

TOWN PLANNING BOARD

**Minutes of 476th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 9.11.2012**

Present

Director of Planning
Miss Ophelia Y.S. Wong

Chairperson

Mr. Timothy K.W. Ma

Vice-Chairperson

Professor Edwin H.W. Chan

Dr. C.P. Lau

Ms. Anita W.T. Ma

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. Janice W.M. Lai

Ms. Christina M. Lee

Mr. H.F. Leung

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

Chief Engineer (Works), Home Affairs Department
Mr. Frankie W.P. Chou

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. K.F. Tang

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

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

Secretary

Absent with Apologies

Mr. Rock C.N. Chen

Professor K.C. Chau

Dr. W.K. Lo

Dr. W.K. Yau

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. Terence Leung

Agenda Item 1

Confirmation of the Draft Minutes of the 475th RNTPC Meeting held on 19.10.2012

[Open Meeting]

1. The draft minutes of the 475th RNTPC meeting held on 19.10.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

[Mr. C.T. Lau, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), was invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-SSH/1 Application for Amendment to the Approved Shap Sz Heung Outline Zoning Plan No. S/NE-SSH/9, from “Conservation Area” to “Village Type Development”, Lot 950 in D.D.209, Kei Ling Ha Lo Wai, Shap Sz Heung, Sai Kung North
(RNTPC Paper No. Y/NE-SSH/1)

3. The Secretary reported that the application was submitted by Ms. Tai Kee Tai represented by Katherine Y.W. Or & Co. Ms. Janice Lai had declared an interest in this item as she had current business dealings with Katherine Y.W. Or & Co. As Ms. Lai had no

direct involvement in the application, Members agreed that she could stay in the meeting.

Presentation and Question Sessions

4. The Secretary reported that sufficient notice had been given to the applicant, but the applicant had indicated that she would not attend or be represented at the meeting. The Committee agreed to proceed with the consideration of the application in the absence of the applicant.

5. With the aid of a powerpoint presentation, Mr. C.T. Lau, STP/STN, presented the application as detailed in the Paper and made the following main points:

Background

- (a) the application site fell partly within the “Conservation Area” (“CA”) zone (57% or 36m²) and partly within the “Village Type Development” (“V”) zone (43% or 27m²). The site was in close proximity to “Coastal Protection Area” (“CPA”) and “Site of Special Scientific Interest” (“SSSI”) zones;
- (b) it was located within the village ‘environ’ (‘VE’) of Kai Ling Ha Lo Wai. It was situated on a slope covered with mature trees and vegetation;

The Proposal and Justifications from the Applicant

- (c) the applicant proposed to rezone part of the application site from “CA” to “V” for the development of a house;
- (d) the proposed house would have a total GFA of about 126m² and a site coverage of 100%. The proposed building height was 7.62m (2 storeys);
- (e) the applicant purchased the lot by public auction in 1967. According to the Special Conditions on the lease, the lot was restricted to private residential purpose only with one building of not more than 2 storeys or 25ft (7.62m) in height;

- (f) the applicant did not develop the site due to social instability in Hong Kong at that time and the applicant subsequently moved overseas. The applicant intended to return to Hong Kong upon completion of the building works at the site. The building covenant had been extended by District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) to 31.5.2013;
- (g) the applicant had applied to LandsD for in-situ land exchange so that the whole lot would be within the “V” zone. LandsD rejected the in-situ land exchange application and advised that the applicant should honour the original land grant and develop the lot by rezoning the site to “V” through the submission of a rezoning application to the Town Planning Board (the Board). If the rezoning application was rejected by the Board, LandsD might re-consider the in-situ land exchange application;

Comments of Relevant Government Departments

- (h) the DLO/TP, LandsD had no objection to the application. The lot was a New Grant Lot granted on 27.4.1967 by restricted public auction. The lease conditions specified that the lot should be used for private residential purposes only. According to the restrictions of the lease, it was possible to erect one building not containing more than two storeys nor exceeding a height of 25 feet (7.62m). If the rezoning application was rejected by the Board, LandsD might re-consider the application for in-situ land exchange. However, there was no guarantee that the proposed in-situ land exchange would be approved and it was the obligation of the applicant to develop the lot according to the New Grant by applying for a rezoning in the first place;
- (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application. The site was partly located on a vegetated slope with mature trees. It served as an extension of the woodland to the north. Site formation for the proposed house development would likely cause adverse impacts to the adjacent mature woodland vegetation. Besides, the area of the rezoned site would be fully occupied by the proposed house development with no space available for landscape mitigation measures. The proposed rezoning

application for a small house development would set an undesirable precedent encouraging similar village type development to encroach onto the “CA” zone. The cumulative impacts of the small house developments would lead to degradation of the adjacent woodland;

- (j) the Director of Environmental Protection (DEP) considered that the site was located in close proximity to the “CPA” and the “SSSI” zones. The expansion of the “V” zone into the “CA” zone would appear not compatible with the planning intention of the “CA” zone;

[Dr. Wilton Fok and Ms. Christina Lee arrived to join the meeting at this point.]

Public Comments

- (k) during the first three weeks of the statutory public inspection period, eight public comments, all objecting to the application, were received. A member of the public objected to the application mainly on the grounds that the application would set an undesirable precedent and affect the environment. The Indigenous Inhabitant Representative (IIR) and the residents of Kei Ling Ha Lo Wai objected to the application mainly on the grounds of ecological concerns, landscape impacts on the existing mature trees, concerns on ‘*fung shui*’ and the shrine near the site, and that the proposed development was not in line with the planning intention of the “CA” zone. WWF Hong Kong and Kadoorie Farm and Botanic Garden Corporation objected to the application on similar grounds;

Planning Department’s Views

- (l) the planning considerations and assessments were detailed in paragraph 10 of the Paper and highlighted below:
 - (i) the planning intention of the “CA” zone was 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 such as Site of Special Scientific Interest or Country Park from the adverse effects of

development. The application site and its immediate vicinity were covered with mature trees and vegetation and served as an extension of the woodland in the north. The “CA” zoning for the site was considered appropriate;

- (ii) the proposed house development would occupy the entire site. Some mature native trees in good condition were found within the site. Although the proposed house development was not incompatible with the surrounding areas, the proposed house development would involve felling of mature trees and clearance of vegetation and would cause adverse impact to the adjacent mature woodland vegetation. The proposed development would have adverse landscape impacts on the site and its surrounding areas;
- (iii) although the site was located on the periphery of the “V” zone of Kei Ling Ha Lo Wai, part of the site was currently zoned as “CA” and served as an extension of the woodland at the north and formed an integral part of the larger natural landscape. Piecemeal rezoning of the site was considered inappropriate and would set an undesirable precedent for similar applications and might degrade the environment, conservation value and function of the “CA” zone; and
- (iv) the site had a building entitlement for one residential building of 2 storeys or 7.62m in height. According to the DLO/TP of LandsD, LandsD would reconsider the applicant’s in-situ land exchange application for the site if the rezoning application was rejected by the Committee. As such, the applicant’s right to develop a house with the same intensity in the vicinity could be respected by way of a land exchange. Also, as the applicant was not an indigenous villager, the proposed rezoning of the site from “CA” to “V” was not in line with the planning intention of the “V” zone; and
- (v) in view of the above, Planning Department did not support the

application.

6. Members had no question on the application.

Deliberation Session

7. The Chairperson said that the application site was covered with mature trees and partly fell within the “CA” zone that formed part of a larger natural landscape area warranted to be preserved as a whole. However, the applicant had a right to develop a house of two storeys at the application site under the lease. DLO/TP, LandsD had indicated that if the subject rezoning application was not supported by the Board, LandsD might then reconsider the applicant’s in-situ land exchange application for the subject site to facilitate a house development within the “V” zone.

8. In response to a question from the Chairperson, Mr. C.T. Lau clarified that the applicant was not an indigenous villager.

9. In response to a question from the Chairperson on the possibility of in-situ land exchange application, Ms. Anita Lam said that LandsD might not give favourable consideration to the applicant’s in-situ land exchange application as the applicant was not an indigenous villager. She advised that government land within the “V” zone would generally be reserved for small house development of indigenous villagers. Given that the applicant was not an indigenous villager, it would be difficult for LandsD to approve the in-situ land exchange application of the applicant, even if the subject rezoning application was rejected by the Board.

10. In response to a question from the Chairperson, Mr. C.T. Lau said that as stated in paragraph 8.1 of the Paper, the application site was under a New Grant Lot and was purchased by the applicant in 1967 through public auction. The lease conditions specified that the lot should be used for private residential purposes only. No structure should be erected on the lot other than one building of not more than two storeys or 25 feet (7.62m) above the mean formation level of the land on which it stood.

11. A Member said that in view of the shortage of housing land supply, the

Government had indicated in different occasions that a flexible and proactive approach would be adopted to identify suitable land for housing development, including land falling within the “GB” zone or suitable land near Country Parks. Noting that the application site was purchased by the applicant and had a building entitlement under the lease, the Member considered that the subject application could be favourably considered. The approval of the application could demonstrate how a flexible approach could be adopted in rezoning other suitable sites for residential developments.

[Mr. H.F. Leung arrived to join the meeting at this point.]

12. In response to a question from a Member, the Chairperson said that the lot was purchased by the applicant before the publication of the first statutory plan covering the area. As the statutory plan was a small-scale plan and the land use zoning was broad-brush in nature, the zoning boundaries would not be able to clearly reflect each individual lot. It should also be noted that, unlike the “Green Belt” zone where there was a provision for s.16 application for ‘House’ development, there was no provision for application for ‘House’ development in the “CA” zone. Therefore, the applicant had to resort to a s.12A application to rezone the application site from “CA” to “V” to facilitate the house development.

13. The Chairperson continued to say that when PlanD considered the application, it was assumed that should the subject rezoning application be rejected by the Committee, the applicant’s proposed in-situ land exchange application would be favourably considered by LandsD. Assuming that the applicant’s development right would not be deprived, PlanD recommended that the application should be rejected so as to avoid the felling of mature trees at the site. However, Ms. Anita Lam had clarified that as the applicant was not an indigenous villager, the proposed in-situ land exchange might not be approved by LandsD. In this regard, in considering the subject application, Members would need to take into account the development right of the applicant and the need for conservation. As a matter of principle, unless there was overriding public need, the development right of a landowner should be respected.

14. The Vice-Chairman said that in view of the need to respect the development right of the applicant, the application should be approved. Another Member agreed.

15. A Member asked whether there was any clause restricting the felling of trees under the lease. Both Ms. Anita Lam and Mr. C.T. Lau indicated that they did not have the relevant information at hand.

16. In response to a question from the Chairperson, Mr. C.T. Lau said that the application site had never been developed before since it was acquired by the applicant and therefore the proposed house development could not be considered as a redevelopment proposal. The Chairperson said that if the proposed house development was a redevelopment, then the applicant could apply for s.16 application as 'House (Redevelopment only)' was a Column 2 use under the Notes of the "CA" zone. Given the unique circumstances of the application, the Chairperson said that the only way to allow the applicant to develop a house as permitted under the lease was to rezone the concerned portion of the application site from "CA" to "V".

17. To conclude, the Chairperson said that Members generally agreed to the rezoning application given the unique planning circumstances and the need to respect the development right of the applicant.

18. After further deliberation, the Committee decided to agree to the application. The proposed amendment to the approved Shap Sz Heung OZP No. S/NE-SSH/9 would be submitted to the Committee for consideration prior to gazetting under section 5 of the Town Planning Ordinance upon reference back of the OZP for amendment by the Chief Executive in Council.

[The Chairperson thanked Mr. C.T. Lau, STP/STN, for their attendance to answer Members' enquires. Mr. Lau left the meeting at this point.]

Sai Kung and Islands District

Agenda Item 4

Section 16 Application

[Open Meeting]

A/I-CC/15 Proposed Religious Institution and Columbarium (within a Religious Institution or extension of existing Columbarium only) in “Green Belt” zone, D.D. Cheung Chau Lot No. 4, Cheung Chau
(RNTPC Paper No. A/I-CC/15)

19. The Secretary reported that the application was submitted by Wong Wai Tsak Tong represented by Ove Arup & Partners Hong Kong Limited. Mr. Ivan Fu had declared an interest in this item as he had current business dealings with Ove Arup & Partners Hong Kong Limited. As the applicant had requested for a deferment of consideration of the application, Mr. Ivan Fu could stay in the meeting.

20. The Secretary continued to report that the application had been deferred once. On 18.10.2012, the applicant’s representative requested a deferment of the consideration of the application for a further period of three months in order to allow more time to prepare supplementary information to address the additional/further comments from Transport Department, Hong Kong Police Force and Home Affairs Bureau.

21. The Secretary said that PlanD had no objection to the request for deferment, but recommended that a deferment of two months instead of three months should be granted taking into account the existing practice of the Committee and the large number of public comments received.

22. 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 the Committee had allowed a period of two months, resulting in a total of four months for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Mr. Tim T.Y. Fung and Mr. Alex C.Y. Kiu, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-CC/17 Proposed House in “Government, Institution or Community (4)” and
“Green Belt” zones, 15 Fa Peng Road, Cheung Chau (Cheung Chau
Inland Lot No. 11 and adjoining Government Land)
(RNTPC Paper No. A/I-CC/17)

23. The Secretary reported that the application was submitted by Lucky Ltd. represented by Masterplan Ltd. Mr. Ivan Fu had declared an interest in this item as he had current business dealings with Masterplan Ltd. As Mr. Ivan Fu had no direct involvement in the application, Members agreed that he could stay in the meeting. Mr. Lincoln Huang also declared an interest in this item as he had a property on Cheung Chau. As his property was located far away from the application site, Members agreed that his interest was indirect and he could stay in the meeting.

Presentation and Question Sessions

24. With the aid of a powerpoint presentation, Mr. Tim T.Y. Fung, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house;
- (c) departmental comments – the District Lands Officer/Islands, Lands Department (DLO/Is, Lands D) commented that the owner of the Lot would need to apply for land exchange for an additional piece of

Government land of about 2,401m². Such Government land was the subject of a Government Land Licence (GLL) No. 5623. Given the large size of Government land involved, which represented an exchange ratio of at least 1:6, even if the GLL was terminated she would not support the application;

[Dr. C.P. Lau arrived to join the meeting at this point.]

- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter was the applicant of the previous application (No. A/I-CC/10) for the site and the appellant of an appeal (Appeal No. 13/2011). He stated that he would not withdraw the appeal; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in paragraph 11 of the Paper. A majority of the application site fell within the “Government, Institution or Community (4)” (“G/IC(4)”) zone, and the proposed house development was not in line with the planning intention of the “G/IC(4)” zone. It was also not in line with TPB PG-No. 16, as instead of dedicating a major portion of the proposed development to GIC and other public uses, all the GFA (422m²) was intended for the proposed house development. There was also no justification to support the inclusion of a large piece of Government land into the proposed development for private residential use. DLO/Is did not support the application as the land exchange would involve a large piece of Government land with a land exchange ratio of at least 1:6. Furthermore, a small portion of the application site (about 26m²) encroached upon a “Green Belt” (“G/B”) zone on the OZP, and there were no strong justifications provided in the submission to warrant a departure from the planning intention of the “GB” zone. Approval of the application would set an undesirable precedent for other similar applications within “G/IC” zone on the OZP. The cumulative effect of approving such similar applications would jeopardize the planning intention of “G/IC” zone. As regards the public comment, it should be

noted that the Appeal was scheduled to be heard by the Appeal Board in November 2012. The consideration of the current planning application by the Committee would not affect the hearing procedure of the appeal.

25. In response to a question from a Member, Mr. Fung said that the existing and planned GIC facilities could generally meet the existing and future needs of the residents of Cheung Chau, although there was a slight deficit in the provision of integrated family service centres. The subject “G/IC” site was an undesignated “G/IC” site. The site had not been reserved for any use.

Deliberation Session

26. The Chairperson said that in considering the application, Members should consider whether there was justification to incorporate a large piece of Government land for private garden use under the application. Members should also consider whether there was strong justification for a departure from the planning intention of the “G/IC” zone to facilitate a house development at the subject site.

27. A Member did not support the application. The Member noted that the proposed house development involved about 470m² of private land and a much larger area of about 2,400m² of government land. With a majority of the area proposed to be used as a private garden, the application site was considered excessive. Given that the proposed development was a departure from the planning intention of the “G/IC” zone, the applicant should have submitted a rezoning application for the consideration of the Committee. This Member also considered that if a rezoning application was submitted, opportunity should be taken to locate the proposed house development to one side of the application site, instead of at the centre of the site, so as to achieve a better layout for the future use of the land.

28. The Vice-Chairman did not support the application and considered that the large piece of government land should not be used for private purpose.

29. A Member said that the application site was not suitable for GIC use as it was not easily accessible by the public. It might be more suitable to be used as a holiday camp. However, the Member did not support the application as the proposed development was not

in line with the relevant Town Planning Board Guidelines. Approval of the application would set an undesirable precedent for other similar applications within the “G/IC” zone. The Member also considered that the applicant should have submitted a rezoning application to the Committee.

30. The Chairperson said that if the applicant had submitted a rezoning application for the consideration of the Committee and the Committee considered the whole site suitable for residential use, disposal of the government land portion of the site would be determined by the lands authority.

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

- (a) the proposed house development was not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone which was primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district. It was also intended to 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;
- (b) the proposed house development was not in line with the “Town Planning Board (TPB) Guidelines for Application for Development/ Redevelopment within “G/IC” Zone for Uses other than GIC Uses” (TPB PG-No. 16) in that the predominant use of the proposed development would be for non-GIC use; and
- (c) approval of the application would set an undesirable precedent for other similar applications within “G/IC” zone on the Outline Zoning Plan. The cumulative effect of approving such similar applications would jeopardize the planning intention of “G/IC” zone affecting the land available for GIC use.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/53 Proposed House in “Green Belt” zone, Lot No. 1052 S.A (part) in D.D.
217 and its adjoining Government Land, Ta Ho Tun, Sai Kung
(RNTPC Paper No. A/SK-HH/53A)

Presentation and Question Sessions

32. With the aid of a powerpoint presentation, Mr. Alex C.Y. Kiu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the size of the application site, which included a larger area of natural vegetation with a number of mature trees under the “GB” zoning, was well beyond that was required for the building footprint. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that development within the “GB” zone was generally not supported. He also had strong reservation on the application from a landscape planning perspective. The site was covered with mature trees and provided good quality greenery and landscape screening to the surrounding areas. While the applicant’s consultant claimed that the proposed sitting-out-gardens (each with a size of about 0.4m²) within the application site would provide the needed community facilities to the residents of Ta Ho Tun area and such provision could be by way of a Short Term Tenancy, the practicability of enforcement and long-term maintenance was in doubt as the sitting-out-gardens and soft landscaping

was on Government land;

- (d) during the first three weeks of the statutory publication period of the application, seven public comments were received. A Sai Kung District Council member indicated that the local villagers objected to the application on the grounds of tree felling and the setting of an undesirable precedent. Three comments from the village representatives, a group of villagers of a nearby village and a member of the public objected to the application respectively on the grounds that the application site was outside the “V” zone and the proposed development was suspected to be a columbarium. They considered that the application did not comply with TPB PG-No. 10 as there would be adverse *fung shui*, tree felling, ecological, noise and pollution impacts and the application would set an undesirable precedent. Two comments from members of the public were concerned about the size of the application site, the environmental and traffic impacts and the disturbance to the nearby residents. A Sai Kung District Council member urged the applicant to keep his promise by providing free access to the two public sitting-out-gardens and by taking up the maintenance responsibility;
- (e) during the first three weeks of the statutory publication period of the further information, four public comments were received. Two village representatives reiterated their objection to the application. Kardoorie Farm and Botanic Garden Corporation objected to the application as it was not in line with the planning intention of the “GB” zone. There would be possible ecological impacts and the setting of an undesirable precedent. A member of the public objected to the application as it was not in line with the planning intention of the “GB” zone and TPB PG-No. 10, and the development would lead to visual and transport impacts. The Tai Chung Hau Mutual Aid Committee (MAC) had no comment on the proposed house development, but stated that it would raise objection if the house was converted to a columbarium; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the

application based on the assessment as detailed in paragraph 12 of the Paper. The proposed 2-storey house development was considered not in line with the planning intention of the “GB” zone. There were no strong justifications in the submission to warrant a departure from this planning intention. The application did not comply with TPB PG-No. 10 as it would lead to significant impact on the existing trees at the application site. The submission failed to demonstrate that the proposed development would not have adverse landscape impact on the surrounding areas. The proposed sitting-out-gardens would involve vegetation clearance and site formation works, affecting the primary function of the existing “GB” zone serving as landscape buffer. Besides, the feasibility, maintenance and land administrative arrangement of the sitting-out-gardens were also in doubt. No new residential development had been approved by the Board in the same “GB” zone since the publication of the Development Permission Area Plan on 12.7.1991. The approval of the application would set an undesirable precedent for similar applications in this “GB” zone in the future. The cumulative effect of approving such similar applications would result in a general degradation of the environment and bring about adverse landscape impact on the area.

33. Members had no question on the application.

Deliberation Session

34. In response to a question from the Chairperson, Mr. Kiu said that the site comprised an agricultural lot and government land.

35. The Chairperson said that there were no special circumstances in the application to merit a departure from the planning intention of the “GB” zone, and the two proposed small sitting-out-gardens on Government land could not be regarded as a planning gain that could merit an exceptional consideration of the application. Members agreed.

36. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper

and considered that they were appropriate. The reasons were :

- (a) the proposed residential development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed residential development did not meet the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” Zone’ in that there were no exceptional circumstances to justify the application and the application would involve clearance of natural vegetation and affect the existing natural slope. The submission failed to demonstrate that the proposed development would not have adverse landscape impact on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment and bring about adverse landscape impact on the area.

Agenda Item 7

Section 16 Application

[Open Meeting]

A/SK-PK/196

Minor Relaxation of Building Height Restriction from 9m to 11.64m for a Proposed House Redevelopment in “Residential (Group C)1” zone, Lot 1811 in D.D. 221, 4 Chuk Yeung Road, Sai Kung
(RNTPC Paper No. A/SK-PK/196)

37. The Secretary reported that on 8.11.2012, the applicant’s representative requested

a deferment of the consideration of the application to the next meeting (i.e. 23.11.2012) in order to submit further information in response to departmental comments.

38. 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 at the next meeting (i.e. 23.11.2012). No further deferment would be granted unless under very special circumstances.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/197 Proposed House and Excavation of Land in “Green Belt” zone, Lot No. 373, D.D. 221, Chuk Yeung Road, Sai Kung
(RNTPC Paper No. A/SK-PK/197)

Presentation and Question Sessions

39. With the aid of a powerpoint presentation, Mr. Alex C.Y. Kiu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house and excavation of land;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application. The application site was a piece of abandoned agricultural land on a steep slope. It was densely overgrown with vegetation and there was no vehicular access to the site. The proposed development would lead to a large-scale vegetation clearance. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) did not support the application.

The application site was located in the centre of well-wooded slope of “GB” zone and there was no vehicular access to the site. The proposed development was considered not compatible with the woodland landscape and planning intention of the “Green Belt” (“GB”) zone. Moreover, extensive site formation work and vegetation clearance would cause adverse impact to the existing landscape within the application site and the areas beyond the site boundary. However, no visual illustrations had been submitted by the applicant to ascertain the extent of the impact or the effectiveness of any mitigation measures;

- (d) during the first three weeks of the statutory publication period, three public comments was received. One of the comments was from a member of the public expressing concerns about the car parking arrangement and the setting of a precedent effect if the application was approved. The other two comments were from Kadoorie Farm & Botanic Garden Corporation and WWF Hong Kong requesting the Board to reject the application for not being in line with the planning intention of the “GB” zone and for the adverse landscape and ecological impacts arising from the proposed development; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment as detailed in paragraph 12 of the Paper. The proposed house development was considered not in line with the planning intention of the “GB” zone. There were no strong justifications provided in the submission to warrant a departure from this planning intention. The application was not in line with TPB PG-No. 10. The site was an agricultural lot under the lease and there were no exceptional circumstances to justify the application for the proposed 2-storey house development. The proposed development would involve clearance of natural vegetation and the site formation works would adversely affect the existing landscape character with the site and its surroundings. In addition, the trees at the site, as part of the wooded area in the vicinity, had certain amenity value, and the removal of them would inevitably result in loss of greenery. The submission failed to demonstrate

that the proposed development would not have adverse landscape impact on the surrounding areas. The approval of the application would set an undesirable precedent for similar applications in the “GB” zone in the future. The cumulative effect of approving such similar applications would result in a general degradation of the environment and bring about adverse landscape impact on the area.

40. Members had no question on the application.

Deliberation Session

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

- (a) the proposed residential development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. The applicant failed to provide strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed residential development did not meet the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” Zone’ in that there were no exceptional circumstances to justify the application and the application would involve clearance of natural vegetation and affect the existing natural slope. The submission failed to demonstrate that the proposed development would not have adverse landscape impact on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of

approving such similar applications would result in a general degradation of the environment and bring about adverse landscape impact on the area.

[The Chairperson thanked Mr. Tim T.Y. Fung and Mr. Alex C.Y. Kiu, STPs/SKIs, for their attendance to answer Members' enquires. Messrs. Fung and Kiu left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-TKLN/2 Proposed Burial Ground (Reprovisioned Permitted Burial Ground) in
“Green Belt” zone, Government Land in D.D.78, near North East New
Territories Landfill Leachate Treatment Works, Ta Kwu Ling North
(RNTPC Paper No. A/DPA/NE-TKLN/2)

42. Ms. Janice Lai declared an interest in this item as she had currently business dealing with the Civil Engineering and Development Department, the applicant of the subject application. As she was not involved in this application, Members agreed that she could stay in the meeting.

Presentation and Question Sessions

43. 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 burial ground (reprovisioned permitted burial ground);
- (c) departmental comments – the concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received. A North District Council member supported the application as the proposed development would be helpful to the relevant villagers. The District Officer (North) reported the Vice-Chairman of Ta Kwu Ling District Rural Committee objected to the application while the incumbent District Council member, a Village Representative of Chuk Yuen and two Representatives of Tsung Yuen Ha had no comment. Another Village Representative of Chuk Yuen reserved his comment at this stage; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper. As regards the comments relayed by District Officer (North), the applicant indicated that since early 2011, it had, together with District Lands Officer/North and District Officer (North), gone through a long process of discussion with the concerned village representatives and agreed on the use of the application site for the reprovisioning of the permitted burial ground. The Indigenous Inhabitant Representatives of Chuk Yuen and Tsung Yuen Ha Villages had indicated that there was a consensus from all concerned villagers on the shared use of the application site as permitted burial ground by both villages.

44. In response to a question from a Member, Mr. Chan said that the proposed burial ground was for the reprovisioning of the existing permitted burial ground for the indigenous villagers in Chuk Yuen and Tsung Yuen Ha Villages which would be affected by the proposed road works for the Liantang/Heung Yuen Wai Boundary Control Point.

45. In response to a question from a Member, Mr. Chan referred to Drawing A-1 of

the Paper and pointed out that the existing permitted burial ground fell within the project boundary of the Liantang/Heung Yuen Wai Boundary Control Point. The applicant had explored a number of possible sites for the re-provisioning of the existing permitted burial ground affected by the project. Drawing A-1 also indicated the location of the other possible sites. The subject application site was selected by the applicant as the most suitable location for the development of a permitted burial ground.

46. In response to a question from another Member, Mr. Chan said that the applicant had consulted and sought the agreement of the affected villagers of Chuk Yuen and Tsung Yuen Ha Villages on the use of the application site for the re-provisioning of the permitted burial ground. An objection had been received from the Vice-Chairman of Ta Kwu Ling District Rural Committee, who was however not a villager of the two affected villages.

Deliberation Session

47. The Chairperson said that according to the Town Planning Guidelines TPB PG-No. 10, there was a general presumption against development in the “Green Belt” (“GB”) zone. An application for new development in a “GB” zone would only be considered in exceptional circumstances and had to be justified with very strong planning grounds. It was considered that there were overriding public interests for the re-provisioning of the permitted burial ground at the application site to facilitate the development of the Liantang/Heung Yuen Wai Boundary Control Point which was a project of territorial significance. The application site was also chosen after a proper and thorough site search and was considered to be the most suitable site for the purpose.

48. In response to a question from the Chairperson, Mr. Chan said that five sites were identified for initial consideration for re-provisioning of the affected permitted burial ground based on a list of selection criteria. The application site was the only site that met all the selection criteria and was considered acceptable by the concerned Indigenous Inhabitant Representatives of the affected villages.

49. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.11.2016, 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.

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

- (a) note the comments of the Commissioner for Transport that the local access leading to the site was not under Transport Department's management and the land status of the access should be checked with the lands authority;
- (b) note the comments of the Director of Agriculture, Fisheries and Conservation that good site practices during the construction of new graves and appropriate measures to control hill fire should be implemented ; and
- (c) note the comments of the Director of Food and Environmental Hygiene that his permission was required for the exhumation and removal of any human remains buried, or any urn or other receptacle containing any human remains deposited.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/212 Proposed House (New Territories Exempted House - Small House) in
"Green Belt" zone, Lot 3983 S.D in D.D. 51, Wo Hop Shek Village,
Fanling
(RNTPC Paper No. A/FSS/212)

Presentation and Question Sessions

51. 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 – the concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received. A North District Council member supported the application as it would facilitate the construction of a house by the concerned villager. A member of the public objected to the application as it was considered that the proposed development was initiated by developer(s), which was not line with the Government’s intention for construction of Small House by villagers. The District Officer (North) reported that the three Indigenous Inhabitants Representatives (IIRs) of Wo Hop Shek and one Resident Representative (RR) of Wo Hop Shek objected to the application on the grounds that the proposed development would affect the drainage, graves and *fung shui* of the village and the surrounding environments. The Chairman of Fanling District Rural Committee had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 12 of the Paper. Regarding the local objections and public comments against the application, the District Lands Officer/North, Lands Department had advised that the applicant was an indigenous villager. Besides, it was not anticipated that the proposed development would have significant adverse traffic, drainage and environmental impacts on the surrounding area. Concerned government departments including Drainage Services Department and Environmental Protection Department had no adverse comment on or no objection to the application.

52. Members had no question on the application.

53. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.11.2016, 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 firefighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) as follows:
 - (i) the application site was in an area where no stormwater drain of DSD was available. The applicant should note that:
 - (a) all existing flow paths as well as the run-off onto and passing through the site should be intercepted and disposed of via proper discharge points. The applicant should also ensure that no works, including any site formation works, should be carried out as might adversely interfere with the free flow condition of the existing drain, channels and watercourses on or in the vicinity of the application site any time during or after the works;

- (b) surface channels should be provided along the perimeter of the lot to collect all the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. Where walls were erected or kerbs were laid along the boundary of the site, peripheral channels should be provided on both sides of the walls or kerbs with details to be agreed by his department; and
 - (c) the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at their own expense. For drainage works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from District Lands Office/North and/or relevant private lot owners; and
 - (ii) 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 aspects of the development and the provision of septic tank;
- (b) 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 his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
 - (ii) the application site was located within the flood pumping gathering ground;

- (c) 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) 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) would comply 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 11

Section 16 Application

[Open Meeting]

A/NE-KTN/159 Proposed Comprehensive Low-Density Residential Development in “Comprehensive Development Area” zone, Lots 391 S.B, 392 S.C RP, 394 S.D, 1941 RP, 1941 S.A, 1941 S.B ss.1, 2030 RP, 2030 S.A, 2054 and 2106 in D.D. 95, Lot 675 (Part) in D.D. 96 and adjoining Government Land, Kwu Tung North, Sheung Shui
(RNTPC Paper No. A/NE-KTN/159A)

55. The Secretary reported that the application was submitted by Deluxe Ascent Ltd., Central Harvest Development Ltd. and Team Glory Development Ltd. The consultants involved in this application included, inter alia, Environ Hong Kong Ltd., Urbis Ltd. and Scott Wilson Ltd. Mr. Ivan Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd. and Urbis Ltd. Ms. Janice Lai had also declared an interest in this item as she had business dealings with Urbis Ltd. and Scott Wilson Ltd. As the applicants had requested for a deferment of consideration of the application, Members agreed that Mr. Fu and Ms. Lai could stay in the meeting.

56. The Secretary reported that the application had been deferred once. On 1.11.2012, the applicant’s representative requested a deferment of the consideration of the

application for a further period of two months as more time was required to liaise with the concerned government departments to resolve the outstanding issues including the proposed tree felling and landscaping proposal and the traffic impacts of the proposed development.

57. 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 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/328 Proposed Filling of Pond (about 2.12m in depth) for Demarcation of Lot Boundary and Pedestrian Walkway in “Green Belt” zone, Lot 550 (Part) in D.D. 98, Ki Lun Tsuen, Sheung Shui
(RNTPC Paper No. A/NE-KTS/328)

Presentation and Question Sessions

58. 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 filling of pond (about 2.12m in depth) for demarcation of lot boundary and pedestrian walkway;
- (c) departmental comments – the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had reservation on the application as

the proposed filling of pond might change the drainage function of the pond which served as a buffer zone for storage of surface runoff in the area, in particular during heavy rainstorm. The applicant was suggested to consider other alternative means to demarcate the lot boundary, such as marker poles and net if applicable. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) also had reservation on the application. Although it was considered that the extent of the pond filling was not large, the proposed pond filling might affect the area adjacent to the application site. There was inadequate information on the proposed works (e.g. construction details of filling works, method statement to avoid affecting its adjoining areas, final appearance of the completed works, etc.) and the potential impact on existing landscape resources and character could not be ascertained;

- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council member was received. He had no specific comment on the application but indicated that nearby residents should be consulted; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in paragraph 12 of the Paper. The proposed development was not in line with TPB PG-No. 10 in that the proposed development might change the drainage function of the pond as a buffer zone for storage of surface runoff in the area, in particular during heavy rainstorm. In this regard, CE/MN, DSD had reservation on the application and he was of the view that the applicant should consider other alternative means to demarcate the lot boundary, such as marker poles and net if applicable. Although the proposed development of pond bund might not contravene the planning intention of the “Green Belt” zone and was not incompatible with the surrounding land uses, CTP/UD&L, PlanD had reservation on the application. The potential impact on existing landscape resources and character could not be ascertained since there was inadequate information on the proposed works (e.g. construction details of filling works, method statement to avoid affecting its adjoining areas, final

appearance of the completed works, etc.). There was no similar application for filling of pond in the Kwu Tung South area. The approval of the application would set an undesirable precedent for similar applications within “GB” zone. The cumulative effect of approving such applications would result in adverse drainage and landscape impacts on the surrounding areas.

59. Members had no question on the application.

Deliberation Session

60. The Chairperson said that the applicant had failed to demonstrate that the proposed development would not cause adverse drainage impacts on the surrounding areas and therefore was not in line with TPB PG-No. 10. The proposed development of pond bund to demarcate the lot boundary was not justified as there would be other more convenient and effective means to achieve the same purpose. This view was echoed by a Member who considered that there was no good reason to grant permission for the application.

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

- (a) the proposed development was not in line with the ‘Town Planning Board (TPB) Guidelines for Application for Development within “Green Belt” (“GB”) Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that the proposed development might change the drainage function of the pond as a buffer zone for storage of surface runoff in the area, in particular during heavy rainstorm;
- (b) the applicant had failed to demonstrate that the proposed development would not cause significant adverse 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 “GB” zone. The cumulative effect of approving such application would result in adverse drainage and landscape impacts on the surrounding areas.

Agenda Items 13 and 14

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/329 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 509 S.A in D.D. 94, Hang Tau Tsuen, Sheung
Shui
(RNTPC Paper No. A/NE-KTS/329)

A/NE-KTS/330 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 509 S.B in D.D. 94, Hang Tau Tsuen, Sheung
Shui
(RNTPC Paper No. A/NE-KTS/330)

62. Noting that the two s.16 applications were similar in nature and the application sites were located close to each other, Members agreed that the two applications could be considered together.

Presentation and Question Sessions

63. 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) a proposed house (New Territories Exempted House - Small House) under each application;
- (c) departmental comments – the concerned government departments had no objection to or adverse comment on the applications;

- (d) during the first three weeks of the statutory publication period, two public comments for each application were received. A North District Council member supported the applications as he considered that it would facilitate the construction of a house by the concerned villager. Designing Hong Kong Limited (DHKL) objected to the applications on the grounds that the proposed Small House developments were not in line with the planning intention of the “Agriculture” (“AGR”) zone; there was a lack of sustainable village layout to ensure the well-being of the residents; the failure to provide a sewerage system would lead to adverse impacts on the groundwater and nearby water bodies; and inadequate access and parking space provision would cause conflicts among villagers/residents. DHKL considered that Lands Department should only approve new Small House developments when there was a confirmation that adequate access and parking spaces were available. The District Officer (North) reported that the Chairman of the Mutual Aid Committee of Eden Garden supported the applications; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the two applications based on the assessment as detailed in paragraph 11 of the Papers. As regards the adverse public comments, although the proposed developments were not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation had no strong view on the applications as the application sites were occupied by domestic structures and their potential for agricultural rehabilitation was low. Moreover, the application sites were located to the east of the “Village Type Development” zone of Hang Tau Village and fell entirely within the village ‘environ’ of the same village. The proposed Small House developments were not incompatible with the surrounding land uses. In addition, similar applications for Small House development within/partly within the same “AGR” zone in the vicinity of the application sites had also been approved. It was not anticipated that the proposed developments would have significant adverse traffic, drainage, landscape and environmental impacts on the surrounding area. To address the possible

drainage and landscape impacts, approval conditions on the submission and implementation of drainage and landscape proposals had been recommended.

64. Members had no question on the applications.

Deliberation Session

65. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 9.11.2016, 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 firefighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) as follows:
 - (i) the application site was in an area where no stormwater drain of DSD was available. The applicant should note that:

- (a) all existing flow paths as well as the run-off onto and passing through the site should be intercepted and disposed of via proper discharge points. The applicant should also ensure that no works, including any site formation works, should be carried out as might adversely interfere with the free flow condition of the existing drain, channels and watercourses on or in the vicinity of the application site any time during or after the works;
 - (b) surface channels should be provided along the perimeter of the lot to collect all the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. Where walls were erected or kerbs were laid along the boundary of the site, peripheral channels should be provided on both sides of the walls or kerbs with details to be agreed by his department; and
 - (c) the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at their own expense. For drainage works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from District Lands Office/North and/or relevant private lot owners; and
- (ii) 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 aspects of the development and the provision of septic tank;
- (b) 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 his/her inside services to the nearest suitable

government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and

- (ii) the application site was located within the flood pumping gathering ground;
- (c) 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;
- (d) note the comments of the Director of Agriculture, Fisheries and Conservation that the site was located in close vicinity of a wooded area and good site practices during the construction of the proposed Small House should be adopted so as to avoid causing any impacts on the woodland; and
- (e) 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) would comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Mr. Tang Kin-fai left the meeting temporarily at this point.]

further east and south. Although the proposed small house was not incompatible with the rural landscape, approval of the proposed small house application might set an undesirable precedent of spreading village development into the “REC” zone. The Commissioner for Transport (C for T) also had reservation on the proposed development as New Territories Exempted Houses (NTEHs) should be confined within the “Village Type Development” zone as far as possible;

- (d) during the first three weeks of the statutory publication period, a public comment from a North District Council member stating he had no comment on the application was received; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment as detailed in paragraph 11 of the Paper. The proposed development fell mainly within the “REC” zone but was not in line with the planning intention of the “REC” zone. Although the application generally met the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories” (“Interim Criteria”), the application site was located in a green area with active farmland in the immediate vicinity. The village proper of Yim Tso Ha Village was some 70m away to its further east. There was still 0.826 ha (about 33 Small House sites) of land available within the “V” zone for Small House development while the number of outstanding applications was only three. It was considered more appropriate to concentrate those proposed Small Houses within the “V” zone so that there would be an orderly development pattern and an efficient use of land and provision of infrastructure and services. In addition, DAFC, CTP/UD&L, PlanD and C for T had reservation on the application. Since the first promulgation of the Interim Criteria on 24.11.2000, no similar application within the “REC” zone to the south of Sha Tau Kok Road had been received. The approval of the application would set an undesirable precedent for similar applications, the cumulative effect of which would affect the natural habitats and result in adverse traffic and landscape impacts. The applicant claimed that similar Small House applications

near the application site had been approved by the Committee. However, it should be noted that the concerned lots were located to the north of Sha Tau Kok Road-Wo Hang and fell within an area zoned "Agriculture" on the OZP. The relevant planning application No. A/NE-LK/17 for the development of 9 NTEHs (Small Houses) was approved by the Committee on 3.12.1999 before the promulgation of the Interim Criteria. The situation of the current application was not comparable to that of the planning application No. A/NE-LK/17.

68. In response to a question from a Member, Ms. Chin said the application generally complied with the Interim Criteria as more than 50% of the footprint of the proposed Small House fell within the 'VE' and there was insufficient land within the "V" zone to meet the Small House demand. However, there was still 0.826 ha (about 33 Small House sites) of land available within the "V" zone while the number of outstanding Small House applications was only three. It was therefore considered that Small House development should be confined to the "V" zone, instead of taking up the land at the "REC" zone. Furthermore, the applicant had failed to demonstrate that the proposed development would not have adverse ecological impacts on the surrounding area. Since the first promulgation of the Interim Criteria, there was no similar application within the "REC" zone to the south of Sha Tau Kok Road - Wo Hang. The approval of the application would set an undesirable precedent for similar applications in the future.

69. In response to a further question from the Member, Ms. Chin referred to Plans A-3 and A-4 of the Paper and said that the areas to the south and southeast of the application site were generally covered with grass and vegetation.

70. A Member asked whether PlanD would recommend approval of the application if, hypothetically, the entire application site fell within the 'VE'. The Chairperson said that the application generally complied with the Interim Criteria as more than 50% of the footprint of the NTEH/Small House fell within the 'VE' and there was insufficient land within the "V" zone to meet the Small House demand. For the reasons as presented in the Paper and explained by Ms. Chin at the meeting, it would not be appropriate to recommend approval of the application even if the application site fell entirely within the 'VE'.

Deliberation Session

71. The Chairperson said that the application generally complied with the Interim Criteria as there was insufficient land within the “V” zone to meet the Small House demand based on the 10-year Small House demand forecast for Yim Tso Ha Village. However, considering that the number of outstanding Small House applications was only three and there were still plenty of vacant sites within the “V” zone, the proposed Small House development should be confined to the “V” zone. Furthermore, the proposed Small House development at the application site would have adverse ecological impacts on the surrounding areas which were rural in nature and involved a mosaic of natural habitats.

72. Considering that there was a shortage of housing land supply in the Territory, a Member said that Small House developments should be confined within the “V” zone so that other suitable land could be reserved for residential uses to meet the community needs. The same Member did not support the application and agreed with the general assessment presented by PlanD. The Chairperson said that apart from reviewing the “GB” zone to identify suitable land for housing development, PlanD would in due course undertake a comprehensive review of the future uses of land zoned “REC” and “AGR”, some of which had been left idling for many years and might have potential for residential and other developments.

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

- (a) the proposed development was not in line with the planning intention of the “Recreation” zone in that the zone was primarily for recreational developments for the use of the general public. It encouraged the development of active and/or passive recreation and tourism/eco-tourism; and
- (b) land was still available within the “Village Type Development” zone of Yim Tso Ha Village where land was primarily intended for Small House development. It was considered more appropriate to concentrate the

proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services; and

- (c) the proposed development likely involved site formation works and might cause potential adverse ecological impacts on the natural habitats including freshwater marsh, agricultural land and a stream. However, there was a lack of information in the subject application to address the potential ecological impacts. The applicant had failed to demonstrate that the proposed development would not have adverse ecological impact on the surrounding area.

[Mr. Tang Kin-fai returned to join the meeting at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

74. 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 – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were active

agricultural activities in the vicinity of the subject site and the site was of high potential for rehabilitation of agricultural activities. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered that the proposed development was not incompatible with the surrounding environment. However, he had reservation on the application as significant disturbance to the existing landscape resources had taken place before the submission of the application to the Board;

- (d) during the first three weeks of the statutory publication period, one public comment from a North District Council member supporting the application was received. The District Officer (North) reported that the incumbent of District Council member and a Village Representative of Tai Tong Wu supported the application as they considered that the proposal could resolve the land matter in Tai Tong Wu Village. The Chairman of Sha Tau Kok District Rural Committee had no comment during the consultation period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 12 of the Paper. Although DAFC did not support the application, the application site was located to the east of the “V” zone of Tai Tong Wu Village cluster and a majority of the footprint of the subject Small House fell within the ‘VE’ of the same village cluster. Besides, the proposed Small House development was not incompatible with the surrounding areas. Three similar applications (Nos. A/NE-MUP/40, 49 and 67) for four Small Houses in the vicinity of the application site had been approved by the Committee. It was not anticipated that the proposed Small House development would have significant adverse traffic, drainage and environmental impacts on the surrounding area. Although CTP/UD&L, PlanD had reservation on the application, he considered that the proposed development was not incompatible with the surrounding environment.

75. Members had no question on the application.

Deliberation Session

76. A Member asked why the subject application was recommended for approval while application No. A/NE-LK/76 which was considered at the same meeting was rejected by the Committee, noting that both applications complied with the Interim Criteria. Ms. Chin said that the subject application site was located close to the village cluster of Tai Tong Wu and there were a number of applications for Small House developments approved nearby. The area was bounded by Sha Tau Kok Road – Wo Hang to the south and was generally characterized by rural development. In contrast, the application site under application No. A/NE-LK/76 was in a green area and was close to the “Conservation Area” zone to its south which formed an integrated natural habitat that warranted preservation. In that case, the proposed development might have adverse ecological impacts on the surrounding natural environment, and there were adverse departmental comments on such aspect.

77. The Chairperson said that the two applications could be distinguished from each other. The subject application site was close to a village cluster with similar applications for Small House development approved in the vicinity, while the site of application No. A/NE-LK/76 was located in an area where no planning permission for Small House development had been granted before.

78. A Member asked why application No. A/NE-MUP/48 to the south of the subject application site was rejected by the Committee. Ms. Chin said that as the entire application site under application No. A/NE-MUP/48 was outside the “V” zone and the majority of the footprint of the proposed Small House was outside the ‘VE’ of Tai Tong Wu Village, the application was rejected by the Committee on the ground of being not in line with the Interim Criteria.

79. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.11.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

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

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

- (b) the 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.

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

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

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/76 Proposed 2 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” and “Village Type Development” zones, Lots 568 S.B & 568 S.C in D.D.46 Loi Tung Village, Sha Tau Kok (RNTPC Paper No. A/NE-MUP/76A)

Presentation and Question Sessions

81. 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 two houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, two public comments were received. A North District Council member supported the application as he considered that it would be beneficial to the concerned villager. The Kadoorie Farm and Botanic Garden Corporation was concerned that the application was not in line with the planning intention of the “Agriculture” (“AGR”) zone. If the application was approved, it considered that there would be numerous similar applications targeting the area in the “AGR” zone and it would result in the loss of agricultural land and adversely affect the nearby farming activities. The area of agricultural land in Hong Kong should not be further reduced. To safeguard the food supply which was an important public interest, the

government should take all possible steps to protect Hong Kong's agricultural land. It also expressed concerns on the possible adverse impacts on a stream which was about 34m to the south of the site. The District Officer (North) reported that the Chairman of Sha Tau Kok District Rural Committee and one Village Representative (VR) of Loi Tung supported the application, while the other VR of Loi Tung and the incumbent North District Council member had no comment; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 12 of the Paper. Although DAFC did not support the application and there was a public commenter expressing concerns on the application, it was considered that the Small House development at the subject location was not incompatible with the surrounding area. In addition, 6 similar applications for Small House development within the same “AGR” zone in the vicinity of the application site had also been approved. It was not anticipated that the proposed development would cause significant adverse environmental, drainage, traffic and landscape impacts on the surrounding area.

82. Members had no question on the application.

Deliberation Session

83. 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 9.11.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that:
 - (i) the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection and to resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
 - (ii) the site was located within flood pumping gathering ground;
- (b) 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; and
- (c) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department.

Agenda Items 18 and 19

Section 16 Applications

[Open Meeting]

A/NE-MUP/77 Proposed Burial Ground (Reprovisioned Permitted Burial Ground) in “Agriculture” zone, Government Land in D.D. 46 near Tai Tong Wu Village and Wo Keng Shan Road, Man Uk Pin
(RNTPC Paper No. A/NE-MUP/77 and 78)

A/NE-MUP/78 Proposed Burial Ground (Reprovisioned Permitted Burial Ground) in “Agriculture” and “Green Belt” zones, Government Land in D.D. 38, near Loi Tung Village at Sha Tau Kok Road - Wo Hang
(RNTPC Paper No. A/NE-MUP/77 and 78)

85. Ms. Janice Lai declared an interest in these items as she had currently business dealing with Civil Engineering and Development Department, the applicant of the subject applications. As she was not involved in the two applications, Members agreed that she could stay in the meeting.

86. Noting that the two s.16 applications were similar in nature, Members agreed that the two requests for deferment could be considered together.

87. The Secretary reported that on 1.11.2012, the applicant requested a deferment of the consideration of the applications for two weeks in order to allow additional time for the consultants to collect further information to address the departmental comments.

88. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the applications should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two weeks 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 20

Section 16 Application

[Open Meeting]

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

89. The Secretary reported that the application had been deferred twice. On 25.10.2012, the applicant requested a further deferment of the consideration of the application for two months in order to allow sufficient time to respond to comments raised by the Transport Department and the Environmental Protection Department.

90. 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 the Committee had allowed two months, resulting in a total of six months, for preparation of submission of further information. Since this was the third deferment, the applicant should be advised that this was the last deferment, and no further deferment would be granted unless under very special circumstances.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/460 Proposed House (New Territories Exempted House - Small House) in “Government, Institution or Community” and “Village Type Development” zones, Lot 159 in D.D 18, Ping Long Village, Tai Po
(RNTPC Paper No. A/NE-LT/460)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – the concerned government departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (North); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.11.2016, 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) submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) provision of drainage facilities to the satisfaction of the Director of

Drainage Services or of the TPB;

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

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

- (a) the proposed Small House should be connected to the future public sewer when available;
- (b) the sewerage connection point should be within the application site and within the “Village Type Development” (“V”) zone;
- (c) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (d) the applicant should submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes were proposed to pass to demonstrate that it was both technically and legally feasible to install sewerage pipes from the proposed New Territories Exempted House/Small House to the planned sewerage system via the relevant private lots;
- (e) note the Chief Engineer/Mainland North, Drainage Services Department (DSD) and the Chief Engineer/Project Management, DSD’s comments that:
 - (i) public stormwater drain was not available for connection in the vicinity of the application site. Any proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicant at his own expenses. The

applicant/owner was required to rectify the drainage system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system; and public sewerage system was not currently available for connection in the vicinity of the application site. However, public sewer would be laid in Ping Long Village under DSD's project 4332DS "Lam Tsuen Valley Sewerage"; and

- (ii) the scope of provision of village sewerage to Lam Tsuen Valley "V" zone area was being finalised under the project 4332DS "Lam Tsuen Valley Sewerage". Village sewerage works near this area was scheduled to start in 2012/2013 for completion in 2016/2017 tentatively subject to the land acquisition progress. Public sewers were planned in the vicinity under DSD's current project scheme, subject to finalisation with other government departments and actual construction of the planned sewerage, and as a result of consultation with the village representatives and villagers. The applicant should be vigilant on the latest situation of the project works;
- (f) note the Director of Electrical and Mechanical Services's 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 electricity line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:
- (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level at 132kV or above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary;

- (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.
- (g) note the Director of Fire Services’ comments that the applicant should observe “New Territories Exempted Houses – A Guide to Fire Safety Requirements” published by Lands Department (LandsD). Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD; and
- (h) note that the permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) would comply 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 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/411 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lots 646 S.I ss.1 and S.J ss.1 in D.D. 15 and
adjoining Government land, Shan Liu, Tai Po
(RNTPC Paper No. A/NE-TK/411)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application as the site was separated from the built-up area. The approval of the application would likely encourage more similar village house developments in the “Agriculture” (“AGR”) zone resulting in an extension of the village area well beyond the existing “V” zone boundary;
- (d) during the first three weeks of the statutory publication period, one public comment from Kadoorie Farm & Botanic Garden Corporation was received. The commenter objected to the application for the reasons that the proposed development was not in line with the planning intention of “AGR” zone. As the site was located within the Water Gathering Ground (WGG), any effluent/runoff from the proposed development would have the potential to affect the WGG. The approval of the application would set an undesirable precedent for other similar applications resulting in cumulative impacts on the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper. Although the DAFC did not support the application and the CTP/UD&L, PlanD had reservations on the application, sympathetic

consideration might be given to the application as the site was currently an abandoned field located entirely within the 'VE' of Shan Liu Village, and there was a general shortage of land in meeting the Small House demand. As regards the concerns of the public commenter, relevant approval conditions could be imposed to minimize the potential adverse impacts on the surrounding area.

96. Members had no question on the application.

Deliberation Session

97. 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 9.11.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) construction of the proposed Small House should not be commenced before the completion of the public sewerage system. The applicant should connect the sewer of the proposed Small House to the public sewerage system at his own cost. Adequate space should be reserved for the future sewer connection work;
- (b) note the comments of the Commissioner for Transport that the existing village access connecting the site was not under the Transport Department's management. The applicant was advised to clarify the land status, management and maintenance responsibilities of the village access with the relevant lands and maintenance authorities in order to avoid potential land disputes;
- (c) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain in the vicinity of the site. The applicant was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was no existing public sewerage in the vicinity of the site. Nevertheless, sewerage connection might be available near the site when the proposed village sewerage works under the project "Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C" was completed in 2013. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (d) note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the whole of foul effluent should be conveyed through cast iron pipes with sealed joints and hatchboxes from the proposed house to the public sewers. Since the proposed house was less than 30m from the nearest watercourse, it should be located as far as away

from the watercourse as possible. The existing water mains might be affected. The applicant should bear the cost of any necessary diversion works affected by the proposed development and submit the details of diversion proposal to WSD for consideration before the works commence;

- (e) note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make necessary submission to the Lands Department to verify if the site would satisfy the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemptions were not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (f) 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) would comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Items 23 and 24

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/412 Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” zone, Government Land adjoining Lot 819 in D.D. 28, 73 Tai Mei Tuk, Tai Po

(RNTPC Paper No. A/NE-TK/412 and 413)

A/NE-TK/413 Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” zone, Government Land adjoining Lot 818 in D.D. 28, 74 Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/412 and 413)

99. Noting that the two s.16 applications were similar in nature and the application sites were located close to each other, Members agreed that the two applications could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed temporary eating places (outside seating accommodations of a restaurant) for a period of 3 years;
- (c) departmental comments – the concerned government departments had no objection to or adverse comment on the applications;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – Planning Department considered that the proposed temporary eating places (outside seating accommodations of a restaurant) could be tolerated for three more years based on the assessment as detailed in paragraph 11 of the Paper.

101. Members had no question on the applications.

Deliberation Session

102. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 9.11.2015, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the planning permissions was subject to the following conditions :

- (a) 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 9.5.2013;
- (b) in relation to (a) 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 9.8.2013;
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (d) 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.

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

- (a) note comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the applicant should be reminded that no damage should be made to the adjoining public road and associated highway features. In case any public roads and street furniture was so damaged due to the applicant's works, they should be made good at the applicant's cost and to the satisfaction of the HyD;
- (b) note comments of the Chief Engineer/Mainland North, Drainage Services Department there was no public drain available for connection in the area.

If the application was approved, the applicant/owner was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems. There was existing public sewerage available for connection in the vicinity of the site. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the development;

- (c) note comments of the Director of Food and Environmental Hygiene (DFEH) that the applicant was reminded to apply formal approval for outside seating accommodation of the restaurant from the DFEH; and
- (d) note comments of the Chief Building Surveyor/New Territories West, Buildings Department that :
 - (i) if the existing building/structures to be used for restaurant were New Territories Exempted Houses to which Cap. 121 of the Laws of Hong Kong applied, the Lands Department would be in a better position to advise on the application; and
 - (ii) in case the subject building/structures were found to be unauthorized building works under the Buildings Ordinance (BO), the unauthorized structures should be removed as they were liable to action under section 24 of the BO.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/796 Shop and Services (Bicycle Sale, Rental and Maintenance) in
 “Industrial” zone, Unit B1B, G/F, Unison Industrial Centre, 27-31 Au
 Pui Wan Street, Fo Tan, Sha Tin
 (RNTPC Paper No. A/ST/796)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (bicycle sale, rental and maintenance);
- (c) departmental comments – the concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two comments were received. The representative of the Incorporated Owners of Unison Industrial Centre supported the application and considered that the application premises was suitable for the use under application as there was limited a pedestrian flow. There was also no demand to use the subject premises for factory or warehouse purposes. Another member of the public indicated that he has no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper. A temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and

demand of industrial floor space in the area.

105. Members had no question on the application.

Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.11.2015, 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 9.5.2013; and
- (b) if the above planning condition (a) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

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

temporary waiver to permit the applied use;

- (e) note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining workshop should not be adversely affected;
- (f) note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application; and
- (g) refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

[The Chairperson thanked Mr. Otto K.C. Chan, Ms. Maggie M.Y. Chin, Mr. C.T. Lau and Mr. Anthony K.O. Luk, STP/STN, for their attendance to answer Members’ enquires. Mr. Chan, Ms. Chin, Mr. Lau and Mr. Luk left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 26

Section 12A Application

[Open Meeting]

Y/TM-LTY Y/4

To rezone the application site from “Residential (Group C)”, “Residential (Group D)” and “Government, Institution or Community” to “Residential (Group C) 1” with a maximum gross floor area of 3,986m² and maximum building height of 4 storeys (14 m) excluding basement car park and “Government, Institution or Community” in “Government, Institution or Community” and “Residential (Group C)” and “Residential (Group D)” zones, Lots 809 RP, 810, 811, 1132, 1133, 1134, 1135 S.A RP, 1135 S.B RP, 1141 RP, 1142 S.A RP, 1143 RP and 1147 RP in D.D. 130 and Adjoining Government Land, Fuk Hang Tsuen Road, Lam Tei, Tuen Mun
(RNTPC Paper No. Y/TM-LTY Y/4B)

108. The Secretary reported that the application was submitted by Fordmax Development Ltd. which was a subsidiary of Henderson Land Development Co. Ltd. (Henderson). Consultants involved in this application included, inter alia, Westwood Hong & Associates Ltd. and MVA Hong Kong Ltd. Mr. Ivan Fu had declared an interest in this item as he had current business dealings with Henderson, Westwood Hong & Associates Ltd. and MVA Hong Kong Ltd. Ms. Janice Lai had also declared interests in this item as she had business dealings with Henderson. As the applicant had requested for a deferment of consideration of the application, Members agreed that Mr. Fu and Ms. Lai could stay at the meeting.

109. The Secretary reported that the application had been deferred twice. On 16.10.2012, the applicant’s representative requested a deferment of the consideration of the application for a further period of two months so as to allow more time to revise the air quality assessment in response to the comments of the Director of Environmental Protection.

110. 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. Since this was the third deferment, the applicant should also be advised that this should be the last deferment and no further deferment would be granted unless under very special circumstances.

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL-PS/397 Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years in “Green Belt” and “Village Type Development” zones, Lots 39RP(part), 40RP, 42(part), 43 S.B(part), 43 S.C(part), 43 S.D(part), 43 S.E(part), 43 S.F(part) and 43 S.G(part) in D.D. 122 and adjoining Government Land, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/397)

111. The Secretary reported that on 16.10.2012, the applicant’s representative requested a deferment of the consideration of the application for a period of one month so as to allow time for him to prepare further information in order to address Transport Department’s comments.

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

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/277 Renewal of Planning Approval for Temporary Fish Farming for a Period of 3 Years in “Comprehensive Development Area” zone, Government Land south of Tam Mei Barracks, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/277)

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 - the application site was subject of application No. A/YL-NTM/244 approved by the Committee on 20.11.2009 for a period of three years up to 20.11.2012;
- (b) the renewal of planning approval for temporary fish farming for a period of 3 years;
- (c) departmental comments – the concerned government departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – Planning Department considered that the temporary fish farming could be tolerated for three more years based on the assessment as detailed in paragraph 12 of the

Paper.

114. Members had no question on the application.

Deliberation Session

115. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 21.11.2012 to 20.11.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (b) the submission of fire service installations proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.5.2013;
- (c) in relation to (b) above, the provision of fire service installations proposed within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.8.2013;
- (d) 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; and
- (e) if any of the above planning conditions (b) or (c) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) note the comments of District Lands Officer/Yuen Long, Lands

Department (LandsD) that no permission had been given for the occupation of the Government Land (GL) within the site. Access to the site required traversing through other private lots and/or GL. His office would provide no maintenance work for the GL involved and would not guarantee right-of-way. The applicant would still need to apply to his office to permit the use of the site and any additional/excessive structures to be erected or regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion 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;

- (b) note the comments of Director of Agriculture, Fisheries and Conservation that Part C of the site was adjoining a mitigation planting site along Ngau Tam Mei Channel. The applicant should prevent encroaching on the planting site or disturbing the vegetation therein. Besides, the site was adjacent to a watercourse, the applicant should also prevent polluting the watercourse during operation; and
- (c) note the other detailed comments of the Director of Fire Services as mentioned at Appendix IV of the Paper. Should the applicant wish to apply for exemption from the provision of certain fire service installations, justifications should be provided to his department for consideration.

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-HT/782

Proposed Temporary Logistic Transport Transit Centre for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 51 (Part), 54 (Part), 55, 56 (Part), 57 (Part), 58, 60, 61, 62, 63, 64, 65, 66 (Part), 67 (Part), 71, 140 (Part), 141 (Part), 142 (Part), 143 (Part), 144, 145, 146, 148 (Part), 149 (Part), 150 (Part), 151 and 152 (Part) in D.D. 125, Lots 3220 (Part), 3221 S.B (Part), 3222 (Part), 3223 (Part), 3224 (Part), 3226 (Part), 3227, 3228, 3229, 3230, 3231, 3232, 3234 (Part) and 3235 (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/782B)

117. The Secretary reported that on 16.10.2012, the applicant requested a deferment of the consideration of the application for a period of two months so that his consultants could continue to carry out the detailed traffic assessment to address the comments of Transport Department.

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. Since this was the third deferment, the applicant should also be advised that this should be the last deferment, and no further deferment would be granted unless under very special circumstances.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/811 Temporary Recycling Centre and Open Storage Area of Recycled Plastics, Paper, Scrap Metal, Electrical Waste and New Private Cars, Light, Medium and Heavy Goods Vehicles and Construction Materials with Ancillary Workshops for a Period of 3 Years in “Undetermined” zone, Lots No. 1824 S.A RP (Part), 1824 S.B RP (Part), 1824 S.C (Part), 1827 S.B (Part), 1827 S.B ss.1, 1828 (Part), 1838 (Part), 1843 (Part), 1844 (Part), 1845 (Part), 1846 (Part), 1848 and 1849 (Part) in D.D.125 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/811)

119. The Secretary reported that the application was submitted by Fortuneland Development Holding Ltd. with Environ Hong Kong Ltd. as one of its consultants. Mr. Ivan Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd. As Mr. Ivan Fu had no direct involvement in this application, his interest was indirect. Members agreed that he could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary recycling centre and open storage area of recycled plastics, paper, scrap metal, electrical waste and new private cars, light, medium and heavy goods vehicles and construction materials with ancillary workshops for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) had reservation on the application. There had been 15 environmental

complaints against the site since 2009, although all of them were unsubstantiated. The heavy vehicular traffic generated from the site might also cause environmental nuisances to the sensitive receivers located close to the access road, including Ping Ha Road. Should the application be approved, he considered a shorter approval period, say, one year, should be granted so as to allow flexibility for the monitoring and control of the development;

- (d) during the first three weeks of the statutory publication period, two public comments from two Yuen Long District Council (YLDC) members were received. One of them strongly objected to the application for the main reasons that the development had attracted a lot of complaints from the residents and the Owners' Committee of the Kingswood Villas; the development would have adverse traffic, drainage, visual and environmental impacts on the surrounding areas; the history of the application site indicated that the operators had made no effort in complying with the approval conditions; and the piecemeal development would jeopardize the long-term development of the area. The other YLDC member was concerned about the possible toxic gas release in case of fire outbreaks at the development. He considered that the concerned government departments should closely monitor the environment and the stacking of materials at the site. He submitted similar comments to the Board during the first three weeks of the statutory publication period of the further information received on 10.9.2012; and
- (e) the Planning Department (PlanD)'s views – Planning Department considered that the temporary development could be tolerated for a period of one year based on the assessment as detailed in paragraph 12 of the Paper. Although DEP had reservation on the application, there was no substantiated environmental complaint against the site over the past 3 years. Regarding the adverse public comments, it was noted that relevant government departments including Transport Department, Drainage Services Department, Fire Services Department and the Urban Design and Landscape section of Planning Department had no adverse comment on the

application. It should also be noted that the applicant had complied with all the approval conditions under the last approved application (No. A/YL-HT/733). To address DEP's and the commenters' concerns and to mitigate any potential environmental impacts, relevant approval conditions had been recommended. A shorter approval period of one year, instead of the three years sought, had also been recommended in order to monitor the situation of the site.

121. A Member said that as compared with the previous application No. A/YL-HT/733, the current application had included two new types of materials to be stored at the site, namely, electronic waste and construction materials. The Member asked whether the storage of these two types of materials would have any adverse environmental implications on the surrounding environment. Mr. Fung said that if the application was approved, the applicant would be advised to strictly follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the DEP to safeguard the environment. Besides, an approval condition stipulating that the handling of electrical/electronic appliances in the application site had to be carried out within concrete-paved area with covered structures would be incorporated, as proposed by the applicant and required by DEP.

122. A Member asked why, instead of three years as sought by the applicant, a temporary planning permission of one year was recommended, and why a temporary planning permission was recommended when DEP had reservation on the application. Mr. Fung said that the use under application was generally compatible with the open storage uses of the surrounding area. The application site was considered suitable for use as an open storage yard. DEP had recommended a shorter temporary planning permission of one year so as to allow closer monitoring and control of the proposed development. In response to a question from the Chairperson, Mr. Fung said that most of the open storage yards in the area were approved by the Committee on a temporary basis for a period of three years.

Deliberation Session

123. The Chairperson said that for application sites falling within Category 1 areas under TPB PG-No. 13E, favourable consideration would normally be given to applications

for open storage and port back-up uses subject to no major adverse departmental comments and local objections. The concerns of government departments on the applications within Category 1 areas could be addressed through the implementation of approval conditions. Given DEP's concern on the subject application, relevant approval conditions as well as a shorter temporary planning permission of one year, instead of three years as proposed, were recommended so as to monitor the operation of the open storage yards at the application site.

124. Noting that most of the open storage yards in the area were approved by the Committee on a temporary basis for a period of three years, the Chairperson asked why the subject application was approved for a shorter period of one year. Mr. Fung said that as shown in Appendix III of the Paper, the Committee had been granting shorter temporary planning permissions of one year to the applications covering the application site since 2009. Compared with other existing open storage yards to its west, the subject application site was closer to a residential development (Locwood Court) to the east of the area where the residents had submitted complaints on the open storage yards. A shorter temporary planning permission of one year was therefore recommended to monitor its operation and environmental impacts on the surrounding area.

125. A Member supported the approval of the application on a temporary basis for a period of one year as electronic wastes were stored at the site and closer monitoring was required to ensure that there would be no adverse impacts on the surrounding areas including the nearby drainage channel.

126. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 9.11.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 7:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, welding and major dismantling works was allowed on the site

during the planning approval period;

- (d) no dismantling of electrical/electronic appliances, as proposed by the applicant, was allowed on the site during the planning approval period;
- (e) no handling (including loading, unloading and storage) of cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment was allowed on the site during the planning approval period;
- (f) handling (including loading, unloading and storage) of electrical/electronic appliances on the site must be carried out within concrete-paved area with covered structures, as proposed by the applicant, during the planning approval period;
- (g) no stacking of materials within 5m of the periphery of the site, as proposed by the applicant, was allowed on the site during the planning approval period;
- (h) the existing drainage facilities on-site should be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.2.2013;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.12.2012;
- (k) the submission and implementation of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 9.5.2013;

- (l) the submission and implementation of a landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 9.5.2013;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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
- (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.

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

- (a) planning permission should have been obtained before continuing/commencing the development on-site;
- (b) a shorter approval period was granted in order to monitor the situation of the site and shorter compliance periods were granted correspondingly;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (e) note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprised Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government. The landowners would need to apply to him to permit structures to be erected or regularize any irregularities on-site, and the occupier would need to apply to him for occupation of the Government land involved. Such application would be considered by the

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. The applicant should consult the Chief Engineer/Land Works, Civil Engineering Development Department (CE/LW, CEDD) for any interface problem with access to the site through Government Land Allocation No. TYL 825 granted to CE/LW, CEDD for 'Ping Ha Road Improvement – Remaining Works'. DLO/YL would not guarantee right-of-way of access to the site via other private land from Ping Ha Road;

- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (g) note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Sufficient manoeuvring space should be provided within the site. No vehicle was allowed to queue back to public road or reverse onto/from public road;
- (h) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (i) note the comments of the Director of Fire Services in Appendix V of the Paper and to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of

layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. The applicant should adhere to the 'Good Practice for Open Storage' at Appendix VI of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and

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

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/816 Renewal of Planning Approval for Temporary "Open Storage of Vehicle Parts" for a Period of 3 Years in "Comprehensive Development Area" zone, Lots 2949(Part), 2950 RP(Part) and 2956(Part) in D.D. 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/816)

Presentation and Question Sessions

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

- (a) background to the application – the application site was subject of application No. A/YL-HT/654 approved by the Committee on 20.11.2009 for a period of three years up to 20.11.2012;
- (b) the renewal of planning approval for temporary “open storage of vehicle parts” for a period of 3 years;
- (c) departmental comments – the concerned government departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – Planning Department considered that the temporary open storage of vehicle parts could be tolerated for 3 more years based on the assessment as detailed in paragraph 12 of the Paper.

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 from 21.11.2012 to 20.11.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 7:00 p.m. and 8:00 a.m., as proposed by

- the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
 - (c) no cutting, dismantling, repairing, melting, compaction, unpacking, re-packing, cleansing and workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
 - (d) the existing trees on the site should be maintained at all times during the planning approval period;
 - (e) the existing drainage facilities on-site should be maintained at all times during the planning approval period;
 - (f) the submission of a condition record of the existing drainage facilities within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.5.2013;
 - (g) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.1.2013;
 - (h) the submission of a 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 21.5.2013;
 - (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.8.2013;

- (j) the submission of a landscape proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 21.5.2013;
- (k) in relation to (j) above, the implementation of the landscape proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 21.8.2013;
- (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;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior

approval of the Government, and to apply to him to permit any additional/excessive structures to be erected or regularize any irregularities on-site and for occupation of additional Government land involved. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If the application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. He did not guarantee right-of-way for access to the site from Fung Kong Tsuen Road and provided no maintenance works for the Government Land of the access track;

- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Sufficient manoeuvring spaces should be provided within the site. No vehicle was allowed to queue back to public road or reverse onto/from public road;
- (f) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (g) note the comments of the Director of Fire Services in Appendix VI of the Paper and to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy.

The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. The applicant should adhere to the 'Good Practice for Open Storage' at Appendix VII of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration;

- (h) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application; before any new building works (including containers as temporary buildings) were to be carried out on the application site, the prior approval and consent of the BD 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 the UBW erected on leased land, enforcement action might be taken by the Buildings Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary; the granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under BO; 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 was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; detailed comments on the proposal, including the provision of an emergency vehicular access under B(P)R 41D, would be made at the formal building plan submission stage; and

- (i) 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 standards.

Agenda Item 32

Section 16 Application

[Open Meeting]

A/YL-HT/819 Temporary Open Storage of Construction Machinery with Ancillary
Offices for a Period of 3 Years in "Undetermined" zone, Lot 1836
(Part) in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/819)

132. The Secretary reported that on 1.11.2012, the applicant's representative requested a deferment of the consideration of the application for a period of two months in order to allow more time for the applicant to address issues related to landscaping and fire safety.

133. 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-LFS/241 Proposed Public Utility Installation (Package Substation) with
Excavation of Land (1.8m deep) for Cable Trench in “Village Type
Development” zone, Government Land in D.D.129, Lau Fau Shan,
Yuen Long
(RNTPC Paper No. A/YL-LFS/241)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (package substation) with excavation of land (1.8m deep) for cable trench;
- (c) departmental comments – the concerned government departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the assessments as stated in paragraph 11 of the Paper.

135. Members had no question on the application.

Deliberation Session

136. 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 9.11.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) note the comments of the District Lands Officer/Yuen Long (DLO/YL), Lands Department to submit applications to him for an excavation permit on the captioned Government land and for approval of the construction and installation of the proposed package substation under the mechanism of Block Licence that covered sites of less than 12m². There was no guarantee that the excavation permit and Block Licence would be granted to the applicant. If excavation permit was granted, the grant would be subject to such terms and conditions as the Government should deem fit to do so, including the payment of administrative fee;
- (b) note the comments of the Chief Engineer/Mainland North, Drainage Services Department to provide his own drainage facilities to collect the runoff generated from the site, and discharge the runoff collected to a proper discharge point. The proposed development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside the site boundary before the commencement of the drainage works;
- (c) note the comments of the Director of Environmental Protection to take

appropriate measures to avoid noise nuisance arising from the proposed development, such as locating openings of the proposed substation away from sensitive receivers;

- (d) note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The provision of emergency vehicular access should comply with the standard stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Buildings (Planning) Regulation 41D;
- (e) note the comments of the Director of Health that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities, would not pose any significant adverse effects to workers and the public. As such, the applicant should ensure that the installation would comply with the relevant ICNIRP guidelines or other established international standards. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities;
- (f) note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant might need to extend his inside services to the nearest suitable Government water mains for connection, to resolve any land matters (such as private lots) associated with the laying of water mains in private lots for the provision of water supply and that he should be responsible for the construction, operation and maintenance of any inside services within the private lots to WSD's standards; and
- (g) note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt good site practices to avoid affecting the nearby habitats and trees during the works period.

Agenda Items 34 and 35

Section 16 Applications

[Open Meeting]

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

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

138. The Secretary reported that the applications were submitted by Bright Strong Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd (SHKP). The consultants involved in the applications included, inter alia, Environ Hong Kong Ltd. and Urbis Ltd. Mr. Ivan Fu had declared an interest in these items as he had current business dealings with SHKP, Environ Hong Kong Ltd. and Urbis Ltd. Ms. Janice Lai had also declared an interest in these items as she had business dealings with SHKP and Urbis Ltd. As the applicant had requested for a deferment of consideration of the applications, Members agreed that Mr. Fu and Ms. Lai could stay at the meeting.

139. Noting that the two s.16 applications were similar in nature and the application sites were located close to each other, Members agreed that the two requests for deferment could be considered together.

140. The Secretary reported that on 1.11.2012, the applicant’s representative requested a deferment of the consideration of the applications for two more months in order to allow sufficient time for the applicant to continue to liaise with the relevant departments and

prepare additional information to address the outstanding concerns from the relevant departments including the Agriculture, Fisheries and Conservation Department, Drainage Services Department and Planning Department, as well as to revise the presentation of the Master Layout Plan for the applications.

141. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the applications should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information to address the outstanding technical issues of the applications. Since it was the fourth deferment of the applications and the Committee had allowed a total of 8 months for preparation of submission of further information, this would be the last deferment 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-KTN/395 Renewal of Planning Approval for Temporary “Open Storage of Private Vehicles and Vehicle Parts” for a Period of 3 Years in “Residential (Group D)” zone, Lots 629 S.Q, 630 S.B ss.15 and 653 S.B RP (Part) in D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/395)

Presentation and Question Sessions

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

- (a) background to the application - the application site was subject of application No. A/YL-KTN/336 approved by the Committee on 20.11.2009

for a period of three years up to 20.11.2012;

- (b) the renewal of planning approval for temporary “open storage of private vehicles and vehicle parts” for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures, located to the north (with the nearest one about 20m away) and in the vicinity of the application site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – Planning Department considered that the temporary open storage of private vehicles and vehicle parts could be tolerated for 3 more years based on the assessment as detailed in paragraph 12 of the Paper. Although DEP did not support the application, no local objection was received during the statutory publication period and no environmental complaint was received by DEP in the past 3 years. Since there was no major change in planning circumstances and the applicant had complied with the relevant approval conditions under the last approval, sympathetic consideration could be given to the current application. To minimize the possible environmental nuisance and to address the concern of the DEP, relevant approval conditions had been suggested for the consideration of the Committee.

143. Members had no question on the application.

Deliberation Session

144. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 21.11.2012 to 20.11.2015, on the terms of the

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

- (a) no night-time operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (e) the setting back of the southern boundary of the application site by 25m from Kam Tin Road, as proposed by the applicant, at all times during the planning approval period;
- (f) the stacking height of vehicles and vehicle parts should not exceed the height of the peripheral fencing of the application site at any time during the planning approval period;
- (g) the existing fencing erected 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 should be preserved and the landscaping planting on the

site should be maintained at all times during the planning approval period;

- (j) the existing drainage facilities 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 commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.5.2013;
- (l) the provision of fire extinguisher(s) with a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.1.2013;
- (m) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.5.2013;
- (n) in relation to (m) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.8.2013;
- (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.

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

- (a) resolve any land issue relating to the development with other concerned owner of the application site;
- (b) note the District Lands Officer/Yuen Long's comments that the lots within the site were Old Scheduled Agricultural Lot held under Block Government Lease under which no structure was allowed to be erected without prior approval from the government. No approval was given for the proposed specified structures as storage and ancillary office. The private land of Lot No.629 S.Q in D.D. 110 was covered by Short Term Waiver No. 2461 which allowed the use of land for storage of private vehicles and vehicle parts with Built-over Area not exceeding 245m² and height not exceeding 4.5m above the level of ground. The site was accessible through an informal track on Government land extended from Kam Tin Road. Lands Department (LandsD) did not provide maintenance works on this track nor guarantee right-of-way. The lot owner concerned would need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such 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) 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;
- (d) note the Commissioner for Transport's comments that the site was connected to the public road network via a section of a local access road

which was not managed by the Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, 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 Town Planner/Urban Design and Landscape, Planning Department's comments that there seemed to be some decay at the root of the Delonix regia (鳳凰木) located close to the temporary structures. The applicant should closely monitor the health and safety of the Delonix regia tree;
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with Buildings Ordinance (BO). An Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
- (g) 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. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. For open 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 clearly indicated on plans. If the applicant wished to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to

provide justifications to his department for consideration. Having considered the nature of the open storage, an approval condition on provision of fire extinguisher(s) within 6 weeks from the date of planning approval should be included in the planning permission. To address this condition, the applicant should submit a valid fire certificate (FS251) to his department for approval.

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/176 Renewal of Planning Approval for Temporary “Camping Ground for Meditation Use” for a Period of 1 Year in “Conservation Area” zone, Lots 1556 (Part) and 1558 in D.D. 114, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/176)

Presentation and Question Sessions

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

- (a) background to the application - the application site was subject of application No. A/YL-SK/165 approved by the Committee on 18.11.2011 for a period of one year from 27.11.2011 up to 26.11.2012;
- (b) the renewal of planning approval for temporary “camping ground for meditation use” for a period of 1 year;
- (c) departmental comments – the concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received from the resident representative of Lui Kung Tin

Tsuen, a Yuen Long District Council member, the Chairman of Pat Heung Rural Committee, and the Village Office of Pat Heung Sheung Tsuen. They objected to the application on the grounds of traffic congestion, safety/security issues for local villagers, the large number of participants, usually wearing white robes, passing through the nearby villages and causing adverse psychological effect on the local villagers, and adverse *fung shui* impacts on Pat Heung Old Temple and the Pat Heung area. The District Officer (Yuen Long) reported that he had also received the same public comments; and

- (e) the Planning Department (PlanD)'s views – Planning Department considered that the temporary camping ground for meditation use could be tolerated for a further period of one year based on the assessment as detailed in paragraph 12 of the Paper. As regards the adverse public comments, it should be noted that Transport Department and Water Supplies Department had no adverse comment on the traffic aspect of the application. However, the applicant should be advised not to use the nearby catchwater access road as a vehicular access to the site. Other departments, including Environmental Protection Department and the Hong Kong Police Force also had no adverse comment on the application. To minimize and mitigate any potential impacts on the surrounding areas, relevant approval conditions had been recommended.

147. Members had no question on the application.

Deliberation Session

148. The Chairperson said that in order to address the concern of the local villagers, the applicant had clarified that the participants of the meditation event would be in casual wear such as T-shirts and sportswear. Noting that there would only be less than 10 meditation events with about 40 to 50 participants for each event every year, Members agreed that no significant impact was expected from the temporary camping ground and a temporary planning permission for a period of one year could be granted to monitor its operation.

149. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year from 27.11.2012 to 26.11.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no new fixture or structure was allowed to be placed/built on the application site during the planning approval period;
- (b) no trees within the application site were allowed to be felled unless with prior approval of the Director of Planning during the planning approval period;
- (c) no open burning, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;
- (d) no chemicals, including fertilizers/pesticides, were allowed to be used or stored on the application site at any time during the planning approval period;
- (e) no public announcement system, portable loudspeaker or any form of audio amplification system, as proposed by the applicant, was allowed to be used on the application site at any time during the planning approval period;
- (f) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (g) 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.

150. 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 no approval had been given for the specified structures as wooden boards and concrete bases. The lot owner would need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including, among others, the payment of premium or fee, as imposed by LandsD. Besides, the access to the site traversed Government land. His office would provide no maintenance works for this Government land and would not guarantee right-of-way;
- (b) note the Director of Agriculture, Fisheries and Conservation's comment that open burning should not be allowed at all times within the site;
- (c) note the Chief Engineer/Development (2), Water Supplies Department's comments that the nearby catchwater access road should not be used as vehicular access to the site. The "Conditions of Working within Water Gathering Ground" in Appendix IV of the Paper should be complied with in the course of erection of structures within the site;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that, if it was proposed to erect any temporary structures not exempted under the provisions of the Buildings Ordinance, formal building plans were to be submitted for his approval; and
- (e) 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 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 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/308 Temporary Dog Hotel for a Period of 3 Years in “Village Type Development” zone, No. 169B, Tai Tong Road, Hung Cho Tin Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/308)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary dog hotel for a period of 3 years;
- (c) departmental comments – the concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter objected to the application for the reasons that the traffic volume of Tai Tong Road was already high and the pets at the site would cause pollution and scare the children in the

neighbourhood; and

- (e) the Planning Department (PlanD)'s views – Planning Department considered that the temporary dog hotel could be tolerated for a period of three years based on the assessment as detailed in paragraph 11 of the Paper. As regards the public comment, relevant government departments including the Transport Department, Environmental Protection Department and Agricultural, Fisheries and Conservation Department had no adverse comment on the application. Appropriate approval conditions had been recommended to mitigate the potential environmental impacts.

152. Members had no question on the application.

Deliberation Session

153. The Chairperson said that the previous application was approved by the Board on review in 2009. One of the considerations of the Board was that the approval of the temporary dog hotel would not jeopardize the long-term planning intention of the “V” zone. In response to the Chairperson's question, Ms. Ho said that there were no complaints against the site after a noise complaint received in 2009.

154. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.11.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the dogs should be kept inside the enclosed boarding facilities at night on the site at all times during the planning approval period;
- (b) the existing double glazing windows installed for the boarding facilities implemented under Application No. A/YL-TT/230 should be maintained at all times during the planning approval period;
- (c) the drainage facilities as implemented under Application No. A/YL-TT/230 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 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 9.5.2013;
- (e) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 9.5.2013;
- (f) in relation to (e) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 9.8.2013;
- (g) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.5.2013;
- (h) in relation to (g) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.8.2013;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.5.2013;
- (j) in relation to (i) above, the implementation of fire service installation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.8.2013;
- (k) if any of the above planning conditions (a), (b), or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

155. 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 owners of the application site;
- (c) note the District Lands Officer/Yuen Long's comments that no structure was allowed to be erected without prior approval of the Government. His office was considering the applications for Short Term Waiver in respect of the subject lots. Should the application be approved, the applications for Short Term Waiver would be considered by Lands Department (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. Besides, the site was accessible through an informal track on Government land extending from Tai Tong Road. His office would provide no maintenance works for this track nor guarantee right-of-way;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD should not be responsible for the maintenance of any access connecting the site and Tai Tong Road. Besides, the construction of run-in/out at the access point at the road near

Tai Tong Road should be in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match the existing adjacent pavement. Also, adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads/drains;

- (e) note the Environmental Protection Department's (EPD) comments that all wastewaters from the site should comply with the requirement stipulated in the Water Pollution Control Ordinance. Besides, the applicant was advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by EPD to adopt environmental mitigation measures to minimise any possible environmental nuisances;
- (f) note the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that landscape planting opportunity inside the site should be explored for enhancing the greening and screening effect. Moreover, the existing mature tree and plants in the raised planter in front of the site should be properly maintained. No nailing or hanging of signage on tree trunk or branches should be allowed;
- (g) note the Director of Fire Services' (D of FS) comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required and the applicant was advised to submit relevant layout plans incorporated with proposed FSIs to his department for approval. In formulating FSIs proposal for open 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, the applicant was advised to make reference to the D of FS requirements mentioned in paragraph 9.1.8 (b) (i) of the Paper. Moreover, the applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to

apply for exemption from the provision of certain FSIs as required, the applicant was required to provide justifications to his department 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 BD (not being New Territories Exempted House), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works (including converted containers, toilet and ancillary workshop) were to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. For UBW erected on leased land, enforcement action might be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the applied use was subject to the issue of a licence, the applicant should be reminded that 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 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;
- (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 PlanD, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and

- (j) note the Director of Food and Environmental Hygiene’s comments that the operation of the applied use should not cause any environmental nuisance, and that the waste generated by the applied use was treated as trade waste and should not be dumped into nearby refuse collection point.

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/615 Temporary Open Storage of Scrap Metal and Plastic with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots 1449 (Part), 1450 (Part), 1454 (Part), 1458 (Part) and 1459 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/615)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of scrap metal and plastic with ancillary workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential uses to the immediate south and in the vicinity of the site, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period; two public comments were received. A Yuen Long District Council member objected to the application as he considered that the handling of scrap metal and the operation of the ancillary workshop would generate noise nuisances to the nearby residents. The other commenter, on behalf of some local villagers, also objected to the application on the grounds that the applied use would generate noise nuisance and air pollution and cause potential fire hazards;
- (e) the Planning Department (PlanD)'s views – Planning Department considered that the temporary open storage of scrap metal and plastic with ancillary workshop could be tolerated for a period of three years based on the assessment as detailed in paragraph 12 of the Paper. Although DEP did not support the application, there had not been any environmental complaint in the past three years. There were also two public comments concerning the environmental impacts and potential fire hazards of the temporary open storage. To address DEP's and the public commenters' concerns, relevant approval conditions had been recommended.

157. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years until 9.11.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, except ancillary sorting and consolidation activities as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste was allowed on the application site at any time during the planning approval period;
- (e) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (f) the 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 9.5.2013;
- (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 9.8.2013;
- (h) 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 9.5.2013;

- (i) in relation to (h) 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 9.8.2013;
- (j) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.12.2012;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.5.2013;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.8.2013;
- (m) if any of the above planning conditions (a), (b), (c), (d), or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) 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.

159. 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) the site should be kept in a clean and tidy condition at all times;
- (d) note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that no approval had been given to allow the specific structures as site office, staff room, ancillary workshop, toilet, loading/unloading and storage uses. Modification of Tenancy (MOT) No. M19095 was issued for erection of structures over Lot No. 1454 in D.D 119 for agricultural purposes. If structures of other purposes were found on the above lots, his office would consider termination of the MOT as appropriate. The lot owners and the occupiers of the Government land concerned would need to apply to his office to permit any excessive/additional structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including, among others, the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal track on private lots and/or Government land extended from Kung Um Road. His office would provide no maintenance works for this track nor guarantee right-of-way;
- (e) note the Commissioner for Transport's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) note the Chief Highway Engineer/New Territories West, Highways

Department's comments that adequate drainage measures should be provided to prevent surface water flowing from the site to the nearby public roads/drains. His department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (g) follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (h) note the Chief Town Planner/Urban Design and Landscape, Planning Department's (CTP/UD&L, PlanD) comments that the unit of measurement for the size of the proposed trees should be specified;
- (i) 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;
- (j) 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, the applicant was advised to make reference to the requirements in Appendix IV of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his department, he was required to provide justification to his department for consideration;
- (k) 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 BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application.

Before any new building works (including converted containers, toilet and ancillary workshop) were to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access 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

- (1) 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 PlanD, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/616 Temporary Open Storage of Construction Machinery and Construction Materials with Ancillary Vehicle Repair Workshop and Office for a Period of 3 Years in “Undetermined” zone, Lots 2420 (Part), 2744, 2745 S.A, 2745 S.B, 2746, 2747, 2748 (Part) in D.D. 120 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/616)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction machinery and construction materials with ancillary vehicle repair workshop and office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive receivers, i.e. residential uses to the immediate north, south and west and in the vicinity of the site, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a local resident living in the vicinity of the site. The commenter objected to the application as he was concerned about the noise nuisance, dust nuisance, potential fire hazards and environmental impacts arising from vehicle repair/workshop activities. He was also concerned about the adequacy of electricity supply in the area; and

- (e) the Planning Department (PlanD)'s views – Planning Department considered that the temporary open storage could be tolerated for a period of three years based on the assessment as detailed in paragraph 12 of the Paper. Although DEP did not support the application, there had not been any environmental complaint in the past three years. There were also two public comments concerning the environmental impacts and potential fire hazards of the temporary open storage. To address DEP's and the public commenters' concerns, relevant approval conditions had been recommended.

161. Members had no question on the application.

Deliberation Session

162. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.11.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;

- (e) the existing drainage facilities on the application site implemented under Application No. A/YL-TYST/440 should be maintained at all times during the planning approval period;
- (f) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.5.2013;
- (g) the provision of boundary fence on the application site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.5.2013;
- (h) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.5.2013;
- (i) in relation to (h) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.8.2013;
- (j) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.12.2012;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.5.2013;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.8.2013;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) was not

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

- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) the site should be kept in a clean and tidy condition at all time;
- (d) note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that no approval was given for the proposed specified structures as site office, toilet and meter room. No permission had been given for the proposed use and/or occupation of the Government land within the site. The lots under application were covered by permits issued for the erection and maintenance of agricultural structures. If structures of other purposes were found on the above lots, his office would consider termination of the permits as appropriate. Should the application be approved, the lot owners concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Furthermore, the applicant had to either exclude the Government

land portion from the application site or apply for a formal approval prior to the actual occupation of the Government land. 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, access to the site required traversing through other private lots and/or Government land. His office would provide no maintenance work for the Government land involved and would not guarantee right-of-way;

- (e) note the Commissioner for Transport's comments that the land status of the access road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads/drains;
- (g) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimize any potential environmental nuisances;
- (h) note the Chief Town Planner/Urban Design and Landscape, Planning Department's (CTP/UD&L, PlanD) comments that when compared with the implemented landscape works for the previously approved application (No. A/YL-TYST/440), one tree (*Ficus microcarpa*) was found missing at the southern boundary and one tree (*Ficus microcarpa*) was found dead at the western boundary. Thus, replacement planting was required. Also, stored materials were found stacked around bases of tree trunks which should be removed and kept at a minimum 1m away from the tree trunks;

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

- (j) 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, 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 as prescribed by his department, he was required to provide justification to his department for consideration;

- (k) 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 BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works (including containers and open sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The

granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street 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

- (1) 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 PlanD, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/617 Temporary Open Storage of Construction Materials and Machinery, Vehicle Spare Parts and Recyclable Materials (including Plastic Goods, Paper and Metal) with Ancillary Workshop and Office for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lots 1433 RP (Part), 1434 RP (Part), 1438 S.A RP (Part), 1438 S.B RP (Part), 1438 S.D (Part), 1438 S.E (Part), 1438 S.F, 1438 S.G, 1438 S.H (Part) and 1438 RP (Part) in D.D. 119, Lot 1658 (Part) in D.D. 121, Shan Ha Tsuen, Yuen Long

(RNTPC Paper No. A/YL-TYST/617)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction materials and machinery, vehicle spare parts and recyclable materials (including plastic goods, paper and metal) with ancillary workshop and office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive receivers, i.e. residential uses to the immediate west and north and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – Planning Department considered that the temporary open storage could be tolerated for a period of three years based on the assessment as detailed in paragraph 12 of the Paper. Although DEP did not support the application, there was not any environmental complaint in the past three years. While ancillary workshop would be carried out on-site, the applicant indicated that the workshop activities relating mainly to the inspection of vehicle parts and packing and classification of recyclable materials would be carried out within the proposed structures in the central and eastern compartments (Compartments No. 2 and 3) respectively. There would be no workshop activities in the western compartment (Compartment No. 1) which was closest to residential dwellings. To address DEP's concern, relevant approval conditions had been recommended for the consideration of the Committee.

165. Members had no question on the application.

Deliberation Session

166. The Chairperson said that the application site was located close to residential dwellings to its west. In this regard, the applicant had proposed that no workshop activities would take place in the western compartment (i.e. compartment No. 1) which was closest to the residential dwellings. To make sure that the applicant would operate the open storage yard in the manner as proposed, the Chairperson suggested that an approval condition be imposed stipulating that no workshop activities were allowed in the western compartment of the application site. Members agreed.

167. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.11.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no workshop activities were allowed in the western compartment (compartment No. 1) of the application site, as proposed by the applicant, at all time during the planning approval period;

- (b) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;
- (e) no dismantling, repairing, cleansing, paint spraying or other workshop activities, except inspection of vehicle spare parts and packing and classification activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (f) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (g) the existing drainage facilities on the application site implemented under Application No. A/YL-TYST/451 should be maintained at all times during the planning approval period;
- (h) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.5.2013;
- (i) the provision of boundary fence on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.5.2013;

- (j) the submission 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 9.5.2013;
- (k) in relation to (i) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.8.2013;
- (l) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.12.2012;
- (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 9.5.2013;
- (n) in relation to (l) above, the implementation of fire service installation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.8.2013;
- (o) 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;
- (p) if any of the above planning conditions (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that no approval had been given to the proposed specified structures as ancillary site office, storage, guardroom and ancillary workshop use. The registered lot owners should apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, access to the site required traversing through private lot and/or Government land. His office would provide no maintenance work for the Government land involved and would not guarantee right-of-way.
- (e) note the Commissioner for Transport's comments that the land status of the access road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads/drains. His Department should not be responsible for

maintenance of any access connecting the site and Shan Ha Road;

- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimize any potential environmental nuisances;
- (h) note the Chief Town Planner/Urban Design and Landscape, Planning Department’s (CTP/UD&L, PlanD) comments that when compared with the implemented landscape works for the previously approved application (No. A/YL-TYST/451), six trees were found missing on site. Two existing trees (*Ficus microcarpa*) along the western side of the site were severely topped. Thus, replacement planting of 8 nos. of trees was required. Moreover, four trees (*Ficus microcarpa*) along the northern site of the site were ringed by rubber tires at root collar that should be removed. Stored materials were stacked around the bases of tree trunks that should be cleared and kept at a minimum 1m away from tree trunks in order to avoid jeopardizing the healthy tree growth. Locations and numbers of existing trees as shown on the proposed landscape and tree preservation plan did not tally with the actual situation on site;
- (i) 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;
- (j) 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, 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 as prescribed by his department, he was required to provide justification to his department for consideration;

- (k) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there was no record of approval by the Buildings Authority (BA) for the structures existing at the site. If the existing structures were erected on leased land without approval of BD (not being New Territories Exempted Houses), 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 containers as temporary buildings) 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 Authorized 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 an acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with 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 4.5 m 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 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 PlanD, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the

proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

[The Chairperson thanked Mr. Ernest C.M. Fung and Ms. Bonita K.K. Ho, STPs/TMYL, for their attendance to answer Members’ enquires. Mr. Fung and Ms. Ho left the meeting at this point.]

Agenda Item 42

Any Other Business

169. There being no other business, the meeting closed at 5:15 p.m.