rezoning of the site, which formed an integral part of the “CPA” zone and was mainly covered with dense vegetation and mature trees, from “CPA” to “OU(HR)” was considered not appropriate;

- (ii) the applicants proposed to rezone the site of about 485.81m² for redevelopment of an existing 2-storey house into a 3-storey (8.23m) building with a footprint of about 41.8m² at a plot ratio of 0.26 and total floor area of about 125.4m². According to the DLO/TP, LandsD, the subject lot (Lot 1200A in D.D. 29) might have a lease entitlement of “0.01 ac.” (equivalent to 40.5m²) for house use granted under New Grant No. TP7377;
- (iii) compared with the lease entitlement, the current proposal entailed an increase of building footprint by 1.3m² and an addition of one storey. The applicants had not provided strong justifications on why such an increase was warranted. Also, the site proposed to be rezoned to “OU(HR)” was about 485.81m² which was 12 times larger than the land with building status. There was no strong reason for rezoning particularly when the site fell within an environmentally sensitive area (“CPA” zone);
- (iv) according to the Notes of the OZP under “CPA” zone, ‘House (Redevelopment) only’, which did not exceed the plot ratio, site coverage and height of the existing building, was a Column 2 use that might be permitted by the Board. Should the applicants wish to redevelop their existing house, they could submit a section 16 planning application to the Committee for consideration;
- (v) the approval of the application would set an undesirable precedent to other similar applications, leading to more patches of land being rezoned within “CPA” and destroying the integrity of the “CPA” zone. The development intensity of the area would also be increased adding pressure to the existing landscape resources. The CTP/UD&L of PlanD had reservation on the application; and
- (vi) public comments not supporting the application with concerns on the environmental impacts on the surrounding areas were noted. The proposed rezoning of the site from “CPA” to “OU(HR)” was

considered not appropriate.

26. The Vice-chairman then invited the applicants to elaborate on the application. Mr. Cheng Cheung Sing made the following main points:

- (a) the proposed rezoning to allow one more storey for the house in the application site could help increase the housing supply in Hong Kong which was in line with the prevailing Government policy. This would also optimize the scarce land resource in Hong Kong;
- (b) the existing house at the application site was more than 40 years old and was not structurally safe. There was leakage problem and the house should be redeveloped as soon as possible. The redevelopment could improve his living environment;
- (c) the application was for a redevelopment of existing house with addition of only one more storey (about 3 feet) which was not excessive. The proposed redevelopment was not a new development, and would not create any adverse impact to the environment. Five concerned departments did not have adverse comment on the application;
- (d) the proposed rezoning was merely to facilitate redevelopment of an existing house for improving his living conditions and would not create any undesirable precedent;
- (e) the Government did not consult him nor compensate him for his financial loss when the application site was zoned "CA"; and
- (f) he had protected the trees in the application site. He had sought help from the Tree Unit of Lands Department to cut down the mothly and dangerous trees nearby. Besides, he had refused the request of the nearby residents to cut down trees blocking their views, thus causing discontent of those residents. The allegation by nearby residents that he had fell many trees in the application site was unfounded.

27. In response to a Member's question on DLO/N's comment that the lease document governing the application site was missing, Ms. Jacinta Woo clarified that the land document detailing the lease conditions of the site was untraceable, but there was adequate land ownership proof to confirm that the applicants were the sole "current land owners" of the application site.

28. In response to the questions raised by the Vice-chairman and a Member, Mr. Cheng and Ms. Ting said that they would continue to live with their child in the house after redevelopment, and had no intention to sell it to others. Since the floor area per storey of the house was only about 400 square feet, one more storey was desperately needed to provide the living space to improve their living environment.

29. In response to a Member's enquiry, Ms. Anita K.F. Lam clarified that 0.01ac. of land was equivalent to 40.5m².

30. In response to a Member's question, Mr. Cheng Cheung Sing said that the footprint of the house would remain the same after redevelopment. Ms. Jacinta Woo supplemented that the footprint of the proposed house (i.e. 41.8m²) was larger than the building entitlement under the lease (i.e. 0.01 ac. / equivalent to 40.5m²), but DLO/N had no objection to the footprint of the proposed house at 41.8m².

31. In response to some Members' questions, Ms. Jacinta Woo explained that while 'House (Redevelopment Only)' was a Column 2 use on application to the Board under the Notes of the "CA" zone, such redevelopment however should not be in excess of the plot ratio, site coverage and height of the existing house. She said that under the applicants' proposal, the proposed addition of one more storey with the same footprint of the existing house would result in an increase in the height and total gross floor area of the house by about one-third, and therefore the applicants could not apply for section 16 application for this proposal.

32. As the applicants had no further points to raise and there were no further questions from Members, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicants of the Committee's decision in due course. The

Vice-chairman thanked the applicants' representatives and PlanD's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

33. The Vice-chairman said that the subject application was a section 12A application instead of a section 16 application. Members should consider whether the proposed rezoning of the application site to "OU(HR)" would undermine the integrity of the "CPA" zone.

34. In response to a Member's question, Ms. Anita Lam explained that an old building lot generally did not have any development restriction in the lease conditions. In such scenario, development on the lot would be governed by the laws under the planning and building regime as usual. The lot owner could build a house with a height over 3 storeys/8.23m, but normally the lot owner would choose to build a New Territories Exempted House (NTEH) since a non-NTEH would not be exempted from the submission of general building plans to the Buildings Department.

35. A Member commented that the applicants could not provide any strong justifications from landuse planning perspective for the proposed rezoning. The Vice-chairman supplemented that the applicants' justification of increasing housing supply by the proposed redevelopment to help solve the housing problem in Hong Kong was not convincing since the house was for the applicants' own use. The meeting agreed to reject the application.

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

- (a) the site formed an integral part of an area zoned "Coastal Protection Area" ("CPA") along the coastline of Plover Cove and was in close proximity to the Ting Kok Site of Special Scientific Interest (SSSI) which comprised a large patch of dwarf mangroves. The mangrove habitat in the Ting Kok SSSI area was of special landscape and ecological value, which required a

high degree of protection to retain their inherent value. The mangroves were vulnerable and could easily be adversely affected by development in the adjoining areas. In order to protect the special landscape and ecological value of the coastal areas, the “CPA” zoning was considered appropriate for the area surrounding the Ting Kok SSSI; and

- (b) no strong justifications had been provided in the submission to support the proposed rezoning application for redevelopment which involved an intensification of development intensity of the existing house at the site. The approval of the application would set an undesirable precedent for other similar rezoning applications and undermine the integrity of the subject “CPA” zone.

Sai Kung and Islands District

[Mr. Charles C.F. Yum, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/217 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 548 RP (Part), 548 S.D (Part), 549 S.D (Part) and 549 RP (Part) in D.D. 244 and Adjoining Government Land, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/217)

Presentation and Question Sessions

37. With the aid of a Powerpoint, Mr. Charles C.F. Yum, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the application site had high potential for agricultural rehabilitation in view of its proximity to road access and irrigation source. District Lands Officer/Sai Kung (DLO/SK) had reservation to the proposed Small House footprint due to large amount of government land involved in the current application. 700 square feet was the maximum built-over area of a Small House and DLO/SK might consider lesser built-over area in view of the merit of each Small House application;
- (d) one public comment was received during the first three weeks of the statutory publication period. The public comment was submitted by Kadoorie Farm and Botanic Garden Corporation. They were concerned that any runoff from the septic tank for the Small House might pollute the watercourse nearby which flowed into and would also affect the water quality of Hebe Haven. They were also concerned with the loss of agricultural land and the precedent effect of approving this application. No local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Although DAFC did not support the application from agricultural point of view, there were no farming activities at or near the application site and the proposed NTEH was not incompatible with the surroundings. Similar applications for NTEHs had been approved in the vicinity of the application site. Regarding DLO/SK's reservation to the proposed Small

House footprint, as this was land administration matter, the applicant would be advised to liaise with DLO/SK upon approval of the current application. Regarding the public comment, concerning the risk of water pollution, it should be noted that the proposed NTEH was located outside the water gathering grounds and Chief Engineer/Development(2), Water Supplies Department had no objection to the application. On the loss of agricultural land, while DAFC also did not support the application, the application site had not been in agricultural use and a number of Small House applications had already been approved in the vicinity of the application site in the same “AGR” zone. Other departments had no adverse comment on the application.

38. Members had no question on the application.

Deliberation Session

39. 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 7.9.2016, 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 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.

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

- (a) to note the comments the District Lands Officer/Sai Kung, Lands Department (LandsD) that he would consider, either by Building Licence or Exchange, in processing this Small House application. However, there was no guarantee that he would grant any additional government land to the Small House development or accept any surrender of private lots in considering the Small House application. He also had reservation to the

proposed Small House footprint due to large amount of government land involved in the current application. 700 sq. ft. was the maximum built-over area of a Small House and he might consider lesser built-over area in view of the merit of each Small House application;

- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant might need to extend his/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 WSD's standard;
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD; and
- (d) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the subject site was within an area where there was no DSD's sewerage connection available in the vicinity at present.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/54 Renewal of Planning Approval for Temporary School (Kindergarten)
for a Period of 3 Years in "Other Specified Uses" annotated
"Residential Cum Marina Development" zone, Shop D and Yard, G/F,
Marina Cove Shopping Centre, Sai Kung
(RNTPC Paper No. A/SK-HH/54)

Presentation and Question Sessions

41. With the aid of a Powerpoint, Mr. Charles C.F. Yum, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary school (kindergarten) under Application No. A/SK-HH/45, which would be valid until 18.9.2012, for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comment on the application as detailed in paragraph 10 of the Paper;
- (d) three public comments were received during the first three weeks of the statutory publication period. Two comments supporting the application were from the parents of the children studied in the subject kindergarten. One comment from the Incorporated Owners (IO) of Marina Cove raised concern on traffic aspect. No local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 12 of the Paper. Regarding the traffic concern raised by the IO of Marina Cove, the applicant pointed out that a traffic report prepared by a traffic and transport planning consultancy firm was submitted in the last planning application and the advice and action lists recommended in the traffic report had been strictly implemented. C for T had no objection to the renewal application. Other government departments consulted had no adverse comment on the renewal application.

42. Members had no question on the application.

Deliberation Session

43. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 19.9.2012 to 18.9.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the implementation of the traffic arrangements as proposed by the applicant during the planning approval period; and
- (b) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

44. 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 premises;
- (b) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department (BD);
- (c) to note the comments of the Director of Buildings that:
 - (i) the proposed works under the application should comply with the Buildings Ordinance (BO) and the allied regulation;
 - (ii) provision of adequate numbers of exit which should comply with the requirements under Building (Planning) Regulation (B(P)R 41) and the Code of Practice for Means of Escape in Case of Fire 1996;
 - (iii) Barrier Free Access should be provided in accordance to B(P)R 72

including provision of an accessible unisex W.C. cubicle;

- (iv) natural lighting and ventilation should be provided to office areas, toilets and pantries under B(P)R 31 and B(P)R 36;
 - (v) the applicant should appoint an Authorized Person for preparation of the necessary submission to BD;
 - (vi) the applicant should be reminded that the kindergarten was required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority; and
 - (vii) the granting of the planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard;
- (e) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the application premises were within an area where there was no DSD sewerage connection available in the vicinity at present; and
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the proposed Hiram's Highway Stage 1 Improvement Project was in close proximity to application premises.

Under the project, Hiram's Highway would be widened towards the application premises and a noise barrier would be built in front of the application premises.

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

Agenda Item 8

Section 16 Application

[Open Meeting]

A/TKO/92

Proposed Flat (Departmental Quarters) in "Government, Institution or Community" zone, Government Land at Yau Yue Wan Village Road, Area 22, Tseung Kwan O
(RNTPC Paper No. A/TKO/92)

45. The Secretary reported that Environ Hong Kong Ltd., Meinhardt (C&S) Ltd. and J. Roger Preston Ltd. were the consultants of the applicant. Mr. Ivan C.S. Fu, who had current business dealings with the above three consultants, had declared an interest in this item. As the item was for deferral of the consideration of the application, the Committee agreed that Mr. Fu could stay in the meeting.

46. The Secretary also reported that on 20.8.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow sufficient time to reassess means to minimize impact on existing trees at the application site to address the comments from the Urban Design and Landscape Unit of the Planning Department.

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

Sha Tin, Tai Po and North District

Agenda Item 9

Section 12A Application

[Open Meeting]

Y/TP/17

Application for Amendment to the Draft Tai Po Outline Zoning Plan No. S/TP/23 from “Green Belt” to “Government, Institution or Community (2)” and “Government, Institution or Community (3)”, Lots 6 R.P., 54 R.P., 56, 440 S.A R.P., 441 R.P., 443 S.A, 443 R.P. 445 in D.D. 24 and adjoining Government land, No. 43 Ma Wo Road, Tai Po

(RNTPC Paper No. Y/TP/17)

48. The Secretary reported that on 9.8.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow sufficient time to address the comments raised by relevant government departments on the application.

49. The Secretary also reported that two letters dated 28.8.2012 and 4.9.2012 from Dynasty View Owners’ Committee had been received. These two letters enclosed a total of 575 standard letters from the residents of Classical Gardens which objected to the current deferral request and requested for permanent prohibition of planning application for columbarium development at the site and reinstatement of the site zoned “GB”. No objection reason was provided in the letters. These two letters were tabled at the meeting for Members’ consideration.

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

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-MTL/1 Proposed Temporary Government Refuse Collection Point for a Period of 5 Years in “Agriculture” zone, Government Land in D.D. 93, Liu Pok Village, Sheung Shui
(RNTPC Paper No. A/DPA/NE-MTL/1)

Presentation and Question Sessions

51. 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 temporary government refuse collection point (RCP) for a period of five years;
- (c) departmental comments – concerned departments had no objection to or adverse comment on the application as detailed in paragraph 8 of the Paper;
- (d) one public comment was received during the first three weeks of the statutory publication period. The public commenter supported the proposed RCP for providing convenience to the villagers. The District Officer (North) received local views from the Indigenous Inhabitant Representatives and Resident Representative of Liu Pok Village who supported the application as well as from the Chairman of Sheung Shui Rural Committee and incumbent District Council member who had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. There was no objection/adverse comment received from the locals or public commenters.

52. In response to a Member's question on the subject application for temporary use of 5 years as against other applications of 3 years, the Secretary explained that the proposed government RCP was a Column 2 use under the "AGR" zone, and it could be permitted on a permanent basis. However, it was the applicant's intention to obtain planning permission on a temporary basis for five years.

Deliberation Session

53. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 7.9.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2013;
- (b) in relation to (a) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2013;
- (c) the submission of landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.3.2013;
- (d) in relation to (d) above, the implementation of landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2013; and

- (e) if any of the above planning conditions (a), (b), (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.

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

- to liaise with the District Lands Officer/North, Lands Department on application for government land allocation.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-STK/4 Proposed Public Carpark (Private Car), and the Proposed Filling of Land for Agricultural Use and Public Carpark (Private Car) in “Green Belt” zone, Lot 151 S.G. ss.2 in D.D.40, Tam Shui Hang Village, Sha Tau Kok
(RNTPC Paper No. A/DPA/NE-STK/4A)

Presentation and Question Sessions

55. 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 public carpark (private car), and the proposed filling of land for agricultural use and public carpark (private car);
- (c) departmental comments – departmental comments were detailed in paragraph 10 of the Paper and highlighted as follows:

- (i) the Commissioner for Transport (C for T) did not support the application at this stage in view of the insufficient information for them to carry out assessment on any possible traffic impact arising from the proposed development during both construction and operation stages. The proposed development would involve 8 private car parking spaces and proposed ingress/egress was close to a signalised junction. In view of the traffic flow generated by the car park during both construction and operational stages, the applicant should demonstrate that the proposed ingress/egress arrangement would not adversely affect the operation of Sha Tau Kok Road/Sho Ho Road junction as well as the pedestrian flow on the footpath along Sha Tau Kok Road.;

- (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the application site fell within the “Green Belt” (“GB”) zone where there was a general presumption against development. According to the aerial photo taken in September 2011 by LandsD and the Land Use Planning for the Closed Area – Feasibility Study, the application site was a plantation. Their site inspection in March 2012 revealed signs of land filling and vegetation clearance within the application site and its vicinity. Filling materials observed were construction and demolition waste which were not suitable for agricultural use. Although they could not confirm whether the above works and the subject application were related, approval of this application might set an undesirable precedent for unauthorised site clearance/land filling prior to approval of development proposals/planning application;

- (iii) the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view. Based on the site visit conducted on 24.5.2012, it was noted that the application site was vacant with debris and construction waste. The site was surrounded by Sha Tau Kok Road, tree groups, a stream and police station, and was situated

in an area of rural landscape character. When comparing the aerial photo taken on 3.8.2010 with that taken on 8.9.2011 and their recent site visit, it was observed that the vegetation and tree groups on site had been removed and replaced by fill materials. Disturbance to the landscape resources and character on the application site and its adjoining area had taken place. The landfilling and the proposed public carpark were incompatible with the surrounding rural character. In addition, the filled materials consisting of debris and construction waste were not suitable for the proposed agricultural activity. The site was within the “GB” zone which provided a green buffer to the adjacent government, institution or community uses and Sha Tau Kok Road. Approval of the application would set an undesirable precedent and encouraged more landfilling and temporary carparks in the surrounding areas, leading to degradation of the “GB” zones and the rural environment; and

- (iv) the Commissioner of Police (C of P) objected to the application since the application site was in very close proximity to the major cross-road at Sha Tau Kok Road/Sho Ho Road. As Sha Tau Kok Road was the only vehicular access to Sha Tau Kok Control Point as well as to Sha Tau Kok Chuen, the current traffic flow was already heavy in particular during weekends. Turning the application site into the proposed public carpark would inevitably cause more obstruction thereat during the manoeuvring of vehicles into and out of the public carpark. Besides, that section of road was slightly bent on southbound which would create hazard to other road users given the fact that quite a number of heavy goods vehicles were travelling on Sha Tau Kok Road. With the increase of tourists/cyclists/hikers to Sha Tau Kok areas on weekends, the walkways on both sides of Sha Tau Kok Road near the application site were full of pedestrians. Constructing the proposed public carpark in amid of such a walkway gave rise to pedestrian safety concern.

- (d) six public comments were received during the first three weeks of the statutory publication period. Two Northern District Council members and a member of the general public supported the application since the proposed public carpark was good for the local citizens and the visitors. Kadoorie Farm & Botanic Garden Corporation, WWF Hong Kong and Designing Hong Kong objected the application on the following grounds:
- (i) the current application was not in line with the planning intention of “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl. There was a general presumption against development within this zone. Approval of this application would set an undesirable precedent for other similar applications in the area;
 - (ii) their site visits found that many areas within the application site had been filled and bricks and construction waste were present. It was not acceptable if the applicant adopted the tactics of “Destroy First, Develop Later” in the hope of getting the approval from the Board;
 - (iii) a large part of the application site fell within a mangrove areas which would be cleared due to the proposed public carpark, causing potential ecological and landscape impacts to the area; and
 - (iv) if there was a permanent shortage of parking facilities in the area, adequate permanent facilities must be zoned for and constructed in order to avoid the blight of temporary parking facilities.
- (e) District Officer (North), Home Affairs Department received local views from three village representatives of Tam Shui Hang who supported the application, as well as from one village representative of Tam Shui Hang and three village representatives of Shan Tsui who had no comment on it.
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper

and were summarized below:

- (i) on 15.6.2012, the Committee decided to defer consideration of the application in order to allow more time for PlanD to undertake further investigation so as to ascertain whether any unauthorized development (UD) was involved. Upon completion of the investigation, Chief Town Planner/Central Enforcement and Prosecution, PlanD advised that the debris and rubble on site had been removed and the site was in general covered by vegetation. No UD under the Town Planning Ordinance had been identified. Thus the application was not a “destroy first and build later” case;
- (ii) the application site fell within the “GB” zone where there was a general presumption against development. The proposed public carpark was not in line with the planning intention of the “GB” zone for the area. There was no strong planning ground to justify a departure from the planning intention of the “GB” zone;
- (iii) the application site was located within the “GB” zone which provided a green buffer to the adjacent uses and Sha Tau Kok Road. The proposed landfilling and the proposed public carpark were considered incompatible with the surrounding rural character. Approval of the application would set an undesirable precedent and encourage more landfilling and temporary car parks in the surrounding areas, thus leading to the degradation of the “GB” zones and the rural environment. CTP/UD&L of PlanD objected to the application from landscape perspective;
- (iv) the applicant had not demonstrated that the proposed ingress/egress arrangement would not adversely affect the operation of Sha Tau Kok Road/Sho Ho Road junction as well as the pedestrian flow on the footpath along Sha Tau Kok Road. In view of the insufficient information, C for T did not support the application. Further, the proposed ingress/egress, which was outside the application site,

would pass through government land which had been allocated for the implementation of watermains project tentatively scheduled to commence in February 2013 for completion in June 2013 (Plan A-2 of the Paper), and might create interface problem;

- (v) Sha Tau Kok Road was the only vehicular access to the Sha Tau Kok Boundary Control Point as well as to Sha Tau Kok Chuen, and the current traffic flow was already heavy especially during weekends. The proposed public carpark would induce obstruction during the manoeuvring of vehicles into and out of the site. Besides, that section of road was slightly bent on southbound which would create hazard to other road users given the fact that quite a number of heavy goods vehicles were travelling on Sha Tau Kok Road. With the increase of tourists/cyclists/hikers to Sha Tau Kok areas on weekends, the walkways on both sides of Sha Tau Kok Road near the application site were full of pedestrians. The proposed location of the public carpark would also give rise to pedestrian's safety concern. In this regard, C of P objected to the application; and
- (vi) there were objecting public comments mainly on grounds of unconformity to the planning intention of "GB" zone, undesirable precedent and adverse environmental impacts on the surrounding.

56. Members had no question on the application.

Deliberation Session

57. A Member commented that as Sha Tau Kok Road was narrow with heavy traffic and there was an increasing number of visitors to Sha Tau Kok, the proposed public carpark at Sha Tau Kok Road would give rise to pedestrian safety problem. The Member did not support the application.

58. 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 under application was not in line with the planning intention of the “Green Belt” (“GB”) zone for the area 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. There was no strong planning justification for a departure from the planning intention of the “GB” zone;
- (b) there was insufficient information to demonstrate that the proposed development under application would not cause adverse impacts on traffic in the surrounding area and safety to other road users including cyclists and pedestrians; and
- (c) there was insufficient information to demonstrate that the proposed development would not have significant landscape impact on the surrounding areas. The proposed landfilling and the proposed public carpark (private car) were considered incompatible with the surrounding rural character. Approval of the application would set an undesirable precedent and encourage more landfilling and temporary car parks in the surrounding areas, thus leading to the degradation of the “GB” zones and the rural environment.

Agenda Item 12

Section 16 Application

[Open Meeting]

A/DPA/NE-TKP/12 Proposed 16 Houses (New Territories Exempted Houses - Small Houses) and Utility Installation for Private Project (Sewage Treatment Plant) in “Unspecified Use” zone, Various Lots in DD 293 and adjoining Government Land, To Kwa Peng, Sai Kung North (RNTPC Paper No. A/DPA/NE-TKP/12B)

59. The Secretary reported that on 24.8.2012, the applicants requested the Board to defer making a decision on the application for another two months in order to allow sufficient time to prepare further detailed information to address the specific comments of the Urban Design and Landscape Unit of the Planning Department, Environmental Protection Department, Drainage Services Department and Agriculture, Fisheries and Conservation Department.

60. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since a total period of six months had been allowed, this should be the last deferment and no further deferment would be granted unless under very special circumstances.

Agenda Items 13 to 18

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

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/481A)

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/482A)

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/483A)

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/484A)

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/485A)

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/486A)

Presentation and Question Sessions

61. The Committee noted that the six applications were similar in nature and the application sites were located in close proximity to each other within the same “Agriculture” (“AGR”) zone. The Committee agreed that these six applications could be considered together.

62. With the aid of a Powerpoint, Ms. Maggie M.Y. Chin, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed houses (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the respective Papers. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from an agricultural development point of view as the application sites and its vicinity were of high potential for agricultural rehabilitation. Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the applications from landscape planning perspective. It was noted that a 5m vehicular

access/emergency vehicular access (EVA) would be constructed to the application sites, however there was no information regarding the alignment of the proposed vehicular access/EVA and no tree survey had been submitted. Impact on the existing tree groups could not be ascertained. Also, no landscape proposals for the proposed small houses were submitted;

- (d) one public comment was received for each application during the first three weeks of the statutory publication period. The public comments for each application were the same which were submitted by an indigenous villager commenting that given there were 13 Small Houses development (including the six proposed Small Houses under the subject applications), the Board and relevant government departments should monitor the provision of fire services installations, EVA, landscape and drainage facilities, in order to avoid adverse impacts on the adjoining area;
- (e) District Officer (North), Home Affairs Department received local views from the indigenous inhabitant representative of Kan Tau Tsuen who raised objection to the applications on the grounds that the proposed Small Houses fell outside the 'VE' of Kan Tau Tsuen, and from the Chairman of Fanling District Rural Committee who had no comment on it; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments made in paragraph 12 of the Papers. Regarding DAFC's concerns about high potential of the application sites for agricultural rehabilitation, it was noted that the application sites were currently covered by weeds with no major vegetation. To address CTP/UD&L's concerns on the lack of tree survey and landscape proposal submitted to ascertain the landscape impact, it was recommended to impose an approval condition on the submission and implementation of landscape proposal. To address CTP/UD&L's concern on the alignment of the proposed vehicular access / EVA, it was recommended to impose another approval condition on the provision of fire-fighting access to the satisfaction of Director of Fire Services who would provide advice on the

safety requirements upon receiving of formal Small House applications referred by LandsD. Commissioner for Transport had no comment on the proposed vehicular access. Regarding the local concern that the proposed Small Houses fell outside the 'VE' of Kan Tau Tsuen, it was noted the footprints of the proposed Small Houses fell entirely (100%) within the 'VE' of Kan Tau Tsuen (except the proposed Small House under application No. A/NE-LYT/484 that about 65.7% of its footprint fell within the 'VE' of Kan Tau Tsuen) as shown in Plan A-2 of the respective Papers. To address the public concern regarding the adverse impacts on fire safety, drainage and landscape aspects, approval conditions on submission and implementation of drainage and landscape proposals, and provision of fire-fighting access, water supplies for fire-fighting and fire service installations, were recommended to be imposed.

63. Members had no question on the applications.

Deliberation Session

64. In response to a Member's question, Ms. Maggie Chin said that an advisory clause (d) had been stipulated to remind the applicant that the proposed access road to the development did not form part of the application, and the applicant should obtain planning permission from the Board for constructing the proposed access road when required.

65. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 7.9.2016, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permission was subject to the following conditions :

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

the TPB; and

- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) 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;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant might need to extend their inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards;
 - (ii) the application site was located within the flood pumping gathering ground; and
 - (iii) the water mains in the vicinity of the application site could not provide the standard pedestal hydrant.
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department; and

- (d) 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 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/489 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1677 RP in D.D. 76, Leng Pei Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/489)

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

Presentation and Question Sessions

67. Ms. Maggie M.Y. Chin, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development point of view as active agricultural activities were noted in the vicinity of the application site and the site was of high potential for agricultural rehabilitation. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had reservation on the

application. There was an existing watercourse to the northeast of the application site and it seemed that part of the concerned watercourse adjacent to the application site had been filled up and converted to an underground drainage pipe;

- (d) two public comments were received during the first three weeks of the statutory publication period. One comment from a North District Council member indicated no specific comment on the application while the other comment from Kadoorie Farm and Botanic Garden Corporation expressed concern that the application was not in line with the planning intention of “Agriculture” (“AGR”) zone. If the application was approved, there would be numerous similar applications targeting the area in “AGR” zone and it would result in loss of agricultural land and adversely affect the nearby farming activities. The area of agricultural land in Hong Kong should not be further reduced in order to safeguard the important public interest in respect of food supply. The Government should take all possible steps to protect Hong Kong’s agricultural land to secure a stable food supply. District Officer (North), Home Affairs Department received supportive views from the resident representative and the indigenous inhabitant representative of Leng Pei Tsuen; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Regarding DAFC’s concerns about high potential of the application site for agricultural rehabilitation, it was noted that the application site was located to the west of the “V” zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen village cluster and the footprint of the proposed Small House fell entirely within the ‘VE’ of the same village cluster. To address the CE/MN of DSD’s concerns about the watercourse adjacent to the application site, it was recommended to impose an approval condition requiring the applicant to submit and implement drainage proposal. Moreover, the applicant was advised to allow a minimum clearance of 3m between the footprint of the proposed Small House development and the nearest extremity of the underground drainage pipe as recommended by CE/MN of DSD.

68. Members had no question on the application.

Deliberation Session

69. 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 7.9.2016, 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 proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department as follows:
 - (i) the drainage proposal should include details of how the existing flow paths as well as the runoff falling onto and passing through the site were intercepted and disposed of via proper discharge points;
 - (ii) to allow a minimum clearance of 3m between the footprint of the proposed Small House development and the nearest extremity of the underground drainage pipe adjacent to the application site; and

- (iii) 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;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant might need to extend their inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards;
 - (ii) the application site was located within the flood pumping gathering ground; and
 - (iii) the water mains in the vicinity of the application site could not provide the standard pedestal hydrant.
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department; and
- (d) 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 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/490 Renewal of Planning Approval for Temporary Retail Shop (Building Materials and Metalwares) for a Period of 3 Years in “Agriculture” and “Village Type Development” zones, Lots 578 RP (Part), 579 RP (Part) and 580 RP in D.D. 83 and adjoining Government Land, Kwan Tei, Fanling
(RNTPC Paper No. A/NE-LYT/490)

Presentation and Question Sessions

71. Ms. Maggie M.Y. Chin, 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 retail shop (building materials and metalwares) under Application No. A/NE-LYT/388, which would be valid until 18.9.2012, for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comment 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 from a North District Council member supported the application as it facilitated the need of the concerned villagers. District Officer (North) received local views from the Indigenous Inhabitants Representative of Kwan Tei who raised objection to the application on the grounds that Sha Tau Kok Road would be congested when heavy vehicles (e.g. container vehicles or concrete vehicles) entered or exited the application site, and nearby village houses and residences were affected by dust emitted from the sand depot of the site; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 11 of the Paper. Regarding the local objection received, it was noted that Director of Environmental Protection had not received any complaint on the application site in the past 3 years. The local concern could be addressed by imposing relevant approval conditions to monitor the situation;

72. Members had no question on the application.

Deliberation Session

73. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 19.9.2012 until 18.9.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the removal of the temporary structure protruding beyond the application site boundary before the commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB;
- (b) no night time operation between 9:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (c) the setback of the eastern and northern boundary of the site to provide clearance of 3.5m from the crest of the Kwan Tei River embankment to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the environmental mitigation measures implemented under the previous application No. A/NE-LYT/388 should be properly maintained on the application site during the planning approval period;
- (e) the vehicular access, car parking and loading/unloading spaces and manoeuvring paths implemented under the previous application

No. A/NE-LYT/388 should be properly maintained on the application site during the planning approval period;

- (f) the submission of tree preservation and landscape proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2013;
- (g) in relation to (f) above, the implementation of tree preservation and landscape proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2013;
- (h) the submission of a drainage proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2013;
- (i) in relation to (h) above, the implementation of a drainage proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.6.2013;
- (j) the submission of proposals 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 18.3.2013;
- (k) in relation to (j) 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 18.6.2013;
- (l) 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; 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.

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

- (a) the permission was given to the uses under application. It did not condone any other uses which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such uses not covered by the permission;
- (b) to note the Director of Land's advice that should planning permission be granted, the owners of the lots should be advised to apply to his office for a Short Term Waivers (STWs) and a Short Term Tenancy (STT) for the regularisation of the additional structures and the unauthorized occupation of Government land. There were no guarantees that the STWs and STT would be granted to the applicant. If the STWs and STT were granted, the grants would be made subject to such terms and conditions to be imposed as the government should deem fit to do so including the payment of STW and STT fees/rent;
- (c) 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 (BD),

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 approval. In doing so, the applicant should note that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked 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.

- (d) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that:
 - (i) existing water mains would be affected. A waterworks reserve within 1.5 metres from the centreline of the water main shown in the enclosed plan should be provided to WSD. 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 not, the developer should bear the cost of the diversion works affected by the proposed development;

 - (ii) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services

within the private lots to WSD's standards; and

- (iii) the site was located within the flooding pumping gathering ground;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the 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;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, BD that:
 - (i) if the existing structures were erected on leased land without approval of the BD, they were unauthorized under Buildings Ordinance (BO) and should not be designated for any approved use under the application; and
 - (ii) for unauthorized building works (UBW) erected on leased land, enforcement action might be taken by the 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 an acceptance of any existing building works or UBW on the application site under the BO;
- (g) to note the Chief Town Planner/Urban Design & Landscape's comment that the existing trees within the site were generally in good condition. However, tree planting opportunity was available at the western boundary; and
- (h) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/388 Temporary Open Storage of Metals and Tools and Containers (for Office and Storage of Tools) for a Period of 3 Years in “Agriculture” zone, Lot 1403 RP (Part) in D.D. 77, Ping Che, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/388)

Presentation and Question Sessions

75. Ms. Maggie M.Y. Chin, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied temporary open storage of metals and tools and containers (for office and storage of tools);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected;
- (d) two public comments were received during the first three weeks of the statutory publication period. One comment from a North District Council member indicated no specific comment on the application, while the other comment from Kadoorie Farm and Botanic Garden Corporation expressed concern on the application that it was not in line with the planning intention of “AGR” zone. If the application was approved, there would be numerous similar applications targeting the area in “AGR” zone and it would result in loss of agricultural land and adversely affect the nearby farming activities. The area of agricultural land in Hong Kong should not be further reduced in order to safeguard the important public interest in

respect of food supply. The Government should take all possible steps to protect Hong Kong's agricultural land to secure a stable food supply. 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 under the application could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. The concern of DEP could be addressed through the implementation of approval condition of restricting the operation hours on the application site. Besides, there was no pollution complaint regarding the application site in the past 3 years. The applicant would also be advised to follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to alleviate any potential impact. As regards the public concern on the potential loss of agricultural land, Director of Agriculture, Fisheries and Conservation had no strong view against the application as the site had been used for open storage for some years.

76. Members had no question on the application.

Deliberation Session

77. A Member queried how the concern of District Lands Officer/North (DLO/N) mentioned in paragraph 12.5 of the Paper (i.e. the total built-over area of existing structures had exceeded the one stipulated in the current application) could be addressed. Ms. Chin replied that the applicant should rearrange the existing structures in accordance with the submitted layout plan, and an advisory clause (d) was recommended to remind the applicant to apply to DLO/N for short term waivers for regularization of structures erected.

78. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.9.2015, 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 5:00 p.m. and 9:00 a.m., as proposed by the applicant, should be allowed on the application site during the planning

approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, should be allowed on the application site during the planning approval period;
- (c) the peripheral fencing and paving of the site should be maintained during the planning approval period;
- (d) no medium and heavy goods vehicles exceeding 5.5 tonnes 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;
- (e) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2012;
- (f) in relation to (e) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.3.2013;
- (g) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.12.2012;
- (h) in relation to (g) above, the implementation of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2013;
- (i) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.10.2012;

- (j) the submission of proposals for water supplies for fire fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2012;
- (k) in relation to (j) above, the implementation of proposals for water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.3.2013;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j), or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) shorter compliance periods for approval conditions were granted in order to closely monitor the situation in compliance of application conditions;
- (b) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) the permission was given to the uses under application. It did not condone any other uses which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such uses not covered by the permission;

- (d) to note the District Lands Officer/North, Lands Department's advice that the owners of the lots should be advised to apply to his office for Short Term Waivers (STWs) for regularization of the structures erected. There was no guarantee that STWs would be granted to the applicants. If the STWs were granted, the grants would be made subject to such terms and conditions to be imposed as the Government should deem fit to do so including the payment of STWs fees;
- (e) to note the Chief Highway Engineer/New Territories East, Highways Department's comments that any access road leading from Ping Che Road to the application site was not maintained by his department;
- (f) to note Chief Engineer/Development(2), Water Supplies Department's comment that water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (g) to note Director of Fire Service's comments on the following:
 - (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 the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and 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;
- (h) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewerage treatment/disposal facilities for the proposed development; and
- (i) to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances.

Agenda Item 22

Section 16 Application

[Open Meeting]

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

80. The Secretary reported that according to the comments given by Director of Fire Services (D of FS) on the latest further information submitted on 13.7.2012, the exact composition, quantities and storage locations of some paint products were required so that the requirements for a dangerous good licence could be formulated. On 3.9.2012, the applicant requested the Board to further defer making a decision on the application for one month in

order to allow time to prepare additional information to address the comments given by D of FS. D of FS had no objection in-principle to the subject deferment.

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

[Mr. Frankie W.P. Chou left the meeting at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/787 Proposed Office in “Industrial” zone, Flat X, 2/F, Valiant Industrial
Centre, No. 2-12, Au Pui Wan Street , Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/787)

Presentation and Question Sessions

82. 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 office;
- (c) departmental comments – concerned departments had no objection to or adverse comment 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 was received from the Incorporated Owners of Unison Industrial Centre who had no objection to the application subject to no objection from the owner of Valiant Industrial Centre and the proposed office would not cause adverse impacts on the adjacent buildings. The other comment was received from a member of the public who had no comment. No local objection/view was received by the District Officer (Sha Tin); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 11 of the Paper. It was noted that no adverse public comment had been received against the application.

83. Members had no question on the application.

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

Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.9.2015, 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 7.3.2013;

- (b) the submission of an air quality assessment and the implementation of suitable mitigation measures identified therein within 6 months from the date of approval to the satisfaction of the Director of Environmental Protection or of the TPB by 7.3.2013; 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.

85. 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/Shia 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 proposed use should comply with the requirements under the Buildings Ordinance. For instance, the office 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; 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 Items 24 and 25

Section 16 Application

[Open Meeting]

A/TP/520 Proposed House (New Territories Exempted House – Small House) in
“Green Belt” zone, Government land in D.D. 26, Ha Tei Ha Village,
Shuen Wan, Tai Po

(RNTPC Paper No. A/TP/520A)

A/TP/521 Proposed House (New Territories Exempted House – Small House) in
“Green Belt” zone, Government land in D.D. 26, Ha Tei Ha Village,
Shuen Wan, Tai Po

(RNTPC Paper No. A/TP/521A)

86. The Committee noted that the two applications were similar in nature and the application sites were located in close proximity to each other within the same “Green Belt” (“GB”) zone. The Committee agreed that these two applications could be considered together.

87. The Secretary reported that the applicants requested the Board to defer making a decision on the applications for two months to allow time for their engineer, who had already completed topographical survey of the sites, to design the retaining wall, prepare drainage and landscaping proposals and carry out ground investigation works to substantiate their applications.

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

[The Chairman thanked Mr. Otto K.C. Chan, Ms. Maggie M.Y. Chin and Mr. Anthony K.O.

Luk, STPs/STN, for their attendance to answer Members' enquires. Mr. Chan, Ms. Chin and Mr. Luk left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/37 Temporary Place of Recreation, Sports or Culture (Fishing Ground) for a Period of 3 Years in "Agriculture" zone, Lots 80 (part) and 81 (part) in D.D. 135 and adjoining Government Land, Pak Nai, Yuen Long (RNTPC Paper No. A/YL-PN/37)

Presentation and Question Sessions

89. 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 applied temporary place of recreation, sports or culture (fishing ground) for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comment 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 commenter objected to the application on environmental grounds. 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 based on the assessments made in paragraph 11 of the Paper. Regarding the public objection, it was noted that Director of Environmental Protection had no objection to the application.

90. In response to a Member's question on how PlanD would decide on the list of departments to be consulted for the applications, Mr. Lai said that PlanD would decide on the departments to be consulted based on the nature of the application and the type of expert advice required.

Deliberation Session

91. In response to a Member's question, Mr. Lai said that according to the applicant's submission, no car parking space was provided at the site since most of the visitors would go to the fish ground by green minibus rather than private car. He added that the Commissioner of Police had no adverse comment on the application on traffic aspect.

92. A Member commented that since the access road to the fish ground (i.e. Nim Wan Road) was a one-lane two-way road and there was only few parking spaces in the vicinity of the application site, the visitors to the fish ground were well aware of the traffic infrastructure constraint and usually would not go there by private cars. The Member said that since Pak Nai had been established as an area for fish ground and other similar uses without any major traffic problem, the fish ground under the application could be tolerated for another three years. Another Member agreed to approve the application, but suggested Transport Department (TD) to undertake some road improvement works at Nim Wan Road. In response, Mr. K.C. Siu clarified that Nim Wan Road fell outside TD's purview and TD had advised the applicant to provide a loading/unloading bay in the application site which was stipulated as an advisory clause in paragraph 12.2(f) of the Paper. The Vice-chairman

also agreed to tolerate the fish ground under the application for three more years in order to optimize the use of the application site for recreational use, rather than leaving the site vacant.

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.9.2015, 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 9:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the existing drainage facilities on the site should be maintained at all times during the approval period;
- (c) the submission of the condition record of the existing drainage facilities on-site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.12.2012;
- (d) the submission of a landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2012;
- (e) in relation to (d) above, the implementation of the 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 7.3.2013;
- (f) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2012;
- (g) in relation to (f) above, the implementation of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.3.2013;

- (h) if any of the above planning conditions (a) and (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (i) if any of the above planning conditions (c), (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods were granted in order to monitor the situation of the site and the fulfillment of approval conditions;
- (c) sympathetic consideration would not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (e) note the District Lands Officer/Yuen Long's comments that the private land under application comprised Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structures were allowed to be erected without prior approval of the Government. Letter of Approval No. MT/LM 14530 was granted on Lot 81 at the south-eastern corner of the application site to allow for erection of agricultural structures. No approval was given for the 2 specified structures as rain shelters. No permission was given for occupation of Government Land (GL) included in the site. Applications

for Short Term Waiver (STW) / Short Term Tenancy (STT) had been received for regularizing the existing unauthorized structures on site. The site was accessible to Nim Wan Road via a local van track on GL. His office provided no maintenance works for the GL and did not guarantee right-of-way. Should planning approval be granted, his office would continue processing of the applicant's STT and STW applications. Such application would be considered by Lands Department (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;

- (f) note the Commissioner for Transport's comments that the existing access road leading to the site from Nim Wan Road fell outside Transport Department's (TD) purview. Its land status 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. The applicant was advised to provide a loading /unloading bay within the site;
- (g) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the proposed access arrangement should be approved by TD and adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD should not be responsible for the maintenance of any access connecting the application site and Nim Wan Road;
- (h) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the applicant was required to replace the dead tree and the seriously leaning tree found within the site;
- (i) note the Director of Agriculture, Fisheries and Conservation's comments that appropriate measures should be taken to prevent any disturbance and environmental hygiene problems that might affect the fishponds and fish

culture activities nearby during the operation of the proposed use;

- (j) note the Director of Fire Services' comments on the following:
 - (i) to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval. In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the following requirements for open storage of combustibles:
 - a. a modified hose reel system supplied by 2m³ FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans;
 - b. portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans; and
 - c. fire alarm system should be provided to the entire building in accordance with BS 5839: Part 1:2002 + A2:2008 and FSD Circular Letter No. 1/2009. 1 actuating point and 1 audio warning device to be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device initiation.
 - (ii) in formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the following requirements for other storage open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by

occupancy and should be clearly indicated on plans;

- (iii) the applicant also should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; clarification should be made on whether any converted container(s) was involved; and the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
- (iv) should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed in the above, the applicant was required to provide justifications for his consideration;
- (k) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that if the existing structures were erected on leased land without approval of the BD, they were unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works were to be carried out on the site, the prior approval and consent of Buildings Authority (BA) should be obtained, otherwise they were unauthorized building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO. If the proposed use was subject to issue of a licence, 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. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation

19(3) of the B(P)R at the building plan submission stage; and

- (l) note the Director of Leisure and Cultural Services' comments the applicant was requested to inform the Antiquities and Monuments Office in case of discovery of antiquities or supposed antiquities in the course of work.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/389 Temporary Open Storage of Construction Materials and Machineries and Storage of Tools and Parts with Ancillary Site Office for a Period of 3 Years in "Undetermined" zone, Lots 1630RP, 1631RP(Part), 1633RP(Part), 1634, 1635RP, 1635S.ARP, 1636RP(Part), 1712RP(Part), 3206RP, 3225RP, 3226RP, 3228RP, 3230-3235, 3236RP(Part), 3237(Part), 3239(Part), 3240, 3241(Part), 3244(Part), 3246(Part), 3247(Part), 3339(Part), 3340-3350, 3351RP, 3352RP, 3370-3376 in D.D. 124, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/389)

Presentation and Question Sessions

95. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Mr. Ivan C.S. Fu and Ms. Janice W.M. Lai, who had current business dealings with SHK, had declared an interest in this item. The Committee noted that Ms. Lai had tendered apologies for not attending the meeting. The Committee considered that the interest of Mr. Fu was direct and agreed that he should be invited to withdraw from the meeting.

[Mr. Ivan C.S. Fu left the meeting temporarily at this point.]

96. 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 applied temporary open storage of construction materials and machineries and storage of tools and parts with ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and/or access road and environmental nuisance was expected. According to DEP’s record, the site was the subject of an environmental complaint in 2009 which was about pump and machine noise emitted from a refrigerator of the workshop inside the site. The operator was advised to reduce the noise and later the pump was covered and the complainant was satisfied;
- (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 based on the assessments made in paragraph 12 of the Paper. To address DEP’s concern and mitigate any potential environmental impacts, approval conditions including restrictions on operation hours, no operation on Sundays and public holidays, prohibiting workshop activities, as well as provision of periphery fencing were recommended in the approval conditions, which would reduce the potential environmental nuisance on the surrounding areas. Any non-compliance with the approval condition would result in revocation of the planning permission and unauthorised development on site would be subject to enforcement action by the Planning Authority. In addition, the applicant would be advised to undertake environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise the possible environmental impacts on the nearby sensitive receivers. Although, there

was one noise nuisance complaint, it was related to noise from a refrigerator at the site. The pump and machinery of the refrigerator were covered subsequently and the complainant was satisfied.

97. Members had no question on the application.

Deliberation Session

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.9.2015, 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. to 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 was allowed at the site during the planning approval period;
- (c) no dismantling, repairing or other workshop activities were allowed at the site at any time during the planning approval period;
- (d) the provision of a waterworks reserve within 1.5m from the centreline on both sides of the existing water mains on site should be provided at all times during the approval period;
- (e) the existing drainage facilities on site should be maintained at all times during the approval period;
- (f) 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 19.10.2012;
- (g) the submission of the condition record of the existing drainage facilities on-site within 3 months from the date of planning approval to the

satisfaction of the Director of Drainage Services or of the TPB by 7.12.2012;

- (h) the provision of peripheral fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2012;
- (i) the submission of a run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.12.2012;
- (j) in relation to (i) above, the implementation of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.3.2013;
- (k) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2012;
- (l) in relation to (k) above, the provision of fire service installations proposed within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.3.2013;
- (m) the submission of a tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2012;
- (n) in relation to (m) above, the implementation of the tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.3.2013;
- (o) 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;

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

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development (including open storages of recycling materials) which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) shorter compliance periods were granted in order to monitor the situation of the site and the fulfillment of approval conditions;
- (c) sympathetic consideration would not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (e) note the District Lands Officer/Yuen Long's comments that no structure was allowed to be erected without the prior approval of the Government. Change of use of the site would cause a breach of the terms of the Modification of Tenancy and Letter of Approval concerned. No approval was given for specified structures on lots other than Lots 3371 and 3373 for

storage, shelters, site offices, toilet, staff canteen and guard houses. The site abutted Yick Yuen Road leading to Castle Peak Road – Hung Shui Kiu. His office provided no maintenance work for the Government land (GL) involved and did not guarantee right-of-way. Should the application be approved, 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 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;

- (f) adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any possible environmental nuisances;
- (g) note the Commissioner for Transport’s comment 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;
- (h) note the Chief Highway Engineer/New Territories West, Highways Department’s (HyD) comment that the proposed access arrangement of the site from Yick Yuen Road should be commented and approved by Transport Department (TD). If the proposed run-in was agreed by TD, the applicant should construct a run in/out at the access point at the road near Yick Yuen Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H51333, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains.

HyD should not be responsible for the maintenance of any access connecting the site and Yick Yuen Road;

- (i) note the Director of Fire Services' comments on the following:
 - (i) that in formulating fire service installations (FSIs) proposal for the proposed structure, the applicant was advised to make reference to the following requirements for enclosed structure with total floor area less than 230m²:
 - a. sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838;
 - b. sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and FSD Circular Letter 5/2008;
 - c. fire alarm system should be provided to the entire building in accordance with BS 5839: Part 1: 2002 + A2: 2008 and FSD Circular Letter No. 1/2009. 1 actuating point and 1 audio warning device to be located at each hose reel point and this actuation point should be facilities for fire pump start and audio/visual warning device initiation;
 - d. a modified hose reel system supplied by a 2m³ FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans;
 - e. portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans; and

- f. sprinkler system should be provided to the entire building in accordance with BS EN 12845: 2003 and FSD Circular Letter 3/2006. The classification of occupancies and capacity of sprinkler pump room, sprinkler inlet and sprinkler control valve group should be clearly marked on plans.
- (ii) in formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the following requirements for open storage of combustibles, such as recycling sites:
- a. a modified hose reel system supplied by 2m³ FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans;
 - b. portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans; and
 - c. fire alarm system should be provided to the entire building in accordance with BS 5839: Part 1:2002 + A2:2008 and FSD Circular Letter No. 1/2009. 1 actuating point and 1 audio warning device to be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device initiation.
- (iii) in formulating FSIs proposal for the proposed structure, for other storage open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structure, the applicant was advised to make reference to the requirements that portable hand-operated approved

appliance should be provided as required by occupancy and should be clearly indicated on plans;

- (iv) in addition, the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; should adhere to the “Good Practice Guidelines for Open Storage Sires”; and the location of where the proposed FSI to be installed should be clearly marked on the layout plans.
- (v) furthermore, should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed in the above, the applicant was required to provide justifications for his consideration.
- (j) note the Chief Building Surveyor/New Territories West, Buildings Department’s (BD) comments that there was no record of approval by the Building Authority (BA) for the structures existing at the site. The applicant’s attention was drawn to the following points:
 - (i) if the existing structures were erected on leased land without approval of the BD, they were unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works were to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as acceptance of any existing building works or UBW on the site under

the BO;

- (iv) in connection with (ii) above, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and
- (v) if the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (k) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that the existing water mains would be affected and a waterworks reserve within 1.5m from the centerline on both sides of the water mains should be provided to WSD. No structure should be erected over the 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. No tree/shrubs should be planted within the waterworks reserve. No change of the existing conditions should be undertaken without prior agreement of WSD.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/79 Proposed Temporary Shop and Services (Construction Consultancy Services) with Ancillary Private Vehicle Park for a Period of 3 Years in “Village Type Development” zone, Lot 957 RP in D.D. 375, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM-SKW/79)

[Mr. Ivan C.S. Fu returned to the meeting at this point.]

Presentation and Question Sessions

100. 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 temporary shop and services (construction consultancy services) with ancillary private vehicle park for a period of 3 years;
- (c) departmental comments – concerned 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 (Tuen Mun); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper.

101. Noting that the proposed use under application was 'shop and services', a Member asked whether it would include any shops. In response, Mr. Kan clarified that no shopping element was included in the proposed use. He explained that 'shop and services' was a broad use term for the purpose of planning application and the applicants had specified that the proposed use was only for providing construction consultancy services and would not include any shops there.

102. A Member asked whether the applicants were allowed to store samples of construction materials in the application site if the application was approved. In response, Mr. Kan said that an approval condition was suggested in paragraph 12.2(d) of the Paper to prohibit any storage of construction materials or workshop use in the application site.

Deliberation Session

103. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.9.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m. from Mondays to Fridays, as proposed by the applicants, was allowed on the site during the planning approval period;
- (b) no operation between 12:00 noon and 9:00 a.m. on Saturdays, as proposed by the applicants, was allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicants, were allowed on the site during the planning approval period;
- (d) no storage of construction materials or workshop use, as proposed by the applicants, was allowed at any time during the planning approval period;
- (e) only private cars with valid licence issued under the Road Traffic Ordinance, as proposed by the applicants, were allowed to be parked/stored

on the 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 7.3.2013;
- (g) in relation to (f) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2013;
- (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 7.3.2013;
- (i) in relation to (h) 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 7.6.2013;
- (j) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.3.2013;
- (k) in relation to (j) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2013;
- (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 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.

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

- (a) the planning permission was given to the development/uses under application. It did not condone any other development/uses and structures which currently existed on the application site but not covered by the application. The applicants should be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (b) 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;
- (c) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that according to his site inspection on 31.7.2012, structures were found erected within the site with a minor part of one of the structures straddling on the adjoining private lot. As the adjoining private lot was not involved in the planning application and it was noted that the total built-over area and height of the existing structures were greater than those proposed in the planning application, he presumed that the applicants would remove these existing structures and develop the site in accordance with the development schedule on the proposed layout plan. The owner of the lot would need to apply to his Office for a Short Term Waiver (STW) for erection of the structures on the lot. He would advise that the STW proposal would only be considered upon his receipt of formal application from the owner of the lot. There was no guarantee that the application, if received by his Office, would be approved and he reserved his comment on

such. The application would be considered by the LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application was approved, it would be subject to such terms and conditions as the Government should deem fit to do so, including charging of waiver fee, deposit and administrative fee;

- (d) to note the comments of the Director of Environmental Protection that regarding sewage disposal aspect, the applicants should collect, treat and dispose of the wastewater arising from the site in compliance with the requirements of the Water Pollution Control Ordinance. When village sewerage became available at the site, the applicants should discharge all sewage arising from the site to the foul sewer;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department at Appendix II of the Paper;
- (f) to note the comments of the Director of Fire Services at Appendix II of the Paper;
- (g) to note the comments of the Director of Leisure and Cultural Services that every effort should be made to preserve the existing trees on the site (if any) and minimize the adverse effect to them during the works period. Should any tree be inevitably affected, the Authorized Person was required to submit a tree felling/transplanting proposal in advance to the relevant authority for comment in accordance with the Environment, Transport and Works Bureau Technical Circular (Works) No. 3/2006; and
- (h) to note the comments of the Director of Electrical and Mechanical Engineering at Appendix II of the Paper.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/418 Renewal of Planning Approval for Temporary Vehicle Park for Goods Vehicles and Container Vehicles and Tyre Repair Area with Ancillary Canteen and Site Office for a Period of 3 Years in “Residential (Group D)” zone, Lots 56 RP, 165 RP, 166 RP and 167 S.B RP in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/418)

Presentation and Question Sessions

105. 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 vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office under Application No. A/YL-ST/375, which would be valid until 18.9.2012, for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Director of Environmental Protection (DEP) did not support the application according to the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, because the temporary development involved movement of goods vehicles and container vehicles and there were sensitive receivers (residential dwellings) within 100m from the boundary of the site. The nearest residential dwellings were at about 38m to the northeast of the application site on the opposite side of Castle Peak Road – San Tin. Environmental nuisance affecting the nearby residential use was expected;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 12 of the Paper. Regarding DEP's objection, although the nearest dwelling was at about 38m to the northeast of the application site, it was separated from the application site by a nullah and Castle Peak Road – San Tin. There was no environmental complaint received in the past 3 years and there was no local objection received on current application. To address DEP's concerns and mitigate potential environmental impacts on the surrounding area, approval conditions restricting the operation hours and requiring maintenance of paving, and provision of boundary fencing were recommended. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant would be advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize the possible environmental impacts.

106. Members had no question on the application.

Deliberation Session

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 19.9.2012 to 18.9.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site during the planning approval period;

- (b) no operation between 11:00 p.m. and 7:00 a.m. from Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation between 6:00 p.m. and 11:00 a.m. on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the paving on the site should be maintained at all times during the planning approval period;
- (e) the landscape planting within the site should be maintained in good condition at all times during the planning approval period;
- (f) a vehicular access/run-in between the site and Shek Wu Wai Road 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 18.3.2013;
- (j) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2013;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning

approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2013;

- (l) the provision of boundary fencing within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2013;
- (m) 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;
- (n) if any of the above planning conditions (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.

108. 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 occurred 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 District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the land under 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 container site office, canteen and tyre repairing area. No permission was given for occupation of the government land (GL) (about 690m² subject to verification) included into the application site. The application site was accessible via a short stretch of GL onto Shek Wu Wai Road. His Office provided no maintenance works for the GL and did not guarantee right-of-way. An application for Short Term Waiver (STW) to regularize the irregularities on site had been received by his Office. His Office would continue processing of the STW application. The current 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 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 Director of Agriculture, Fisheries and Conservation’s comment that the applicant was advised to adopt good site practices and necessary measures to avoid causing water pollution to the nearby watercourse;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department’s detailed comments at Appendix VI of the Paper;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department’s (BD) comments 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 containers/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. 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) Regulations 41D should be provided. His detailed comments were at Appendix VII of the Paper;

- (h) to note the Director of Fire Services' comments 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 VIII of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed at Appendix VIII of the Paper, the applicant was required to provide justifications to his Department for consideration;
- (i) to note the Director of Electrical and Mechanical Services' detailed comments at Appendix IX of the Paper; and
- (j) to note the Director of Food and Environmental Hygiene's comments that the applicant was advised that a proper food licence issued by his Department was necessary if any class of food business was open for public.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/420 Renewal of Planning Approval for Temporary Parking of Lorry Cranes for Sale with Ancillary Maintenance Workshop for a Period of 3 Years in “Residential (Group D)” zone, Lots 155 (Part) and 157 in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/420)

Presentation and Question Sessions

109. 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 parking of lorry cranes for sale with ancillary maintenance workshop under Application No. A/YL-ST/374, which would be valid until 18.9.2012, for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Director of Environmental Protection (DEP) did not support the application according to the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, because the temporary development involved movement of lorry cranes, and there were sensitive receivers (residential dwellings) within 100m from the boundary of the application site. The nearest residential dwellings were at about 20m to the north-east of the application site on the opposite side of Castle Peak Road – San Tin. Environmental nuisance affecting the nearby residential use was expected;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 12 of the Paper. Regarding DEP's objection, although the nearest residential dwelling was at about 20m to the north of the application site, it was separated from the application site by Castle Peak Road – San Tin. There was no environmental complaint received in the past 3 years and there was no local objection received on current application. To address DEP's concerns and mitigate potential environmental impacts on the surrounding area, approval conditions restricting the operation hours, requiring maintenance of paving and provision of boundary fencing were recommended. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant would be advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize the possible environmental impacts.

110. Members had no question on the application.

Deliberation Session

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 19.9.2012 to 18.9.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7:00 p.m. and 7:00 a.m. from Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the existing trees within the site should be maintained at all times during the planning approval period;
- (d) the paving on the site should be maintained at all times during the planning approval period;
- (e) 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;
- (f) no reversing in or out from the site was allowed at all times during the planning approval period;
- (g) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (h) the submission of 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 18.3.2013;
- (i) the submission of proposal on 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 18.3.2013;
- (j) in relation to (i) above, the provision of 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 18.6.2013;

- (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 18.3.2013;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2013;
- (m) the provision of boundary fencing within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2013;
- (n) 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;
- (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 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.

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

- (a) to resolve any land issues relating to the temporary development with the concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the private land under 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 office and ancillary maintenance workshop. No permission was given for occupation of government land (GL) (about 66m² subject to verification) included into the application site. The ancillary workshop had encroached on a strip of GL between Lots 157 and 158. The application site abutted directly onto Castle Peak Road – San Tin. His Office provided no maintenance works for the GL and did not guarantee right-of-way. Applications for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on site had been received and being processed by his Office. His Office would continue processing of the STW/STT applications. 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 fee, as might be imposed by LandsD;

- (c) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (d) to note the Chief Engineer/Mainland North, Drainage Services Department’s detailed comments at Appendix VI of the Paper;
- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that he had no in principle objection to the application subject to the removal of unauthorized structures on-site, which were liable to action under section 24 of the Buildings Ordinance (BO). It appeared to be a good opportunity for the Government to clear such structures. The granting of the planning approval should not be construed as condoning to 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. 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 not less than 4.5m wide, the development intensity should be determined by the Building Authority under Building (Planning) Regulation 19(3) at building plan submission stage. Detailed comments on the proposal would be made at formal building plans submission stage;

- (f) to note the Director of Fire Services' comments 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
- (g) to note the Director of Electrical and Mechanical Services' detailed comments at Appendix VIII of the Paper.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/805 Temporary Organic Farm with Ancillary Education and Activity Centre and Small-scale Barbecue Spot for a Period of 3 Years in “Coastal Protection Area” zone, Lots 226, 227, 233, 231 S.B, 581, 230, 222 RP, 228, 224 S.C, 224 S.B (Part), 224 S.D, 223, 222 S.A ss.1, 222 S.B, 222 S.A RP, 221, 219 S.B, 220, 215 S.A, 215 S.B, 214 RP, 214 S.A, 209, 213, 216, 217, 208 in D.D.128 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/805)

Presentation and Question Sessions

113. 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 applied temporary organic farm with ancillary education and activity centre and small-scale barbecue spot for a period of three years;
- (c) departmental comments – departmental comments were detailed in paragraph 9 of the Paper and highlighted as follows:
 - (i) Director of Environmental Protection (DEP) had reservation on the barbecue spot under application from environmental planning perspective. He noted that there were a number of residential dwellings in the vicinity of the application site, one of which was even surrounded by the application site. The barbecue spot under application, which would involve the use of barbecue stoves, human chatting, shouting and probably the use of audio amplification systems, was likely to cause environmental nuisances to these nearby sensitive receivers. He had no particular comment on the organic farming under application; and
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation from landscape planning point of view. When comparing the aerial photographs taken in 2012 (Plan A-3a of the Paper) and in 2010 (Plan A-3b of the Paper), it was found that a number of existing mature trees adjacent to the southern boundary were removed. Disturbance to existing landscape resources and character had taken place. According to the submitted information, majority of the facilities and organic farm were located in southeastern boundary where a dense tree group was originally present. In addition, no information regarding the

internal road system was submitted, its likely landscape impact could not be ascertained. Besides, the submitted landscape proposal only indicated the location of the existing trees. No tree survey and landscape proposal was submitted; and

- (iii) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that the drainage plan was far too simple as essential information such as directions of surface runoff flow within the site and from adjacent areas, size and capacity of drainage facilities, topographic conditions, etc. was not provided. The applicant should substantiate with supporting information whether his development would affect the drainage of other existing areas/structures in the vicinity. The applicant should ensure that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent area. The applicant should consult District Lands Officer/Yuen Long and seek consent from the relevant owners for any works to be carried out outside his site boundary before commencement of the drainage works. Comparison between aerial photographs of 1999 and 2000 revealed that part of an existing pond within the site was filled (Plans A-3b and A-3c of the Paper) and stormwater storage capacity was reduced. No further land or pond filling activity or paving of land other than the ones stated in the application form should be allowed without conducting a Drainage Impact Assessment (DIA) and implementing the drainage mitigation measures identified in the DIA.

- (d) four public comments were received during the first three weeks of the statutory publication period:
 - (i) two comments were from the Village Representatives (VRs) of Sheung Pak Nai Tseun and Ha Pak Nai Tsuen who raised strong objection to the application on the grounds that the existing road (Deep Bay Road) being the major access to their villages was

congested;

- (ii) one comment was from a Yuen Long District Council member who objected to the application on the grounds that the site was zoned “Coastal Protection Area” (“CPA”) and that the structures would pollute the area and destroy local views and ecology;
 - (iii) one comment was from Designing Hong Kong Limited who objected to the application on the grounds that the site was zoned “CPA” with the intention to protect and conserve the natural coastline and the sensitive coastal natural environment. The commenter was concerned about the impacts brought about by the development on the natural environment and the lack of comprehensive mitigation measures; and
 - (iv) one comment was from Kadoorie Farm and Botanic Garden Corporation who objected to the application on the grounds that the application was not in line with the planning intention of the “CPA” zone, and would set an undesirable precedent for similar applications of which cumulative impacts should be considered. The commenter was also concerned about the water quality of Deep Bay which could be affected by the sewage generated by the development, as the applicant had not provided any information in sewage treatment of the facilities under application, including toilets, temporary barbeque area and tuck shops.
- (e) District Officer (Yuen Long) received a comment on the application from the VRs of Sheung Pak Nai and Ha Pak Nai which was the same as the public comment mentioned in paragraph 91(d)(i) above.
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper and were summarized below:

- (i) the planning intention of the “CPA” zone was to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. There was a general presumption against development in this zone, and only developments that were needed to support the conservation of the existing natural landscape or scenic quality of the area or were essential infrastructure projects with overriding public interest might be permitted. The applicant sought planning permission to regularize the temporary organic farm with education and activity centre and barbecue spot at the application site without giving such details as to what crops were grown, what education activities were being organized, the frequency and duration of such activities, and the number of participants involved, etc. The applicant had not demonstrated why the applied use was needed and how it could support the conservation of the existing natural landscape and scenic quality of the area. In this regard, the development was not in line with the planning intention of the “CPA” zone. No strong planning justification had been given in the submission to justify for departure from the planning intention, even on a temporary base;

- (ii) on the environmental aspect, DEP had reservation on the barbecue spot under application due to potential environmental nuisances generated by the barbecue spot to the nearby sensitive receivers (residential dwellings in the vicinity of and surrounded by the site). The applicant argued that the barbecue spot was small in scale and located far away from residential dwellings, and therefore would not generate nuisance to nearby residents. He also committed that no public address system would be used. However, DEP maintained his stance of not supporting the barbecue spot under application;

- (iii) on the drainage aspect, the applicant proposed to use the nearby natural streamcourses and the ponds on-site to discharge surface

runoffs into the nearby Hang Hau Tsuen Channel (Drawing A-3 of the Paper). Although Chief Engineer/Mainland North of Drainage Services Department had no in-principle objection to the application, he considered the submitted drainage plan far too simple as essential information such as directions of surface runoff flow within the site and from adjacent areas, size and capacity of drainage facilities, topographic conditions, etc. had not been provided. He was also concerned about the drainage impacts of the development to other existing areas/structures in the vicinity, and expressed concerns on the reduced stormwater storage capacity due to filling of part of a pond within the site in 1999/2000 (Plans A-3b and A-3c of the Paper). Although the applicant claimed that he would restore some of the ponds on the site for organic fish farming, no detail, such as the size, location and programme of restoration, had been given;

- (iv) the scale of the development, some 2.2 ha. in area, was large in scale and involved substantial landscape change in this part of the “CPA” zone. To this end, CTP/UD&L, PlanD considered the applicant’s landscaping proposal (Drawing A-2 of the Paper), only proposing the preservation of the 67 existing trees on-site without any tree survey or additional landscaping, unacceptable and required a re-submission. Furthermore, there had been an obvious change in the landscape resources and character of the southern part of the site since 2010 (Plan A-3a and A-3b of the Paper). Despite the applicant’s claim that this part of the site was covered by grasses rather than trees, CTP/UD&L, PlanD confirmed that the aerial photos in Plans A-3a and A-3b of the Paper did indicate that extensive tree felling had occurred on-site rather than merely grass clearance. It was also noted that this southern portion of the site was covered by over 10 structures on-site for various uses. In this regard, CTP/UD&L, PlanD expressed reservation on the application from the landscape planning perspective;

- (v) there was no similar application for recreational use within the subject “CPA” zone on the Ha Tsuen Outline Zoning Plan. Approval of the application would set an undesirable precedent for similar applications within the subject “CPA” zone, the cumulative effect of which would result in a general degradation of the conservation value of the area; and
- (vi) there were 4 local objections against the application mainly on the grounds of planning intention and the potential adverse environmental, traffic and ecological impacts.

114. In response to a Member’s query, Mr. Fung said that a portion of the site was subject to planning enforcement action as the hobby farming, barbecue spot and parking of vehicles found on-site were not covered by any valid planning permission and were an unauthorized development (UD) under the Town Planning Ordinance. He said that the Central Enforcement and Prosecution Section (CEPS) of Planning Department was preparing to take enforcement action against the UD. The Secretary supplemented that CEPS would be asked to expedite the enforcement action against the UD in the application site.

Deliberation Session

115. A Member asked whether the application was a “Destroy First and Build Later” case. In response, Mr. Fung said that the application site was previously occupied by fish ponds and the fish ponds were already filled at the time of submission of this application. The Secretary supplemented that the application would not be a “Destroy First and Build Later” case since the application site was the subject of a previous application No. A/YL-HT/37 for pond filling for agriculture use which was approved by the Committee in 1997, and thus the ponds might have been filled in 1997. Another Member commented that the application should not be approved since approving the temporary organic farm with such an extensive area within the “CPA” zone would undermine the integrity of the “CPA” zone.

116. 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 “Coastal Protection Area” (“CPA”) zone, which was to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) with an extensive area of over 2.2 hectares and some 25 structures on-site for various uses including education/activity centre and barbecue spot within the “CPA” zone, the applicant failed to demonstrate that the development would not have adverse environmental, drainage and landscape impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “CPA” zone, the cumulative effect of which would result in a general degradation of the conservation value of the area.

Agenda Item 32

Section 16 Application

[Open Meeting]

A/YL-HT/808 Temporary Logistics Centre and Ancillary Tyre Repair Workshop for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3305 RP (Part), 3306 (Part), 3307RP, 3310 S.A RP (Part), 3310 S.B (Part), 3311 RP, 3312 S.A (Part), 3312 S.B, 3313 (Part) and 3314 (Part) in D.D. 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/808)

117. The Secretary reported that on 27.8.2012, the applicant requested the Board to defer making a decision on the application for two months to address departmental comments.

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/809 Temporary Petrol Filling Station (Selling of Diesel Oil) for a Period of 3 Years in “Residential (Group C)” and “Residential (Group D)” zones, Lot 1027 in D.D.124, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-HT/809)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary petrol filling station (selling of diesel oil) for a period of 3 years;
- (c) departmental comments – departmental comments were detailed in paragraph 9 of the Paper and highlighted as follows:
 - (i) the Director of Environmental Protection (DEP) did not support the application because there were sensitive users in the vicinity of the application site (the closest being about 40m away) and along the access roads (Hung Shui Kiu Main Street) (Plan A-2 of the Paper)

and environmental nuisance was expected;

- (ii) the Director of Fire Services (D of FS) objected to the application as selling of diesel in or on any premises in respect of which there was no s.6 licence was an offence against s.19(1) of the Fire Services (Fire Hazard Abatement) Regulation (Cap 95F). The applicant was advised to note s.19(2) of Cap 95F, which provided for a way to sell diesel legitimately; and

- (iii) the Commissioner of Custom & Excise (C of C&E) advised that the certificate submitted by the applicant (Appendix Ib of the Paper) was previously issued by him under a 'Self-regulatory Scheme on the Bulk Purchase of Duty-paid Light Diesel Oil'. The Scheme was rolled out on 3.6.2003 to clamp down illicit filling facilities involved in de-treated oil. The illicit activities not only led to revenue loss, but also posed fire hazards and environmental pollution. The voluntary cooperation of the oil companies was solicited to undertake in supplying duty-paid light diesel oil in bulk only to end-users who were in compliance with the related laws and regulations, such as a valid licence for storage of dangerous goods and an approval from Fire Services Department for the dispensing system, etc. Eligible end-users were allowed to obtain light diesel oil in bulk from local oil depots for self consumption or refilling their own fleet of vehicles. They were not allowed to transfer the light diesel oil tank of a vehicle for the purpose of business. In other words, refilling activities to vehicles under membership scheme or vehicles working for the end-users' group of companies were not permitted under the Scheme unless the end-user was able to provide evidence of concrete and legitimate business activities among its partners. As the aforesaid scheme had ceased operation since 18.4.2011, the certificate was invalid. He was not the authority to govern the selling of duty-paid diesel oil.

- (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 based on the assessments made in paragraph 11 of the Paper and were summarized below:
 - (i) the majority of the application site (>85%) was zoned “Residential (Group D)” (“R(D)”) on the Ha Tsuen Outline Zoning Plan (OZP). The applied use was not in line with the planning intention of the “R(D)” zone which was to improve and upgrade existing temporary structures within the rural areas through redevelopment into low-rise, low-density permanent residential buildings. 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. Although the applied use was a Column 2 use under the “R(C)” zone on the Ping Shan OZP, it was incompatible with the nearby residential dwellings (the closest being about 40m). In this regard, DEP did not support the application because there were sensitive uses in the vicinity of the site and along the access road (Hung Shui Kiu Main Street) and environmental nuisance was expected. The applicant failed to demonstrate that the applied use would not result in adverse environmental impact on the surrounding areas;
 - (ii) the applicant advised that a certificate was issued to the development by C of C&E under the ‘Self-regulatory Scheme on the Bulk Purchase of Duty-paid Light Diesel Oil’. In this regard, C of C&E advised that the said scheme ceased operation on 18.4.2011, and the applicant’s certificate was invalid. D of FS objected to the application as selling of diesel at the site without a licence was an offence against the Fire Services (Fire Hazard Abatement) Regulation (Cap 95F). Moreover, the applicant had not submitted any information to demonstrate how the fire hazard of the subject

petrol filling station on the surrounding areas could be mitigated;

- (iii) the applicant argued that the development only served vehicles entering the applicant's logistics sites to the west as the site was far away from the main road and there was no advertisement sign for diesel filling service. The applicant claimed that the development was crucial to its logistics business and further argued that the development could actually reduce traffic congestion as its vehicle fleet could obtain diesel readily without queuing up at public gas/diesel filling stations. However, it was noted that the logistics/storage yards in the vicinity of the site were mostly suspected unauthorized developments subject to enforcement action by the Planning Authority; and

- (iv) there was no similar application approved previously in "R(C)" and "R(D)" zones on the Ping Shan and Ha Tsuen OZPs. Approval of the application would set an undesirable precedent and encourage other similar applications for petrol filling uses within the subject and other "R(C)" and "R(D)" zones on the Ping Shan and Ha Tsuen OZPs, the cumulative effect of approving such similar applications would result in a general degradation of the environment. It would also defeat the planning intention of the "R(D)" zone to improve and upgrade the existing temporary structures through redevelopment into low-rise, low-density permanent residential buildings due to existing and potential industrial/residential interface problems.

120. In response to a Member's question, Mr. Fung said that part of the site was subject to planning enforcement action with an Enforcement Notice (EN) issued on 8.2.2012, and the applicant submitted the application subsequently in July 2012. The Secretary said that the Central Enforcement and Prosecution Section of Planning Department would be asked to expedite the enforcement action against the unauthorized development at the application site.

Deliberation Session

121. 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 “Residential (Group D)” (“R(D)”) zone, which was for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into low-rise, low-density permanent residential buildings subject to planning permission from the Board. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) there were sensitive uses, residential dwellings, in the vicinity of the application site and along the access road (Hung Shui Kiu Main Street), and the development was incompatible with these residential dwellings. There were also adverse departmental comments on the environmental and fire safety aspects and the applicant failed to demonstrate that the development would not generate adverse environmental impacts and fire hazard to the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “Residential (Group C)” and “R(D)” zones. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 34

Section 16 Application

[Open Meeting]

A/YL-NSW/213 Proposed Columbarium in “Government, Institution or Community” zone, Portion of 1/F of the planned administrative building, Lot 1630 (Part) in D.D. 115, Au Tau, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/213A)

122. The Secretary reported that MVA Hong Kong Ltd. was the consultant of the applicant. Mr. Ivan C.S. Fu and Ms. Janice W.M. Lai, who had current business dealings with MVA Hong Kong Ltd., had declared an interest in this item. The Committee noted that Ms. Lai had tendered apologies for not attending the meeting. As the item was for deferral of the consideration of the application, the Committee agreed that Mr. Fu could be allowed to stay in the meeting.

123. The Secretary reported that on 23.8.2012, the applicant requested the Board to defer making a decision on the application for two months to allow time to resolve the concerns of Hospital Authority on traffic impact of the application received on 21.8.2012.

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

Agenda Item 35

Section 16 Application

[Open Meeting]

A/YL-NSW/216 Proposed Low-rise Residential Development with Minor Relaxation of Building Height and Plot Ratio Restrictions cum Wetland Restoration Area and Excavation of Land in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” and “Residential (Group D)” zones, Lot 3719 S.C (Part) in D.D. 104, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/216)

125. The Secretary reported that ADI Ltd. and Meta 4 Design Forum Ltd. were the consultants of the applicant. Ms. Janice W.M. Lai, who had current business dealings with ADI Ltd., had declared an interest in this item. Mr. Ivan C.S. Fu, who had current business dealings with ADI Ltd. and Meta 4 Design Forum Ltd., had declared an interest in this item. The Committee noted that Ms. Lai had tendered apologies for not attending the meeting. As the item was for deferral of the consideration of the application, the Committee agreed that Mr. Fu could stay in the meeting.

126. The Secretary also reported that on 22.8.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow sufficient time to prepare responses to address the departmental comments on the application.

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

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/568 Temporary Vegetable Collection Station for a Period of 3 Years in
“Village Type Development” zone, Lot 365 S.A in D.D. 106, Shek Wu
Tong, Kam Sheung Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/568)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary vegetable collection station 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, i.e. residential structures/dwellings, located to the west (the nearest one about 13m away) and in the vicinity of the application site, and environmental nuisance was expected;
- (d) one public comment was received during the first three weeks of the statutory publication period. The supportive comment was submitted by the village representative of the indigenous villagers of Shek Wu Tong Tsuen, who considered that the development which was to serve the local farmers, had been in operation since the 1960s. It was relocated to the application site due to specific reason and the approval of this application would benefit the society. 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 based on the assessments made in paragraph 11 of the Paper. Regarding DEP's objection, it was noted that no environmental complaint had been received by DEP in the past three years. To minimize the potential environmental nuisance generated by the development, approval conditions restricting the operation hours and types of goods vehicles were recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on the application site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to adopt the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP in order to alleviate any potential impact. It was also noted that a supportive public comment was received.

129. Members had no question on the application.

Deliberation Session

130. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.9.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the operation was restricted from 7:30 a.m. to 11:30 a.m. from Mondays to Sundays, as proposed by the applicant, during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) the existing drainage facilities on the site should be maintained at all times during the planning approval period;

- (d) the submission of a record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.12.2012;
- (e) the implementation of the accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2012;
- (f) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (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; and
- (h) 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.

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

- (a) shorter compliance periods were granted so as to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the private land involved comprised Old Scheduled

Agricultural Lot held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the Government. The site was accessible from Kam Sheung Road over government land (GL). LandsD did not provide the maintenance works on this GL nor guarantee right of way. Besides, the lot owner should make application to the Director of Agriculture, Fisheries and Conservation direct for the proposed agricultural structures accordingly;

- (d) note the Commissioner for Transport's comments that the site was connected to public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (f) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant could use the existing drainage facilities at the site provided that the drainage facilities were maintained in good conditions and would not cause any adverse drainage impact to the adjacent areas;
- (g) note the Director of Fire Services' comments 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 issued to the person on whose instruction the work was undertaken a certificate (FS 251) and forwarded a copy of the certificate to the Director of Fire Services for consideration;

- (h) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments 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 the BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including store room, office 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 with the BO. In this connection, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. Moreover, if the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (i) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for 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 Planning Department. 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. “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.

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

Agenda Item 37

Section 16 Application

[Open Meeting]

A/YL-KTS/576 Proposed Temporary Place for Hobby Farm, Ecological Cycling Tour and Barbecue Spot for a Period of 3 Years in “Agriculture” zone, Lot 810 S.A & S.B & RP in D.D. 103, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/576)

132. The Secretary reported that the application was scheduled for consideration by the Committee at this meeting. As seen from the aerial photo taken on 12.12.2011, the application site was originally covered with vegetation and some trees. However, the site photos taken on 27.7.2012 revealed that part of the application site was formed and paved and some of the vegetation on the application site had been cleared. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L, PlanD) also indicated that existing vegetation within the application site had been removed with no tree protective measures observed.

133. The Secretary continued to say that on 24.6.2011, the Board considered the TPB Paper No. 8843 on ‘Proposed Measures against the “Destroy First and Build Later” Approach’ and agreed that in order to send a clear message to the community that the Board was determined to preserve the rural and natural environment and would not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development, the Board would defer a decision on a planning application in order to investigate a case of unauthorized development

(UD) where there was prima facie evidence to indicate that the UD was of such a nature that it might constitute an abuse of the process so as to determine whether the application might be rejected for such reason. As indicated above, the application site might involve unauthorized site formation works prior to the application. To allow more time for PlanD to investigate whether any unauthorized site formation works were involved that might constitute an abuse of the process so as to determine whether the application might be rejected for such reason, it was recommended that a decision on the application be deferred for two months pending the investigation of site formation works on-site.

134. After deliberation, the Committee decided to defer a decision on the application. The Committee agreed that the application should be submitted for its consideration within one month after the investigation.

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

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/646 Temporary Open Storage of Goods Vehicles for Sale for a Period of 3 Years in “Residential (Group D)” zone, Lots 101 S.J (Part), 179 S.A RP (Part), 179 S.E RP (Part) and 179 S.D & S.F & S.G & S.I (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/646)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary open storage of goods vehicles for sale for a period of 3 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, i.e. existing residential structures/dwellings located to the east (the nearest one about 35m away) and in the vicinity of the application site (Plan A-2 of the Paper), and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. As regards DEP's objection, there was no environmental complaint received by DEP in the past three years and no local objection had been received during the statutory publication period. Besides, the traffic generated from the site would not pass through major village settlement. The applicant also indicated that no workshop-related activity would be carried out within the site. To address the concern of DEP on the possible nuisance generated by the development, approval conditions restricting operation hours and prohibiting heavy goods vehicles or container trailers/tractors and dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended. Any non-compliance with approval conditions would result in revocation of the planning permission and unauthorized development on the application site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to adopt the environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" so as to alleviate any potential impact.

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 7.9.2015, 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) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 16 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 any time during the planning approval period;
- (e) the setting back of the western boundary of the site to avoid encroachment upon the Waterworks Reserve area at all times during the planning approval period;
- (f) no tree/shrub should be planted within the Waterworks Reserve area at any time during the planning approval period;
- (g) a proper vehicular access/run-in between the site and the public road should be maintained at all times during the planning approval period;
- (h) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;

- (i) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (j) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (k) 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 7.3.2013;
- (l) the provision of fire extinguisher(s) together with 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 19.10.2012;
- (m) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.3.2013;
- (n) in relation to (m) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2013;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (p) if any of the above planning conditions (k), (l), (m) or (n) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (q) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

138. 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 owners of the application site;
- (c) note the District Lands Officer/Yuen Long's comments 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 prior approval of the government. No approval had been given for the specified structures for elevated staff common room and office. No permission had been given for occupation of government land (GL) within the site. The site was accessible from Fan Kam Road via private land and GL. Lands Department (LandsD) did not provide maintenance work on this GL nor guarantee right of way. The lot owner and occupier of the GL concerned would still need to apply to LandsD to permit structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion 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) note the Commissioner for Transport's comments that the site was connected to an unknown 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 responsibility of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD was not/should not be

responsible for the maintenance of any existing vehicular access connecting the site and Fan Kam Road;

- (f) adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) note the Director of Agriculture, Fisheries and Conservation’s comments that the applicant should adopt all necessary measures to prevent polluting the adjacent stream as far as practicable;
- (h) note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the flow direction and the gradient of the existing surface channel should be shown on the drainage plan for reference;
- (i) note the Director of Fire Services’ comments 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 structures, the applicant was advised to make reference to the requirements in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his department for consideration;
- (j) note the Chief Engineer/Development (2), Water Supplies Department’s (WSD) comments that the site encroached upon 10m wide WSD’s Waterworks Reserve for an existing strategic 48” diameter water main. Diversion of the water main should not be considered. The developer must ensure that no structure should be erected over this Waterworks Reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all time 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. 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;

- (k) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the measures including prior consultation and arrangement with the electricity supplier 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. Besides, 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. In addition, 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

- (l) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that if the existing structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works were to be carried out on the 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 co-ordinator for the proposed building works in accordance with the BO. Besides, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. If the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

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

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/647 Renewal of Planning Approval for Temporary “Kennel, Cattery and Dog Training Centre” for a Period of 3 Years in “Residential (Group D)” and “Village Type Development” zones, Lots 186 S.B (Part), 186 RP (Part), 187 S.B and 187 S.G in D.D. 108, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/647)

Presentation and Question Sessions

139. Mr. W.W. Chan, DPO/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 “kennel, cattery and dog training centre” under Application No. A/YL-PH/594, which would be

valid until 18.9.2012, for a period of three years;

- (c) departmental comments – concerned departments had no objection to or adverse comment 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 further period of three years based on the assessments made in paragraph 12 of the Paper.

140. Members had no question on the application.

Deliberation Session

141. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 19.9.2012 to 18.9.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the 24-hour mechanical ventilation and insulation wall for the kennel as implemented under Application No. A/YL-PH/441 on the site should be maintained at all times during the planning approval period;
- (b) the dogs should be kept inside the enclosed kennel at night on the site at all times during the planning approval period;
- (c) the existing drainage facilities on the site should be maintained at all times during the planning approval period;

- (d) the submission of tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2013;
- (e) in relation to (d) above, the implementation of tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2013;
- (f) the submission of records of the existing drainage facilities on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2013;
- (g) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2013;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2013;
- (i) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

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

- (a) resolve any land issues relating to the development with the concerned owners of the application site;
- (b) note the District Lands Officer/Yuen Long's comments that the site comprised Old Scheduled Agricultural Lots held under Block Government Lease upon which contained the restriction that no structure was allowed to be erected without prior approval of the Government. The site was accessible from Fan Kam Road via long haul of an informal village track on both private land and government land (GL). His office did not guarantee right of way. the lot owner would still need to apply to Lands Department (LandsD) to permit structures to be erected or regularize any irregularities on the site. The occupier would also need to apply to his office for occupation of the GL involved or regularize any irregularities on the 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;
- (c) note the Commissioner for Transport's comments that the site was connected to the public road network via a section of local access road which was not managed by his department. Land status of the local access road should be checked with the lands authority. Moreover, management and maintenance responsibility of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not responsible for the maintenance of any existing vehicular access connecting the site and Fan

Kam Road;

- (e) adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) note the Director of Fire Services’ comments 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. For other storages, open sheds or enclosed structure with total area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his department, he was required to provide justification to his department for consideration;
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department’s (BD) comments that if the existing structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works were to be carried out on the 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 co-ordinator for the proposed building works in accordance with the BO. Besides, the site should be provided with means of obtaining access thereto from a street and emergency vehicular

access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. If the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (h) note the Director of Food and Environmental Hygiene's comments that the applicant should prevent creating environmental nuisance affecting the public.

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/173 Temporary Dog Kennels for a Period of 3 Years in "Conservation Area" zone, Lots 1353 S.A, 1354 (Part) and 1355 S.A in D.D. 114, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/173)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary dog kennels for a period of three years;
- (c) departmental comments – concerned departments had no objection to or

adverse comment 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 was submitted by Kadoorie Farm and Botanic Garden Corporation who expressed concerns that the domestic sewage generated by the operation of the site, if not properly treated, would likely cause pollution to the nearby watercourse, advocated that the planning intention of the “Conservation Area” (“CA”) zone should be adhered to, and urged the Board to consider the cumulative impact of approving the application. In conclusion, the commenter considered that “CA” zone should not be utilized for development and that the Board should reject the application. 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 based on the assessments made in paragraph 11 of the Paper. Regarding the public concern on sewerage aspect, the applicant had been issued an effluent discharge licence under the Water Pollution Control Ordinance and Director of Environmental Protection and Chief Engineer/Mainland North of Drainage Services Department had no adverse comments on the application. Relevant condition requiring the maintenance of existing drainage facilities was recommended to address the potential environmental concerns arising from sewerage issue and the applicant would be advised to adopt necessary measures to prevent polluting the nearby stream during operation. With regard to the public concern on departure from the planning intention of “CA” zone, each application could be assessed based on its individual merits taking into consideration the local context and the planning considerations in paragraph 11.1 of the Paper were relevant.

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 7.9.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing drainage facilities on the application site should be maintained at all time during the planning approval period;
- (b) the submission of a record of 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 7.3.2013;
- (c) the submission of a 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 7.3.2013;
- (d) in relation to (c) above, the implementation of the 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 7.6.2013;
- (e) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.3.2013;
- (f) in relation to (e) 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 7.6.2013;
- (g) if the above planning conditions (a) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that no approval had been given for the specified structures as dog kennel, dog whelping room, mating room and storage room. The lot owners concerned would need to apply to his office to permit 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 from Kam Sheung Road over private land and Government land. His office did not provide maintenance works for this track nor guarantee right-of-way;
- (d) note the Director of Agriculture, Fisheries and Conservation's comment that there was a stream adjacent to the site. The applicant should adopt the necessary measures to prevent polluting the stream during the operation of the site as far as practicable;

- (e) note the Director of Environmental Protection's comments that the applicant should follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' and to renew the licence under the Water Pollution Control Ordinance before expiry on 31.10.2012;

- (f) note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements, that for other storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. The 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. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration;

- (g) note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard pedestal hydrant;

- (h) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there was no record of approval by the Building Authority (BA) for structures existing at the site. If the existing structures were erected on leased land without approval of the BD (not being a New Territories Exempted House), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works,

including any 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 with the BO. For UBW erected on lease land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the Buildings Ordinance. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (i) note the Director of Electrical and Mechanical Services' comments 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 41

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/118-2 Proposed Class B Amendments to the approved scheme under Application No. A/YL-KTN/118 for Proposed Residential Development with Commercial, Government, Institution or Community and Open Space Facilities and Minor Relaxation of Building Height Restriction in "Comprehensive Development Area" and "Undetermined" zones, Various Lots in D.D. 107 and adjoining Government Land, Sha Po, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/118-2)

Presentation and Question Sessions

147. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Mr. Ivan C.S. Fu and Ms. Janice W.M. Lai, who had current business dealings with SHK, had declared interests in this item. The Committee noted that Ms. Lai had tendered apologies for not attending the meeting. The Committee considered that the interest of Mr. Fu was direct and agreed that he should be invited to withdraw from the meeting.

[Mr. Ivan C.S. Fu left the meeting at this point.]

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

- (a) the applicant sought planning permission for Class B amendments to the approved master layout plan for a proposed residential development with commercial, government, institution or community (GIC) and open space facilities and minor relaxation of building height restriction under Application No. A/YL-KTN/118, which was approved with conditions by the Committee on 5.10.2001;

- (b) the following Class B amendments were sought:
- (i) reduction in number of building blocks from 47 to 42 (-5 or -10.64%) which were subject of environmental mitigation measures;
 - (ii) minor changes in disposition of building blocks;
 - (iii) changes in form of the building blocks which were subject of environmental mitigation measures;
 - (iv) changes in the location and type/layout of the government, institution or community facilities including the landscaped garden and leisure facilities, a public toilet and a public carpark for Sha Po Tsuen and/or adjacent villages, and the formation site for a primary school;
 - (v) reduction in car parking spaces from 1,621 to 1,066 - 1,250 (-371 to -555 or -22.89% to -34.24%) which exceeded 10% of the approved provision;
 - (vi) reduction in loading/unloading bays from 58 to 49 (-9 or -15.52%);
 - (vii) changes in the location of car parks from podium level to basement level;
 - (viii) changes in layout of internal roads/emergency vehicular access;
 - (ix) change in the location of public transport interchange at the southwest of Phase I site to a site near Block T2; and
 - (x) changes in soft/hard landscape design (including, inter alia, an increase of the proposed ecological enhancement area (wetland park) at the northern part of the site in Phase I from 5.2ha to 6.91ha (+1.71ha or +32.88%) to serve as mitigation to the ecological impact of the proposed development).

- (c) departmental comments – concerned departments had no objection to or adverse comment on the application as detailed in paragraph 9 of the Paper;
- (d) District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) received a comment from the village representative of Sha Po Tsuen objecting to the application as most of the villagers strongly objected to the proposed development (but without giving any reason). He also received a supportive comment from a Yuen Long District Councillor;
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for Class B amendments based on the assessments made in paragraph 10 of the Paper. No time clause for commencement of development was proposed as the proposed development under application was deemed to have commenced. As regards the local objection conveyed by DO(YL), there were local objections to the proposed development when the Committee considered Application No. A/YL-KTN/118 mainly on the grounds related to land use compatibility and the adverse impacts on traffic, drainage, sewerage, environment, ecology and fung shui. These issues were duly considered by the Committee in granting the planning permission, and that they were mainly technical issues which could be resolved by incorporation of appropriate approval conditions. As for the current application, the building bulk and massing of the residential development arising from the proposed amendments were reduced and no adverse departmental comment on technical aspect had been received.

149. Members had no question on the application.

Deliberation Session

150. 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 was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP), taking into account conditions (b), (c), (d), (e), (f), (g), (j), (l) and (m) below, to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised master landscape plan, including a comprehensive tree survey and tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a revised visual impact assessment, including a model of the scheme and the surrounding area to address the visual impact on the adjoining rural area to the satisfaction of the Director of Planning or of the TPB;
- (d) the provision of the layout and geometric details of internal roads, the layout of public transport interchange and the design of junction between Castle Peak Road and Western Access Road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the provision of environmental mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (g) the provision of a public car-park for Sha Po Tsuen, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the provision of roundabouts and road works within and close to the administrative protection boundary of the Northern Link (NOL), as proposed by the applicant, to the satisfaction of the Director of Highways or of the TPB;

- (i) the submission of a revised drainage impact assessment and the implementation of flood mitigation measures and provision of drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (j) 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;
- (k) the submission of a revised ecological impact assessment, including the habitat creation and management plan of the proposed wetland park, the enhancement proposal for Kam Tin River meander and landscaped area under the “Main Drainage Channel for Ngau Tam Mei, Yuen Long and Kam Tin” project and the implementation of ecological mitigation measures identified therein to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (l) the submission of site formation proposals, taking into account existing water-mains, to the satisfaction of the Director of Water Supplies or of the TPB;
- (m) the provision of a kindergarten within the development, as proposed by the applicant, to the satisfaction of the Director of Education or of the TPB;
- (n) the submission and implementation of site formation proposals for a reserved Government, Institution or Community site, as proposed by the applicant, to the satisfaction of the Director of Lands or of the TPB;
- (o) the design and implementation of landscaped garden and leisure facilities for Sha Po Tsuen and adjacent villages, as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
and

- (p) the design and implementation of a public toilet for Sha Po Tsuen and adjacent villages, as proposed by the applicant, to the satisfaction of the Director of Food and Environmental Hygiene or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that if the lot owner wished to implement Phase I development of the revised MLP after planning approval was given, the lot owner had to apply to LandsD for consent for amendment to the approved MLP. The existing tracks (Phase I) as shown on the revised MLP under application were diverted and different from those shown on the lease plan. The lot owner still had to seek consent from the LandsD for diversion of the existing tracks. The proposed vehicular accesses also deviated from that specified under lease for Phase I. The lot owner still had to seek consent from LandsD for permission of vehicular accesses other than those specified under lease for Phase I. Any application to LandsD to seek compliance with the lease conditions, if required and submitted by the lot owner, would be processed by LandsD acting in the capacity as landlord at its sole discretion. There was no guarantee that such application would be approved. In the event any such application was approved, it would be subject to such condition including, among others, the payment of additional fee and premium as might be imposed by LandsD. Besides, the lot owner should ensure that the carparking provisions were in all respects complied with the carparking requirements as stipulated in the lease conditions for Phase I. LandsD would scrutinize the development parameters proposed by the Authorized Person in accordance with the lease conditions at the building plan submission stage. As for Phase II development, a separate land exchange was required for implementation of Phase II development which covered private land and government land. However, there was no guarantee that the land exchange application (including the granting of additional Government land) would be approved, in particular Phase II development included a substantial amount of government land which appeared capable of reasonable separate alienation

or development; and also that the detached wetland area which was not contingent upon the residential development, should not form part of the land exchange. Land exchange application for Phase II development would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that the application (including the granting of additional Government land) would be approved. 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;

- (b) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or 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 (BD) 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) note the Chief Building Surveyor/New Territories West, BD's comments that the proposed residential development would be considered as six different sites being linked up by their own private road/streets and was to comply with the Buildings Ordinance (BO). Each of the sites should be self-sustainable and treated as separate lots in their own identities for the purpose of complying with the BO and the allied regulations. Transfer of plot ratio and site coverage between sites was not permitted. The proposed plot ratio and site coverage should not exceed the permissible figures as stipulated in the First Schedule of Building (Planning) Regulation (B(P)R). Phasing plan should be submitted to the BA for approval prior to the applications of occupation permit. Internal streets had to be excluded from site area calculation for the purpose of plot ratio and site coverage assessment under the BO. The internal streets should also comply with the requirements laid down in Building (Private Streets

and Access Roads) Regulations and no structure should be built over or under such internal streets under the BO section 31(1). All proposed roads including the proposed run-in/out of each site providing accesses to the sites should be properly surfaced and completed prior to their application for occupation permits. Each of the sites should be accessible by access road of not less than 4.5m wide. Otherwise, the development intensity should be determined by the BA under B(P)R 19(3). The applicant's attention was also drawn to the provision of emergency vehicular access (EVA) to the buildings under B(P)R 41D. Detailed consideration would be made at building plan submission stage. QBE (quality and sustainable built environment) requirements and the new GFA concession policy would be applicable for resubmission of building plans if they constituted major revision to the previous submitted scheme;

- (d) note the Chief Engineer/Mainland North, Drainage Services Department's comments that should there be any change of design parameters in the course of the development which would materially affect the validity of the Drainage Impact Assessment (DIA) report, the applicant should review/revise the DIA report and re-submit it for consideration;
- (e) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that based on the Landscape Master Plan (LMP) submitted, there would be sections of retaining structures along the site boundary of the proposed development. The highest of which was around 5m. The applicant should provide proper buffer landscape treatment to mitigate the potential adverse visual impact on the surrounding area. Where necessary and appropriate, setback of such structures should be considered to allow sufficient space for proper buffer planting/landscape treatment. Besides, various mitigation measures had been proposed to alleviate the noise problems according to the revised noise impact assessment submitted. Proper landscape treatment should be provided for structures such as the solid podium edge barrier and 2.5m high parapet walls that were intended to shield against road traffic noise;

- (f) note the Director of Fire Services' comments that the turning facilities should be provided in the proposed EVA near Blocks T-2 and T-9. Detailed fire safety requirements would be formulated upon receipt of formal building plan submission or referral from the relevant authority;
- (g) note the Chief Engineer/Railway Development 1-1, Railway Development Office, Highways Department's comments that the applicant should observe the requirements of MTRCL regarding the interface between the proposed development and the future Northern Link in Appendix III of the Paper;
- (h) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that existing water mains would be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, Waterworks Reserve with 1.5 metres measuring from the centreline 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. No tree/shrub should be planted within the Waterworks Reserve. The applicant was also reminded to comply with the approval condition on the submission of site formation proposal taking into account existing water mains to his satisfaction; and
- (i) note the Director-General of Civil Aviation's comments that as air traffic increased, there was a possibility that take-offs from the runways of the Hong Kong International Airport flew close to Kam Tin. The developer of the proposed development which contained residential flats or noise sensitive receivers should note that the site might be affected by aircraft noise. Apart from this, the site was close to Shek Kong Aerodrome and it

might also be subject to noise from aircraft operating therefrom.

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

Agenda Item 42

Any Other Business

152. There being no other business, the meeting closed at 5:40 p.m..