

TOWN PLANNING BOARD

**Minutes of 477th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 23.11.2012**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Ms. Anita W.T. Ma

Dr. W.K. Yau

Professor K.C. Chau

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Ms. Janice W.M. Lai

Ms. Christina M. Lee

Mr. H.F. Leung

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

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

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

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

Secretary

Absent with Apologies

Mr. Rock C.N. Chen

Dr. C.P. Lau

Dr. W.K. Lo

Mr. Lincoln L.H. Huang

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

In Attendance

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

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 476th RNTPC Meeting held on 9.11.2012

[Open Meeting]

1. The draft minutes of the 476th RNTPC meeting held on 9.11.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

Agenda Item 3

Section 16 Application

[Open Meeting]

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

3. The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with MLA Architects (HK) Limited, the consultant of the application. As the case was a deferral request, the Committee agreed that Ms. Lai could be allowed to stay in the meeting.

4. The Secretary reported that on 2.11.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time to prepare supplementary information, including detailed assessments on the feasibility and implementation of various access road options with regard to the advice of the Transport Department and the Lands Department, for the consideration of Town Planning Board (TPB).

5. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of further information, and since this was the sixth deferment requested by the applicant and a total period of 11 months had been allowed, this should be the last deferment of the application.

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

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/55 Temporary Private Garden Ancillary to House for a Period of 3 Years
in “Green Belt” and “Open Space” zones, Government Land Adjoining
Lot No. 836 in D.D. 214, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HH/55)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary private garden ancillary to house for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had strong reservation from the landscape planning perspective as the there was a general presumption against development in the “GB” zone. It would set an undesirable precedent, attract similar development within the green belt and give rise to cumulative impacts undermining the landscape quality of the area;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in paragraph 11 of the Paper. The existing private garden had been paved and fenced off. It involved an illegal occupation of government land (GL), which fell within the “GB” (64.81m² or 95%) and “O” (3.33m² or 5%) zones. It formed a buffer between the “Residential (Group C)2” (“R(C)2”) and “Coastal Protection Area” (“CPA”) zones. The development was considered not in line with the planning intention of the “GB” zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. From the land use planning point of view, it was undesirable to allow the natural features within the “GB” zone to be hard paved and fenced off for the private usage of the applicant as his own private garden. The natural features should be retained for public enjoyment. The applicant failed to provide strong planning justifications in the submission for a departure from the planning intention of the “GB” zone even on a temporary basis. The applied use did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that there were no exceptional planning circumstances which warranted approval of the application. As the site was a piece of GL and formed a buffer between the “R(C)2” and “CPA” zones, there was no strong planning justification to use this piece of GL for a private garden for private enjoyment. According to the records of the Planning Department, the site was disturbed by clearance of vegetation in 2012 and was currently paved and developed as a private garden surrounded by fencing. The submission failed to demonstrate that the development would not have adverse landscape impact on the surrounding areas. In this regard, the CTP/UD&L had strong reservation on the application from the landscape planning point of view. Furthermore, 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

natural environment.

7. Members had no question on the application.

Deliberation Session

8. Referring to the aerial photos and assessments by the Planning Department, the Vice-Chairman noted that the application site involved illegal occupation of GL and clearance of vegetation, and as such the application should not be supported and enforcement action should be taken to tackle the illegal acts. It was supported by another Member. In response to the query of the Chairman, Mr. Alex Kiu said that the site involved GL and enforcement action which would be taken by LandsD. Ms. Anita K.F. Lam supplemented that LandsD would take appropriate land control action should the application be rejected by the Committee. Regarding a Member's concern on possible tree felling on the site, Ms. Lam said that the tree felling on government land not covered by lease would normally be referred to AFCD for necessary actions.

9. 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 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 justification in the submission for a departure from the planning intention, even on a temporary basis;
- (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. The submission failed to demonstrate that the 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 Chairman thanked Mr. Alex C.Y. Kiu, STP/SKIs, for his attendance to answer Members’ enquires. Mr. Kiu left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 5

Section 12A Application

[Open Meeting]

Y/NE-KTS/5 Application for Amendment to the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/12 from “Recreation” to “Comprehensive Development Area”, Lots 1124 RP, 1125 RP and 1126 in D.D. 92 and Lots 343 RP, 344A S.1 RP (Part), 402 S.A RP, 404 RP, 407 S.A RP, 407 S.A ss.1 RP, 408 S.A RP, 408 S.C ss.2 RP, 408 S.D ss.1, 408 RP and 408 S.D RP in D.D. 94, Hang Tau Tai Po, Sheung Shui
(RNTPC Paper No. Y/NE-KTS/5A)

10. The Secretary reported that Mr. Ivan Fu had declared an interest in this item as he had current business dealings with MVA Hong Kong Ltd., the consultant of the application. As the case was a deferral request, the Committee agreed that Mr. Fu could be allowed to stay in the meeting.

11. The Secretary reported that the application was scheduled for consideration by the Committee at this meeting. The application site, which covered a land area of about 1.77ha, formed part and partial of a larger “REC” zone of 8.55ha at Hang Tau Road. As the

Planning Department (PlanD) needed more time to assess the long-term land uses of the whole “REC” zone at Hang Tau Road in consultation with concerned government departments, the PlanD requested that a decision on the application be deferred for one month.

12. After deliberation, the Committee decided to defer a decision on the application as requested by the PlanD. The Committee agreed that the application should be submitted for its consideration after the assessment in one month’s time.

Agenda Item 6

Section 12A Application

[Open Meeting]

Y/NE-PK/2 Application for Amendment to the Approved Ping Kong Outline Zoning Plan No. S/NE-PK/11 from “Agriculture” to “Comprehensive Development Area”, Various Lots in D.D. 91 and Adjoining Government Land, Ping Kong, Sheung Shui
(RNTPC Paper No. Y/NE-PK/2A)

13. The Secretary reported that Mr. Ivan Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd., one of the consultants of the application. Ms. Janice Lai had also declared an interest in this item as she had current business dealings with ACLA Ltd., one of the consultants of the application. As the case was a deferral request, the Committee agreed that Mr. Fu and Ms. Lai could be allowed to stay in the meeting.

14. The Secretary reported that on 25.10.2012 and 16.11.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time to refine the master layout plan and to complete the traffic impact assessment and landscape impact assessment to address the departmental comments on the application.

15. After deliberation, the Committee decided to defer a decision on the application

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

Agenda Item 7

Section 12A Application

[Open Meeting]

Y/NE-TK/10 Application for Amendment to the Approved Ting Kok Outline Zoning Plan No. S/NE-TK/17 from “Agriculture” to “Other Specified Uses” annotated “Spa Resort Hotel and Nature Preservation”, Various Lots in D.D. 17 and Adjoining Government Land, Ting Kok, Tai Po
(RNTPC Paper No. Y/NE-TK/10C)

16. The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with AECOM Asia Co. Ltd., one of the consultants of the application. Mr. Ivan Fu had also declared an interest in this item as he had current business dealings with AECOM Asia Co. Ltd. and Environ Hong Kong Ltd., two of the consultants of the application. As the case was a deferral request, the Committee agreed that Ms. Lai and Mr. Fu could be allowed to stay in the meeting.

17. The Secretary reported that on 15.11.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to review the development proposal and scheme to address the comments from the Transport Department and the Agriculture, Fisheries and Conservation Department.

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

consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of further information, and since this was the fourth deferment and a total period of eight months had been allowed, this should be the last deferment of the application.

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-HH/29 Proposed House (New Territories Exempted House – Small House) in
“Unspecified Use” zone, Government Land in D.D. 283, Hoi Ha
Village, Sai Kung North
(RNTPC Paper No. A/DPA/NE-HH/29)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the site was densely wooded and the proposed Small House would require

large extent of vegetation clearance. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had strong reservation on the application from the landscape planning perspective as the site was located on the densely vegetated slope, which formed an integral part of the hillside woodland with mature trees. The proposed Small House was considered not compatible with the character of the surrounding area. The site formation works might cause adverse impact on the two native trees of semi-mature size adjacent to the north and southwest corner of the site. However, no site formation plan had been provided to demonstrate that there would be no adverse impact on the adjacent trees. Approval of the application would also set an undesirable precedent to attract other similar applications for Small House development extending the village towards the hillside woodland. The Antiquities and Monuments Office (AMO) of Director of Leisure and Cultural Services had reservation of the application as the proposed Small House would affect part of a footpath constructed of boulders, which was of archaeological/historical interest. The approval of the application would set an undesirable precedent;

- (d) 18 public comments from Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature (WWF) Hong Kong, Designing Hong Kong Ltd., and members of the public were received during the first three weeks of the statutory publication period. All the comments objected to the application mainly on the grounds that the proposed Small House would block a boulder footpath which was used by hikers and orienteering groups; it would cause adverse impacts on the important ecological habitat; it would breach the Water Pollution Control Ordinance and its Technical Memorandum; the applicant failed to prove that the proposed development would have no adverse impact on the area; the area was undergoing plan making process and planning application should be held in abeyance until the completion of the OZP; the applicant was not an indigenous “inhabitant” as specified in the Small House Policy; and vegetation on the site was found to be disturbed. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in paragraph 11 of the Paper. Although the proposed Small House development fell entirely within the 'VE' of Hoi Ha Village and some village houses were located to its west, the application site was located on a densely vegetated slope which formed an integral part of the hillside woodland with mature trees connecting to the Sai Kung West Country Park. There was a historical footpath crossing the site and leading up to upper parts of the hillside woodland. Although the applicant claimed that the proposed Small House development would not involve site formation and tree felling/cause damage to branches and roots of trees, he had failed to provide site formation plan to demonstrate there was no adverse impact on the adjacent trees. There were adverse departmental comments on the application. The DAFC and the CTP/UD&L of PlanD had reservation from the agricultural and landscape planning points of view. AMO also had reservation on the application as the proposed Small House would affect part of a footpath of archaeological/ historical interest. The application therefore did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories as the proposed development would have adverse impact on the existing trees and vegetation, the landscape character of the area, and the existing boulder footpath which was of archaeological interest. There were no exceptional circumstances that would warrant a sympathetic consideration of the application. Approval of the application would set an undesirable precedent to attract other similar applications for Small House development extending the village towards the hillside woodland. The cumulative effect would have adverse impacts on the vegetation and the natural environment. Regarding the public comment that planning application should be held in abeyance until the DPA plan was replaced by an OZP, it should be noted that it was not the intention of the DPA plan to prohibit development but rather to establish planning control of the area pending the completion of detailed analysis and studies to establish land uses in the course of preparing an OZP. Application for development in this period could be considered on a

case-by-case basis, having regard to the relevant guidelines and departmental comments.

20. Members had no question on the application.

Deliberation Session

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

- (a) the application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories as the proposed development would have adverse impact on the landscape character of the area, on the existing trees and vegetation, and on the existing boulder footpath which was of archaeological interest; and
- (b) approval of the application would set an undesirable precedent for other similar applications in the area, the cumulative impact of which would have adverse impacts on the vegetation and the natural environment.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/DPA/NE-MKT/1 Temporary Open Storage of Construction Materials for a Period of 3 Years in “Agriculture” zone, Lots 71 S.A RP, 72, 74, 76 (Part), 84 (Part), 94 (Part) and 97 (Part) in D.D. 86 and Adjoining Government Land, Muk Wu, Man Kam To
(RNTPC Paper No. A/DPA/NE-MKT/1)

22. The Secretary reported that on 13.11.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to

allow time to address the departmental comments on the application.

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

Agenda Items 10 to 12

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

Agenda Item 10

A/FSS/213 Proposed House (New Territories Exempted House – Small House) in “Green Belt” and “Village Type Development” zones, Lot 1484 S.E in D.D. 92, Tsung Pak Long Village, Sheung Shui
(RNTPC Paper No. A/FSS/213)

Agenda Item 11

A/FSS/214 Proposed House (New Territories Exempted House – Small House) in “Green Belt” and “Village Type Development” zones, Lot 1484 S.F in D.D. 92, Tsung Pak Long Village, Sheung Shui
(RNTPC Paper No. A/FSS/214)

Agenda Item 12

A/FSS/215 Proposed House (New Territories Exempted House – Small House) in “Green Belt” and “Village Type Development” zones, Lot 1484 S.G in D.D. 92, Tsung Pak Long Village, Sheung Shui
(RNTPC Paper No. A/FSS/215)

Presentation and Question Sessions

24. The Committee noted that these three applications were similar in nature and the application sites were located in close proximity to one another. The Committee agreed that these three applications could be considered together.

25. Ms. Maggie M.Y. Chin, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House – Small House) under each of the Applications No. A/FSS/213, 214 and 215;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Papers. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications from the landscape point of view in that approval of the proposed Small House development would encourage more similar Small House developments and extend the village area onto the “GB” zone. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the applications were not favourable from the agricultural development perspective as the application sites were of high potential to be rehabilitated for agricultural use;
- (d) three public comments from a North District Council (NDC) member, a village representative (VR) and a villager of Tsung Pak Long Village on each of the three applications were received during the first three weeks of the statutory publication period. The NDC member and the VR supported the applications. The villager of Tsung Pak Long Village raised objection to the applications on the grounds that there was insufficient infrastructure at the application sites; the applicants were not the villagers of Tsung Pak Long Village; and the Grade I historic building at Hak Ka Wai and the natural landscape of heritage would be affected by the proposed Small Houses. 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 applications based on the assessments as detailed in paragraph 12 of the Papers. Although the CTP/UD&L, PlanD and DAFC raised concerns on the applications, it was noted that the sites fell within the “V” zone of Tsung Pak Long Village and more than 50% of the footprint of the proposed Small Houses fell within the “V” zone of Tsung Pak Long Village. The applications generally met the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that more than 50% of the footprint of the proposed Small Houses fell entirely within the ‘VE’ of Tsung Pak Long Village and there was insufficient land within the “V” zone of Tsung Pak Long Village to meet the Small House demand. Hence, sympathetic consideration could be given to the applications. Two similar applications for Small House development partly within the same “GB” zone in the vicinity of the application had been approved with conditions by the Committee. There had been no material change in the planning circumstances for the area since the approval of these two similar applications. Relevant government departments, including C for T, DEP and CE/MN, DSD had no adverse comment on or no objection to the application. Regarding public comment on the impact of the proposed Small House on the Grade I historic building at Hak Ka Wai, it was noted that the historic building was located about 100m to the further west of the application sites and it was considered that Hak Ka Wai would not be affected by the proposed Small Houses.

26. A Member enquired whether it could be ascertained that the applicants were indigenous villagers. In response, Ms. Maggie Chin said that as advised by the LandsD, the applicants claimed themselves to be indigenous villagers of Tsung Pak Long Village, but their eligibility for Small House would have to be verified by the LandsD when the Small House applications were submitted. In response to the same Member's enquiry, Ms. Maggie Chin said that 54.3% of the footprint of the proposed Small Houses under Applications No. A/FSS/213 fell within the village 'environs' ('VE'). For the proposed Small House under Applications No. A/FSS/214 and 215, 100% of their footprint fell within the

‘VE’. The same Member enquired whether the applicants were allowed to vary the location of the footprint of the proposed Small Houses within the application sites after obtaining planning permissions from the Committee. In response, Ms. Maggie Chin said that the applications would be approved on the terms as submitted and any variation of the location of the Small Houses within the application sites might require planning permissions from the Committee.

27. Another Member asked whether there would be any sanction on the applicants if they were later found not indigenous villagers. In response, the Chairman said that the matter would be handled by LandsD when the applicants submitted Small House applications to LandsD.

Deliberation Session

28. After deliberation, the Committee decided to approve the three applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission of each of the applications should be valid until 23.11.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted under each of the applications was commenced or the permission was renewed. The permission of each of the applications was subject to the following conditions :

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

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

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

facilities of the proposed development;

- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) 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 WSD flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD) and detailed fire safety requirements would be formulated upon receipt of formal application referred by the LandsD; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/80 Proposed Filling of Land for Temporary Private Vehicle Park (Private Car, Light Goods, Vehicle and Medium Goods Vehicle), Ancillary Office and Rain Shelter for a Period of 3 Years in “Agriculture” zone, Lot No. 207 in D.D. 38, Man Uk Pin, Sha Tau Kok
(RNTPC Paper No. A/NE-MUP/80)

Presentation and Question Sessions

30. 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 land for temporary private vehicle park (private car, light goods, vehicle and medium goods vehicle), ancillary office and rain shelter for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development standpoint as the site was of high potential for rehabilitation of agricultural activities. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the site was situated in an area of rural landscape character dominated by farmland, pond and wooded “GB”, and the proposed use was incompatible with the surrounding rural landscape. As there was no information on the existing level of the site and the kind of filling materials, the disturbance to the existing landscape resources could not be fully ascertained. Approval of the proposed use might set an undesirable precedent of spreading similar uses and land filling into the “AGR” zone.

The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the application site. The Commissioner for Transport (C for T) did not support the application as the applicant had failed to demonstrate that the concerned vehicular access road was adequate to accommodate two-way traffic, in particular, with medium/heavy goods vehicles, and no information had been provided to show the parking, loading/unloading arrangement and maneuvering spaces within the site;

- (d) four public comments were received during the first three weeks of the statutory publication period. A member of the North District Council indicated that he had no comment on the application. Kadoorie Farm & Botanic Garden Corporation expressed concern on the application as the applied use was not in line with the planning intention of “AGR” zone; there was environmental impact on the area; the approval of the application would set an undesirable precedent for other similar applications which would result in loss of agricultural land and adversely affect the nearby farming activities; and the Government should take all possible steps to protect Hong Kong’s agricultural land to secure a stable food supply. The other two comments from a member of public and the residents of Man Uk Pin objected to the application mainly on the grounds that it would cause road safety problem and environmental impact. The District Officer (North) advised that a Village Representative (VR) and villagers of Man Uk Pin raised objections to the application mainly on the grounds of ‘fung shui’, road safety and natural beauty and possible environment impacts. The Chairman of Sha Tau Kok District Rural Committee (STKDRC), the incumbent District Council member and another VR of Man Uk Pin indicated that they had no comment on the application;
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in paragraph 10 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes.

There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. The site was located in a rural setting between two wooded areas zoned “GB” in the north and further south. The proposed development was incompatible with the surrounding areas, which were predominantly active farmland with village houses to its north and a pond to its immediate southeast. The CTP/UD&L objected to the application from the landscape planning point of view. DEP did not support the application as the proposed use would cause environmental nuisance to the domestic structures in the vicinity of the site. C for T also did not support the application from the traffic point of view. There were also local objections to the application on road safety and environmental grounds.

31. In response to the question raised by a Member, Ms. Maggie Chin said that the applicant was the sole current landowner of the application site.

Deliberation Session

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

- (a) the application was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good-quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the proposed development was incompatible with the rural character of the surrounding area which was predominately agricultural with domestic structures to its immediate north; and

- (c) there was no information in the application to demonstrate that the proposed development would have no adverse traffic, environmental and landscape impact on the surrounding area.

Agenda Items 14 and 15

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

Agenda Item 14

A/NE-TKL/403 Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Village Type Development” zones, Lots 848 S.C ss.4, 848 S.D ss.3 and 848 S.F ss.5 in D.D. 84, Ha Shan Kai Wat, Fanling
(RNTPC Paper No. A/NE-TKL/403)

Agenda Item 15

A/NE-TKL/404 Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Village Type Development” zones, Lots 848 B S.A, 848 S.C ss.5, 848 S.D ss.4, 848 S.E ss.6 and 848 S.F ss.4 in D.D. 84, Ha Shan Kai Wat, Fanling
(RNTPC Paper No. A/NE-TKL/404)

Presentation and Question Sessions

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

34. Ms. Maggie M.Y. Chin, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;

- (b) the proposed house (New Territories Exempted House – Small House) under each of the Applications No. A/NE-TKL/403 and 404;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agricultural development perspective as the application sites and their surrounding areas had high potential for agricultural rehabilitation. Other concerned government departments had no objection to or adverse comment on the application;
- (d) three public comments from a North District Council (NDC) member, Kadoorie Farm and Botanic Garden Corporation (KFBG) and a villager of Ha Shan Kai Wat on each of the two applications were received during the statutory publication period. The NDC member supported the applications. KFBG expressed concern on the applications as they would set undesirable precedent for similar applications, which would result in loss of agricultural land and adversely affect the nearby farming activities. The villager raised objection to the applications as they would have ‘fung shui’ impact. The District Officer/ North advised that the Vice-Chairman of Ta Kwu Ling District Rural Committee (TKLDRC), the Incumbent District Council member and Village Representatives of Ha Shan Kai Wat had no comment on the application.; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 11 of the Papers. Although DAFC did not support the applications from the agricultural point of view, the proposed Small Houses were not incompatible with the adjacent rural environment which comprised mainly vacant and fallow agricultural land, and village houses within the “V” zone of the Ha Shan Kai Wat were located about 20m to the north of the site. Further, five similar applications for Small House development in the vicinity of the sites had been approved by the Committee and there had not been any material change in planning circumstances. Regarding the

adverse public comments, it was considered that the proposed Small Houses would not have significant adverse traffic, environmental, drainage and landscape impacts on the area and the relevant government departments had no adverse comment on or no objection to the application. For the public concern on 'fung shui' aspect, it was outside the planning consideration of the Committee.

35. Members had no question on the applications.

Deliberation Session

36. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission of each of the applications should be valid until 23.11.2016, 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. The permission of each of the applications 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 Town Planning Board; and
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's comments 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;

- (ii) the application site was located within the flood pumping gathering ground;

- (b) to note the comments of Chief Town Planner/Studies & Research, Planning Department and Project Manager/New Territories North and West, Civil Engineering and Development Department that part of the proposed New Territories Exempted House (NTEH) fell within the Ping Che/ Ta Kwu Ling New Development Area (PC/TKL NDA). Under the PC/TKL Recommended Outline Development Plan (RODP), a small part of the application site would encroach upon a local distributor road. It would be desirable if the proposed NTEH could be shifted northward to avoid / minimize encroachment upon the proposed road;

- (c) to note the Director of Fire Services' comments that the applicant should observe "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by the Lands Department. Detailed fire safety requirements would be formulated upon the receipt of formal application referred by the Lands Department; and

- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the Town Planning Board where required before carrying out the road works.

Agenda Items 16 to 18

Section 16 Applications

[Open Meeting]

Agenda Item 16

A/NE-LT/461 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 922 S.E in D.D. 8, Sha Pa, Lam Tsuen, Tai Po (RNTPC Paper No. A/NE-LT/461, 462 and 463)

Agenda Item 17

A/NE-LT/462 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 922 S.G in D.D. 8, Sha Pa, Lam Tsuen, Tai Po (RNTPC Paper No. A/NE-LT/461, 462 and 463)

Agenda Item 18

A/NE-LT/463 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 922 S.F in D.D. 8, Sha Pa, Lam Tsuen, Tai Po (RNTPC Paper No. A/NE-LT/461, 462 and 463)

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

39. The Secretary reported that on 15.11.2012, the applicants requested for a deferment of the consideration of the applications for two months in order to allow time to prepare supplementary information on sewerage connection aspect.

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/414 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” and “Green Belt” zones, Lots 646 S.K ss.2, 652 S.C RP,
S.D ss.2 and S.H in D.D. 15 and Adjoining Government Land, Shan
Liu, Tai Po

(RNTPC Paper No. A/NE-TK/414)

Presentation and Question Sessions

41. 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 – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site fell wholly outside the village ‘environs’ (‘VE’) and “Village Type Development” (“V”) zone of Shan Liu. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site had high potential for agricultural rehabilitation. The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the site was located within the lower indirect Water Gathering Ground (WGG) and less than 30m away from the nearest stream, and fell outside the “V” zone and ‘VE’ of Shan Liu. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the

application from the landscape planning point of view as there was high landscape quality in the surrounding area. The approval of the application was likely to encourage more similar village house developments in the “AGR” zone, resulting in an extension of the village landscape character well beyond the existing “V” zone boundary and irreversibly altering the landscape character of the “AGR” zone;

- (d) one public comment was received from World Wide Fund for Nature (WWF) Hong Kong during the first three weeks of the statutory publication period. It raised objection to the application mainly on the grounds that the proposed development was not in line with the planning intention of “AGR” zone; it would cause adverse impact on the water quality in the area as the site was located within the WGG; site formation was found on the site and its surrounding area in 2010 and a “destroy first, build later” approach was adopted; and approval of the application would set an undesirable precedent;

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in paragraph 12 of the Paper. The site fell within an area zoned “AGR” (about 98%) and “GB” (about 2%). The proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories as the site was entirely outside the “V” zone and the ‘VE’ of any recognized villages. In this regard, DLO/TP of LandsD did not support the application. Furthermore, approval of the application would set an undesirable precedent for other similar applications in the area. There were no exceptional circumstances nor strong planning justification provided by the applicant that would merit sympathetic consideration of the application. DAFC objected to the application from the agricultural point of view as the site had high potential for agricultural rehabilitation. The CTP/UD&L, PlanD also had reservation on the application as it would set an undesirable precedent and irreversibly alter the landscape character of the “AGR” zone. Besides, no information was submitted by the applicant to demonstrate the connection of the proposed house to the public sewerage

system. The CE/Dev(2) of WSD objected to the application as the site was within the lower indirect WGG and less than 30m away from the nearest stream. Although a western portion of the site was the subject of a previous application (No. A/NE-TK/349) for Small House development approved by the Committee on 15.4.2011, the approval was mainly on the considerations that more than 50% of the footprint of the proposed Small House fell within the 'VE', there was a general shortage of land in meeting the Small House demand, and the proposed Small House could be connected to the planned sewerage system in the area.

42. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (the Interim Criteria) as the site was entirely outside the "Village Type Development" zone and the village 'environs' of any recognized villages; and
- (b) the applicant failed to demonstrate that the proposed development located within the lower indirect water gathering ground would not cause adverse impact on the water quality in the area.

Agenda Items 20 and 21

Section 16 Applications

[Open Meeting]

Agenda Item 20

A/NE-TK/415 Proposed Two Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” zone, Lots 608 S.B and RP in D.D. 15, Shan Liu, Tai Po
(RNTPC Paper No. A/NE-TK/415)

Agenda Item 21

A/NE-TK/416 Proposed Two Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” zone, Lots 646 S.F ss.1 & ss.2, S.G ss.1 & ss.2, S.H ss.1 and S.O RP in D.D. 15, Shan Liu, Tai Po
(RNTPC Paper No. A/NE-TK/416)

Presentation and Question Sessions

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

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

- (a) background to the applications;
- (b) the proposed two houses (New Territories Exempted Houses – Small Houses) under each of the Applications No. A/NE-TK/415 and 416;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the sites had high potential for agricultural rehabilitation. Other concerned government departments had no objection to or adverse comment on the applications;
- (d) public comments from World Wide Fund for Nature (WWF) Hong Kong on the two applications were received during the first three weeks of the statutory publication period. WWF raised objection to both applications

mainly on the grounds that the proposed developments were not in line with the planning intention of “AGR” zone; it would cause adverse impact on the water quality in the area as the sites were located within the Water Gathering Ground (WGG); site formation was found on the site and its surrounding areas in 2010 and a “destroy first, build later” approach was adopted; and approval of the applications would set an undesirable precedent. The Indigenous Inhabitant Representative (IIR) of Shan Liu raised objection to the Application No. A/NE-TK/415 on the ground that it would have ‘fung shui’ problem;

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 11 of the Papers. Although the DAFC did not support the application, the proposed Small Houses comply with the Interim Criteria in that they were located entirely within the ‘VE’, there was a shortage of land to meet Small House demand. The proposed Small Houses could be connected to the public sewerage system, and there were similar approved applications in the vicinity of the site. Sympathetic consideration could be given to the application. Regarding the concerns raised by WWF on the potential adverse impact of the proposed Small Houses on the subject “AGR” zone and the water quality in the area, they could be addressed by imposing approval conditions to minimize the potential adverse impacts. As for the concern of the villager that the proposed Small House under Application No. A/NE-TK/415 would have ‘fung shui’ problem, it was outside the planning consideration of the Committee.

46. Members had no question on the application.

Deliberation Session

47. After deliberation, the Committee decided to approve the applications, on the terms of the application as submitted to the Town Planning Board (TPB). The permission of each of the applications should be valid until 23.11.2016, 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 of each of the applications 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 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) 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.

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

- (a) construction of the proposed Small Houses should not be commenced before the completion of the public sewerage system. Upon completion of the trunk sewers, the applicant should connect their houses to the public sewer at their own costs. Adequate land should be reserved for the future sewer connection work;
- (b) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots and resolve all necessary government land issues with the District Lands Officer/Tai Po in order to demonstrate that it was both technically and legally feasible to install sewage pipes from the proposed house to the planned sewerage system via the concerned private lot(s) and government land;

- (c) to 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 applicants 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. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend their inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comments of the Director of Fire Services that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements would be formulated during land grant stage;
- (f) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicants should make necessary submission to the LandsD to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemptions were not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance; and

- (g) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

49. 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 (paint store);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/ Sha Tin; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments in paragraph 12 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.

50. Members had no question on the application.

Deliberation Session

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.11.2015, 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 23.5.2013;
- (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;

- (c) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Director of Fire Services that a formal application for Dangerous Goods License should be made to the Dangerous Goods Division of Fire Services Department should the applicant require the storage of dangerous goods in excess of the exempted quantity;
- (f) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls, lobbies and floors having a fire resisting period of not less than two hours, and the means of escape of the existing premises should not be adversely affected; and
- (g) refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/797 Proposed Public Utility Installation (Above ground Gas Governor Kiosk) in “Residential (Group B)” zone, Government Land in D.D. 171, Kau To, Sha Tin
(RNTPC Paper No. A/ST/797)

Presentation and Question Sessions

53. The Secretary reported that Ms. Janice Lai and Mr. Ivan Fu had declared interests in this item as they had current business dealings with Henderson Land Development Co. Ltd., which owned the company of the applicant, the Hong Kong and China Gas Co. Ltd.. The Committee considered that the Mr. Lai and Mr. Fu had direct interests and should leave the meeting temporarily for the item.

[Ms. Janice Lai and Mr. Ivan Fu left the meeting temporarily at this point.]

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

- (a) background to the application;
- (b) the proposed public utility installation (aboveground gas governor kiosk);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 8 of the Paper;
- (d) four public comments were received during the first three weeks of the statutory publication period. A comment was received from a member of the general public who indicated that he had no comment. Three comments raising objection to the application were received from the Shatin Rural

Committee, the Village Representatives and a villager of Kau To Village mainly on the grounds that the proposed gas governor kiosk would have fire safety, pollution and ‘fung shui’ problems; it would seriously affect the slope stability in case of fire or explosion; the villagers of Kau To would be exposed to unnecessary risks; and the villagers of Kau To had not been properly consulted. No local objection/view was received by the District Officer (Sha Tin); and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper. While objections were raised by the villagers on the safety and risks aspects of the proposed gas governor kiosk, the application site was more than 70m uphill from the nearest village house. The Director of Electrical and Mechanical Services (DEMS) had no adverse comment on the application from the electricity and gas safety points of view, and the Head (Geotechnical Engineering Office) of the Civil Engineering and Development Department had no comment on the slope safety aspect. Based on the comments of the Director of Fire Services, an approval condition on the provision of fire service installations and water supplies for firefighting was recommended. Regarding the public comments that the villagers were not properly consulted, public consultation on the application had already been carried out in accordance with the Town Planning Ordinance.

55. Members had no question on the application.

Deliberation Session

56. 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 23.11.2016, 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 provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) apply to the Lands Department for necessary approval in association within the proposed works;
- (b) Emergency Vehicle Access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department;
- (c) to note the comments of the Director of Electrical and Mechanical Services that the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. The project proponent should also consider sufficient safety barriers around the site where the hazard might arise from the vehicle traffic. All doors and ventilations of the kiosks should keep at a reasonable distance from adjoining building or plant (if any in future) which might constitute a source of hazard; and
- (d) the Drainage Services Department’s drainage assets under Lai Ping Road should not be affected.

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

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/798 Proposed Public Utility Installation (Package Substation) on area shown as “Road”, under an elevated road at Chik Chuen Street, Tai Wai, Sha Tin (Government Land in D.D. 180)
(RNTPC Paper No. A/ST/798)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (package substation);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 8 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper.

59. Members had no question on the application.

Deliberation Session

60. 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 23.11.2016, 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 provision of fire service installations and water supplies for fire fighting and emergency vehicular access arrangement to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Director of Water Supplies that the subject site was located in close proximity to the existing water mains, the cost of any necessary diversion if required should be borne by the applicant;
- (b) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that his stormwater drain pipes and manholes were within the vicinity of the proposed substation. Should the proposed works be of significance to CLP Power Hong Kong Limited (CLP), the actual site conditions should be verified by sub-surface explorations; and CLP should be advised to exercise extreme care when working in the vicinity of any existing drainage works in order not to disturb, interfere with or cause damage to them. Any blockage or damage to the existing drainage works due to CLP's construction activities in the area should be made good to his satisfaction at the resources of CLP;
- (c) to note the comments of the Director of Electrical and Mechanical Services that the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out

works in the vicinity of electrical supply lines; and

- (d) the applicant was advised that the proposed landscape screen should be compatible with the surrounding landscape condition and sufficient space for daily maintenance was considered necessary.

[The Chairman thanked Mr. David Y.M. Ng, Ms. Maggie M.Y. Chin, Mr. C.T. Lau and Mr. Anthony K.O. Luk, STPs/STN, for their attendance to answer Members' enquires. Mr. Ng, Ms. Chin, Mr. Lau and Mr. Luk left the meeting at this point.]

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

Tuen Mun and Yuen Long District

[Mr. Vincent T.K. Lai, Mr. K.C. Kan, Mr. Ernest C.M. Fung and 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 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/398 Proposed Temporary Open Storage of Construction Materials
(Concrete Precast Product) and Construction Machinery for a Period of
3 Years in "Recreation" zone, Lot 63 and 64 (Part) in D.D. 126, Ping
Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/398)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials (concrete precast product) and construction machinery for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective as the proposed temporary storage was not compatible with the planning intention of the “REC” zone. Similar open storage sites were not found in the immediate vicinity. The proposed temporary storage would set a precedent case of encouraging more open storage in the “REC” zone. The Commissioner for Transport (C for T) had requested the applicant to submit information on the average and peak numbers of trip generations and attractions of the application site. He also commented that there were concerns on the vehicular access point at Tin Tsz Road as it did not match with the present layout of public roads in the vicinity of the application site. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and the Director of Fire Services (D of FS) had also requested further information to support the feasibility of the submitted drainage proposal and the submission of FSI proposal;
- (d) three public comments raising objections to the application were received during the first three weeks of the statutory publication period. The comments were from two Yuen Long District Council (YLDC) members and a Village Representative of Fung Ka Wai, mainly on the grounds that the proposed development was not in line with the planned land use; it was incompatible with the nearby wetland park; it would affect the natural habitat of birds, cause adverse traffic, safety and environmental impacts, and create nuisance to the residents nearby; and approval of the application might set undesirable precedent for the practice of ‘destroy first, build later’. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in paragraph 12 of the Paper. The proposed open storage use was not in line with the planning intention of “REC” zone, which was primarily for recreational developments for the use of the public. The applicant had not provided any strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis. The proposed development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) since no previous planning approval of open storage use had been granted for the use on the site. In addition, there were adverse departmental concerns on the subject application. The CTP/UD&L had reservation on the application from the landscape planning perspective and considered that the proposed use was not compatible with planning intention of the “REC” zone. C for T, TD had requested the applicant to check the layout of public road networks and clarify the vehicular access point at Tin Tsz Road. While CE/MN, SDS and D of FS had no in-principle objection to the application, they had requested further information to support the feasibility of the submitted drainage proposal and submission of the FSI proposal. In this connection, the applicant had failed to demonstrate in the submission that the development would not generate adverse landscape and traffic impacts on the surrounding areas. No similar application for open storage use within the same site had been granted by the Committee. Approval of the application would set an undesirable precedent for similar uses to proliferate in that part of the “REC” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

63. Members had no question on the application.

Deliberation Session

64. In response to a query from the Chairman, Mr. W.C. Luk advised that C for T had requested the applicant to submit information on the average and peak numbers of trip generations and attractions at the application site and expressed concerns on the proposed vehicular access point at Tin Tsz Road. However, the applicant did not submit the requested information, without which C for T could not assess the traffic impact of the proposed open storage use on the public roads in the vicinity including Tin Tsz Road. Mr. Luk agreed to reject the application for the reason that the applicant had failed to demonstrate that the proposed development would not have adverse traffic impact on the surrounding areas.

65. 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 planning intention of the “Recreation” zone which was primarily for recreational developments for the use of the general public. No strong planning justifications had been provided in the submission to merit a departure from the planning intention, even on a temporary basis; and
- (b) the proposed development did not comply with the Town Planning Board (TPB) Guidelines TPB PG-No. 13E in that no previous planning approval had been granted for the use on the site, the applicant had failed to demonstrate that the proposed development would not have adverse landscape and traffic impacts on the surrounding areas, and there were adverse departmental comments and public objections on the application. The proposed development was also not compatible with the surrounding area which was rural in character.

Agenda Item 26

Section 16 Application

[Open Meeting]

A/TM-LTY Y/243 Temporary Sale of Vehicles (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” zone, Lot 3674 RP in D.D. 124 and Adjoining Government Land, Sun Fung Wai, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/243)

66. The Secretary reported that on 15.11.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time to prepare a detailed drainage report.

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/244 Temporary Sale of Vehicles (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” zone, Lots 3689 RP and 3691 (Part) in D.D. 124 and Adjoining Government Land, Sun Fung Wai, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/244)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary sale of vehicles (private cars and light goods vehicles) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that the proposed tree planting at the northern corner of the site would likely be in conflict with the existing palm trees. Submission and implementation of tree preservation and landscape proposal was required. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) required the applicant to submit proposal to demonstrate that the proposed vehicular access would not affect the existing drainage channel alongside Castle Peak Road – Hung Shui Kiu section to the satisfaction of his department. The Commissioner for Transport (C for T) advised that there were public complaints on illegal parking of vehicles on the footpath/cycle track near the lots occupied by the applicant. The proposed use would inevitably attract vehicle ingress/egress across public footpath and cycle track and leave the current illegal parking problem unresolved;
- (d) one public comment was received during the first three weeks of the statutory publication period. A Village Representative of Chung Uk Tsuen indicated that he had no comment on the application. No local objection/view was received by the District Office (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in paragraph 12 of the Paper. The proposed use under application was not in line with the planning intention of the “V” zone, which was to reflect existing recognized and other villages, and to provide land considered suitable for

village expansion and re-provisioning of village houses affected by government projects. There was no strong planning justification provided in the submission for a departure from such planning intention, even on a temporary basis. Although the applicant applied for temporary sales for vehicles (private cars and light goods vehicles), the condition of the site was akin to an open storage for vehicles prior to sale. Based on the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E), temporary development for open storage use falling within Category 4 areas would normally be rejected. There had been no previous permission for the temporary development at the site, and there were no exceptional circumstances that warrant sympathetic consideration of the application. While the CTP/UD&L, PlanD and CE/MN, DSD had no objection to the application, they had requested the applicant to submit and implement tree preservation, landscape and drainage proposals. The C for T also commented that there had been public complaints on illegal parking of vehicles on public footway/cycle track near the site which was occupied by the applicant. The applicant should construct a proper run-in and undertake to carry out precaution measures. However, the applicant had failed in the submission to demonstrate in the submission that the development would not generate adverse landscape, drainage and traffic impacts on the surrounding areas. Furthermore, no similar application had been approved in the same “V” zone. The approval of the application would set an undesirable precedent for similar applications. The cumulative impact of approving such applications would result in a general degradation of the environment.

69. In response to a Member’s enquiry, Mr. K.C. Kan said that an Enforcement Notice requiring the concerned parties to discontinue the unauthorized development at the site was issued by the Planning Authority. If the requirement of the Enforcement Notice was not complied with upon the expiry of the notice, the concerned parties would be subject to prosecution action.

Deliberation Session

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

- (a) the planning intention of the “Village Type Development” (“V”) zone was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. The proposed development was not in line with the planning intention of the “V” zone. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board (TPB) Guidelines on Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that the site fell within Category 4 areas and there was no previous approval granted at the site;
- (c) the applicant failed to demonstrate that the proposed development would not generate adverse landscape, drainage and traffic impacts on the surrounding area; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/417 Temporary Public Vehicle Park (for Private Cars Only) for a Period of
3 Years in “Green Belt” and “Undetermined” zones, Lots 207 RP
(Part), 208 S.B RP in D.D. 99 and Adjoining Government Land, Lok
Ma Chau Road, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/417A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park (for private cars only) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective. He commented that the proposed development was not compatible with the planning intention of “GB” zone, and approval of the application would become a precedent case for further development within the “GB” zone. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that the site was originally covered with dense vegetation and trees as revealed in the aerial photos of 1.9.2010. However, it was found hard-paved in the recent inspection with only a few trees being preserved on the site. Although the ecological value of the site was limited, any development involving tree felling within the “GB” zone was undesirable from the ecological perspective;

- (d) two public comments were received during the first three weeks of the statutory publication period. One of the comments was from the Kadoorie Farm and Botanic Garden Corporation, which expressed concern on the lack of a detailed tree survey and tree assessment to justify the retaining of only one existing tree on the site. Another comment from the San Tin Rural Committee expressed concern that approval of the application would lead to severe traffic problem. The District Officer (Yuen Long) advised that the southern portion of the affected government land (GL) encroached onto the designated burial ground No. YL/3 and it might arouse local objection from the indigenous villagers; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in paragraph 12 of the Paper. The application site straddled two zones, “U” (about 46.82%) to the north and “GB” (about 53.18%) to the south. The “GB” part was almost entirely on GL and the applied use was not in line with the planning intention of the “GB” zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. No strong planning justification had been given in the submission for a departure from such planning intentions, even on a temporary basis. The applied use did not comply within the “GB” zone with the Town Planning Board Guidelines No. 10 for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that there was a general presumption against development and there were no exceptional planning circumstances that warranted approval of the application. The applicant failed to demonstrate that the temporary public vehicle park would not have adverse landscape, traffic and drainage impacts on the surrounding area. The applied use also did not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that no previous permission for open storage at the site had been granted. There were adverse departmental comments and public concerns on the application.

The approval of the application would set an undesirable precedent for similar applications. The cumulative impact of approving such applications would result in a general degradation of the environment.

72. In response to a Member's enquiry, Mr. K.C. Kan referred to Plan A-2 of the Paper and said that based on a land use survey conducted by PlanD this year, there were existing residential developments, open storage of construction material and car parks in the vicinity of the site. The car parks were covered by valid planning approvals. Some other structures were suspected unauthorised developments. The Planning Authority would take enforcement action if necessary.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the "Green Belt" ("GB") zone. The applicant failed to provide strong planning justification for departing from the planning intention, even on a temporary basis;
- (b) the development was not in line with Town Planning Board (TPB) PG-No. 10 as there were no exceptional circumstances that warrant approval of the application the encroachment into the "GB" zone had degraded the natural landscape of the affected area. The applicant also failed to demonstrate that temporary public vehicle park would not have adverse landscape, traffic and drainage impacts on the surrounding area;
- (c) the development did not comply with the TPB PG-No.13E in that no previous planning approval had been granted for the applied use at the extended "GB" portion of the site and there were adverse comments from government departments and objections from the public; and

- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications within the “GB” zone to the north of the Chau Tau West Road. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/426 Renewal of Planning Approval for Temporary Vehicle Repair Workshop for a Period of 3 Years in “Residential (Group D)” zone, Lots 210 (Part), 341 S.B RP (Part), 353 (Part) and 354 (Part) in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/426)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval under Application No. A/YL-ST/378 for temporary vehicle repair workshop for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) advised that one unsubstantiated complaint was received in 2011;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by

the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary vehicle repair workshop could be tolerated for a further period of three years based on the assessments as detailed in paragraph 12 of the Paper.

75. Members had no question on the application.

Deliberation Session

76. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 5.12.2012 to 4.12.2015, 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 site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (d) the existing trees on the application site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the sewage treatment and disposal facilities should be maintained at all times during the planning approval period;

- (g) the submission of as-built drainage plans and photographic records of the existing drainage facilities within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2013;
- (h) 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 4.6.2013;
- (i) in relation to (h) 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 4.9.2013;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon 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.

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

- (a) to resolve any land issues relating to the temporary development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lots within the application site were Old

Scheduled Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. No permission had been given for the proposed use and/or occupation of the government land (GL) within the application site. The act of occupation of GL without Government's prior approval should not be encouraged. Access to the application site required traversing through other private lots and/or GL. His Office provided no maintenance works for the GL involved and did not guarantee right of way. The lot owner 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 GL portion from the application site or apply for a formal approval prior to the actual occupation of the GL portion. 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 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 the LandsD;

- (c) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (d) to note the comments of the Commissioner for Transport that the application site was connected to an unknown local access road, which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the detailed comments of the Chief Engineer/Mainland North, Drainage Services Department at Appendix V of the relevant RNTPC

Paper;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that 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 Building Authority should be obtained, otherwise they were unauthorized building works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance. 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 respectively. His detailed comments were at Appendix VI of the relevant RNTPC Paper;

- (g) to note the comments of the Director of Fire Services that fire service installations (FSIs) were required in consideration of the design/nature of the proposed structures, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. His detailed advice was at Appendix VII of the relevant RNTPC Paper. Should the applicant wish to apply for exemption from the provision of certain FSI as described at Appendix VII of the relevant RNTPC Paper, the applicant was required to provide justifications to his Department for consideration; and

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/217 Proposed 'Petrol Filling Station' in "Undetermined" zone and area shown as "Road", Lots 999 s.E, 1001 s.A R.P., 1002 s.A R.P. and 1327 R.P. in D.D. 115 and Adjoining Government Land, Au Tau, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/217)

Presentation and Question Sessions

78. 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 petrol filling station (PFS);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) did not support the proposed development from the public drainage point of view given the proposed decking would have implication on the flood risk of the area and impose constraints on the Yuen Long Bypass Floodway (YLBF)'s maintenance works. The Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) did not support the application as the proposed decking was located on the existing nullah embankment on GL where the stability condition was unknown. The applicant had not submitted any information on the detailed design of the intended decking and failed to address issues on drainage impact created by the proposed development and the feasibility of building on top of the nullah embankment. The Director of Environmental Protection (DEP) did not support the application in view of the potential adverse

impact on the ecological mitigation measures implemented for the YLBF and the uncertain implication under the Environmental Impact Assessment Ordinance (EIAO). The Director of Agriculture, Fisheries and Conservation (DAFC) also expressed concerns that the proposed development might affect the implementation of the ecological mitigation measures which were governed by the environmental permits of the YLBF. The applicant had not submitted any information to demonstrate that the proposed development would not result in adverse ecological impacts in terms of habitat loss, and direct impact or disturbance to foraging ground of waterbirds, in particular the breeding ardiels from the Tung Shing Lei egretty. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning and visual perspectives;

- (d) two public comments were received during the first three weeks of the statutory publication period. The comment from Yuen Long Tung Shing Lane Village Residents Welfare Association objected to the application as there was already an existing PFS along Yuen Long Section of Castle Peak Road. The new PFS would create environmental and air pollution. The other comment from a Yuen Long District Council member raised objection to the application as the proposed PFS would create nuisance to the resident dwellings in vicinity and the nearby hospital and hotel. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in paragraph 11 of the Paper. An in-house land use review of the “U” zone had commenced since late 2008 and it had not yet been finalized. Prior to the completion of the land use review, approval of the permanent PFS development at the road frontage of the “U” zone would impose further constraints to the land use review and jeopardize the long-term land use planning for the area. About two-third of the site was situated on GL which involved the decking over of a portion of the YLBF and its embankment area. However, the applicant had not submitted any information on the design of the proposed

decking over the YLBF, nor provided justification on the need of decking over part of the nullah. Concerned departments including the CE/MN of DSD, H(GEO) of CEDD, DAFC and CTP/UD&L of PlanD did not support/ had reservation on the application as the applicant failed to demonstrate that the proposed development would not have adverse drainage, geotechnical, ecological, visual and landscape impacts on the surrounding areas. Although the site was the subject of two previous Applications No. A/YL-NSW/17 and 182 approved by the Committee/Board upon review in 1997 and 2008 respectively, there had been a change in the planning circumstances under the current application as the YLBF had been implemented and a majority of the application site was on GL which formed part of the YLBF.

79. In response to the Chairman's query on the progress of the land use review, Mr. Ernest Fung explained that as it took time to investigate the land use options and address the departmental comments, the land use review had not yet been finalized.

80. In response to the Vice-chairman's query on the land status of the application site, Mr. Ernest Fung said that the site of the current application was similar to that of the previous Application No. A/YL-NSW/17. He referred to Plan A-2b of the Paper and pointed out that the western part of the application site was originally owned by the applicant but was later resumed by the Government for the development of YLBF. The eastern part of the site was owned by the applicant.

Deliberation Session

81. In response to a Member's enquiry, the Chairman explained that on 6.3.2009, Application No. A/YL-NSW/182 for a proposed PFS on a smaller site (about 1,097.6m² without the GL portion over the YLBF) as compared with the current application, was approved with conditions by the Board upon review on a temporary basis for a period of 10 years. The applicant was not satisfied with the temporary basis of the approval given by the Board and had lodged an appeal to the Town Planning Appeal Board. On 28.10.2010, the Appeal Board decided to dismiss the case. The Chairman said that although the current application was similar to the approved scheme under Application No. A/YL-NSW/17 in

terms of site area, layout and design capacity, there had been a change in planning circumstances under the current application as the YLBF had been implemented and majority of the application site was on GL forming part of the YLBF. The Chairman also pointed out that as advised by DAFC, YLBF provided suitable habitats for a number of bird species, including waterbirds and other wetland-dependent fauna, and a foraging ground of the breeding egrets and herons from the nearby egretty at Tung Shing Lei. The encroachment of the proposed PFS onto the YLBF might adversely affect these habitats. Nevertheless, the applicant did not submit any information to demonstrate that the proposed development would not have adverse ecological impact on the area.

82. Mr. H.M. Wong said that the YLBF was a Designated Project by virtue of Schedule 2 of EIAO, for which an EIA had been conducted and environmental permit had been issued to government departments including DSD for operation of the YLBF. The proposed decking for construction of the proposed PFS would affect the ecological mitigation measures implemented at the YLBF. Prior to undertaking any development affecting the YLBF, such as the proposed decking, DSD being the current environmental permit holder had to submit applications for variation of the environmental permits (VEP).

83. In response to a Member's enquiry whether it was a normal practice for the applicant to submit planning application before approval from DSD on the drainage issue was obtained, the Chairman said that normally, the applicant had to demonstrate in the application how the concerned technical issues were addressed. Mr. Ernest Fung supplemented that the applicant should demonstrate that the proposal development would not create adverse environmental impact on the surrounding area. However, the applicant had failed to do so as no technical assessments had been submitted to justify the feasibility and acceptability of the proposal.

84. Another Member said that the proposed decking of PFS over YLBF was not acceptable as the underground fuel tank of the proposed PFS might be hazardous to the drainage channel when there was fuel leakage problem. Therefore, the application should not be supported. In response to the same Member's question, Mr. Ernest Fung said that there was a PFS in vicinity of the application site on the southern side of the Castle Peak Road.

85. 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 petrol filling station was located within an area zoned “Undetermined” which was being comprehensively reviewed. Approval of the application would pose an undue constraint to the future land use in the area;
- (b) there was no strong planning justification for decking a portion of the Yuen Long Bypass Floodway for the proposed petrol filling station use; and
- (c) the applicant did not submit any technical assessment to demonstrate that the proposed development would not have adverse drainage, ecological, geotechnical, visual and landscape impacts on the surrounding areas.

[Mr. H.F. Leung left the meeting at this point]

Agenda Item 31

Section 16 Application

[Open Meeting]

A/YL-LFS/224 Proposed Comprehensive Residential Development with Wetland Nature Reserve, Filling of Pond and Excavation of Bund Resulting in No Net Loss of Wetland in “Conservation Area” and “Green Belt” and “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” zones, Lot 1457 RP in D.D. 123 and Adjoining Government Land, Fung Lok Wai, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/224B)

86. The Secretary reported that the application was submitted by Mutual Luck Investment Ltd., a subsidiary of Cheung Kong (Holding) Ltd., Sun Hung Kai Properties Ltd., and Far East Consortium International Ltd.. Ms. Janice Lai and Mr. Ivan Fu had declared an interest in this item. Ms. Lai had current business dealings with Sun Hung Kai Properties Ltd. and ADI Ltd. which was one of the consultants of the application. Mr. Ivan Fu had current

business dealings with Cheung Kong (Holding) Ltd. and Sun Hung Kai Properties Ltd. and three of the consultants of the application, namely ADI Ltd., Environ Hong Kong Ltd. and MVA Hong Kong Ltd. As the case was a deferral request, the Committee agreed that Ms. Lai and Mr. Fu could be allowed to stay in the meeting.

87. The Secretary reported that on 9.11.2012, the applicant's representative requested for a deferment of the consideration of the application for six months in order to allow time for the updating of the ecological impact assessment (EcoIA) report to address the comments of the Director of Agriculture, Fisheries and Conservation (DAFC). The Planning Department (PlanD) had no objection to the request for deferment. However, it did not support the requested deferment period of six months as the applicant had not provided sufficient justification as to why a six-month deferral was needed.

88. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of further information, and since a total of five months had been allowed, no further deferment would be granted unless under very special circumstances. The applicant should be further advised to consider the option of withdrawing the present application and re-submitting a fresh one if it considered/foresaw that the technical complexity of the application would require a longer time to resolve.

Agenda Item 32

Section 16 Application

[Open Meeting]

A/YL-LFS/235

Proposed Residential Development with Minor Relaxation of Plot Ratio from 0.2 to 0.2334 in “Residential (Group C)” and “Residential (Group D)” zones, Lots 10 RP, 12 RP, 14 S.B RP, 14 RP, 15 S.A RP, 15 RP, 16 RP, 17 S.A RP, 17 S.B, 17 S.C and 17 RP in D.D. 128, Lots 2153 S.A and 2388 S.A ss.2 in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/235A)

89. The Secretary reported that on 12.11.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to prepare supplementary information to address technical concerns of the relevant government departments on the application.

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/396 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” zone, Lot 750 S.A9 RP in D.D. 110, Tai Kong Po, Yuen
Long
(RNTPC Paper No. A/YL-KTN/396)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 10 and Appendix IV of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 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 23.11.2016, 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 condition :

- the design and provision of water supply for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to 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 standard;
- (b) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas etc. Where walls were erected or kerbs were laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the site. Peripheral channels with adequate capacity and grating should normally be provided along the entire length of the lot boundary to intercept surface runoff. The applicant was required to rectify the drainage system if they were found to be inadequate or ineffective during operation. For drainage works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from the Lands Department (LandsD) and/or relevant private lot owners. The site was in area where no public

sewerage connection was available. Environmental Protection Department should be consulted regarding the sewerage treatment/disposal aspect of the development and the provision of septic tank. The proposed drainage works, whether within or outside the lot boundary, should be maintained by the lot owner at their own expense;

- (c) to 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;
- (d) to note the Director of Fire Services's comments that the applicant should observe the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" published by the LandsD. Detailed fire safety requirements would be formulated upon receipt of formal application referred by the LandsD;
- (e) to 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 line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the sites, prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. 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

- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with Buildings Ordinance. Authorized Person must be appointed for the site formation and communal drainage works.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/652 Renewal of Planning Approval for Temporary “Open Storage of Containers for Storing Sauces with Canteen Use” for a Period of 3 Years in “Residential (Group D)” zone, Lot 172 (Part) in D.D. 108, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/652)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval under Application No. A/YL-PH/600 for temporary open storage of containers for storing sauces with canteen use for a period of three years;
- (c) departmental comments – concerned departments had no objection to or

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

- (d) one public comment was received during the first three weeks of the statutory publication period. The comment was received from the locals who claimed that they were the landowners of the site. They raised objection to the application as the tenancy of the site would expire on 31.8.2013 and the landowners would take back the site for other use. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a further period of three years based on the assessments as detailed in paragraph 12 of the Paper. Regarding the public comment against the applied use, it was solely a land matter between the landowners and the tenant/ operator. An advisory clause to remind the applicant to resolve any land issues relating to the development with the concerned owners of the site was recommended.

96. Members had no question on the application.

Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, from 19.12.2012 until 18.12.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no structures, including containers standing alone or stacked together, inside the site should exceed the height of two conventional containers stacked together during the planning approval period;
- (b) no part of the site should be used for storing anything other than goods belonging to or dealt with by the applicant in the business of Parsley Sauce and Food Industrial during the planning approval period;

- (c) all goods stored at the site should be kept inside the structures put or erected at the site at all times during the planning approval period. No goods should be placed in open storage or in an area or space which was not enclosed in wind and water tight structures during the planning approval period;
- (d) except for the purpose of loading and unloading, no vehicle should be parked at the site except for vehicles belonging to the applicant during the planning approval period. In any event, no more than 10 vehicles should be parked at the site;
- (e) the site should be kept clean to the satisfaction of the Director of Food and Environmental Hygiene at all times during the planning approval period;
- (f) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.6.2013;
- (h) the submission of a tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2013;
- (i) in relation to (h) above, the implementation of a tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 18.9.2013;
- (j) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of commencement of the renewed

planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.1.2013;

- (k) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2013;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2013;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice;
- (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; and
- (p) the planning permission was personal to the applicant and should be automatically revoked upon the applicant's parting with possession of the site or any part thereof.

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

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

- (b) to note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the lot was an Old Scheduled Agricultural Lot held under Block Government Lease under which no structure was allowed to be erected without prior approval of the LandsD. No approval had been given to the proposed specified structures as office, warehouses, staff common room and staff canteen. The site was accessible through an informal track on government land extended from Fan Kam Road. The LandsD provided no maintenance works for this track nor guarantees right-of-way. The lot owners concerned would still need to apply to the LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by the 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 payment of premium or fee, as might be imposed by the LandsD;
- (c) to 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;
- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Fan Kam Road;
- (e) to adopt the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize any possible environmental nuisances. The applicant should hold a valid Water Pollution

Control Ordinance licence during the approval period;

- (f) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's (CTP/UD&L, PlanD) comments that updated photo record on the condition of the existing trees and shrubs within the application site boundary should be provided;

- (g) to note the Director of Fire Services's 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 plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. In formulating the FSIs proposal for the proposed structures, for other storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should clearly indicated on plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his department for consideration. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval;

- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that if the existing structures were erected on lease 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 use under the 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 Building Authority (BA) should be obtained. Otherwise, they were unauthorized building works (UBW). An Authorized Person should be

appointed as the coordinator for the proposed building works in accordance with BO. In this connection, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action might be taken by 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 BO. If the proposed use under application was subject to the issue of a licence, any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority. 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) to note the Director of Agriculture, Fisheries and Conservation's comments that there were some natural streams in close vicinity to the site. The applicant should adopt all necessary measures to prevent disturbing the stream embankment or polluting the stream during operation;
- (j) to note the Director of Food and Environmental Hygiene's (DFEH) comments that any food business carrying on at the site should be granted with a licence issued by DFEH. The applicant should also prevent creating environmental nuisance affecting the public; and
- (k) to 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 line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for application site within the

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/175 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 1269 in D.D. 114, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/175)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix III of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view. Despite the site was currently paved and

used as a works site, there was still active agriculture activity in the vicinity and the site was suitable for greenhouse cultivation and nursery. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective as the subject “AGR” zone was the only buffer between the “CA” zone to the south and the “V” zone to the north. The approval of the application might encourage similar Small House uses encroaching into the agricultural area and deteriorating the physical buffer between the conservation area and village development;

- (d) one public comment was received during the first three weeks of the statutory publication period. The comment from World Wide Fund for Nature (WWF) Hong Kong raised objection to the application on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone; the site had been transformed from farmland into a construction site which was evidently a “destroy first, develop later” act; and that the approval of the application would set an undesirable precedent for similar applications in the “AGR” zone. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. In this regard, there was no strong planning justification given in the submission for a departure from the planning intention. DAFC did not support the application from the agricultural point of view as there was active agriculture activity in its vicinity and the site was suitable for greenhouse cultivation and nursery. Although the site was currently paved and used as a works site related to the Hong Kong Section of Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) project, the

approved Environmental Impact Assessment of the XRL project recommended that the affected agricultural land should be restored to a condition suitable for agricultural use before handing back to the landowners. The CTP/UD&L, PlanD had reservation on the application from the landscape planning perspective. The application also did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that the site was entirely outside the “VE” of a recognized village and the “V” zone. There was no general shortage of land within the “V” zone in meeting the estimated demand of Small House development of the concerned villages. The applicant failed to demonstrate in the submission why suitable sites in areas zoned “V” could not be made available for the proposed development. Hence, the application did not warrant sympathetic consideration.

100. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone on the Outline Zoning Plan, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification given in the submission for a departure from the planning intention; and
- (b) the application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories for assessing planning applications for New Territories Exempted House/Small House development in that the site was entirely outside the ‘environs’ of a

recognized village and “Village Type Development” (“V”) zone. Besides, there was no general shortage of land within the “V” zone of the concerned villages to meet the demand forecast for Small House development. The applicant failed to demonstrate in the submission why suitable site within areas zoned “V” could not be made available for the proposed development.

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/618 Temporary Open Storage and Warehouse for Storage of Construction Material with Ancillary Site Office for a Period of 3 Years in “Undetermined” zone, Lots 1937 (Part), 1945 (Part), 1946, 1947, 1948, 1954 (Part), 1955, 1956 and 1957 (Part) in D.D. 117 and Adjoining Government Land, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/618)

Presentation and Question Sessions

102. 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 and warehouse for storage of construction material with ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential uses located to the north of the site and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department

(CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view as the applied use of open storage and warehouse for storage of construction materials was not compatible with the neighbouring “GB” and “CA” zones. Other government departments had no objection to or adverse comment on the application;

- (d) one public comment was received during the first three weeks of the statutory publication period. The comment from a Yuen Long District Council member raised objection to the application on the grounds that adverse impact of the proposed development to the surrounding area were expected; there was no Short Term Tenancy granted for the occupation of government land; and the site was the subject of several previously rejected applications. No local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Papers. Although DEP did not support the application as there were sensitive receivers of residential uses to the north of the site, there had not been any environmental complaint in the past three years. To address DEP’s concerns, approval conditions restricting the operation hours, prohibiting the carrying out of repairing, dismantling or other workshop activities and restricting the use of heavy goods vehicles were recommended. To address the concern of the CTP/UD&L of PlanD, relevant approval conditions requiring the provision of boundary fence to set out the site boundary to avoid encroachment into the adjoining “GB” and “CA” zones were recommended. As regards the public’s concern that no Short Term Tenancy was granted for the occupation of private land on the site, the applicant would be advised to note DLO/YL of LandsD’s comment to either exclude the government land portion from the site or apply for a formal approval from the LandsD prior to the actual occupation of the government land portion of the site.

103. In response to a Member’s concern on BD’s comment that UBW was erected on

leased land, Ms. Bonita Ho said that before any new building works were to be carried out on the site, prior approval and consent of the Building Authority should be obtained, otherwise they would be considered as UBW. Ms. Ho further pointed out that should the application be approved by the Committee, the applicant had to comply with the requirements of the concerned departments in implementing the proposal.

Deliberation Session

104. In response to a Member's question, Ms. Bonita Ho said that the applicant had to implement the proposed scheme that approved by the Committee.

105. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.11.2015, 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 repairing, dismantling and workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (d) 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;
- (e) 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 23.5.2013;

- (f) 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 23.5.2013;
- (g) in relation to (f) 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 23.8.2013;
- (h) 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 23.5.2013;
- (i) in relation to (h) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.8.2013;
- (j) the provision of fire extinguisher(s) together with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.1.2013;
- (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 23.5.2013;
- (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 23.8.2013;
- (m) if any of the above planning conditions (a), (b), (c), or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) comments that no approval had been given to the proposed specified structures as warehouse, open shed for storage use and ancillary site office and that no permission had been given for the proposed use and/or occupation of the government land (GL) within the site. Should the application be approved, the lot owner concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularized any irregularities on the site. Furthermore, the applicant had to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the government land portion. 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 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 the

LandsD. Besides, the site was accessible through an informal track on private land and/or GL extended from Kung Um Road. His office provided no maintenance works for this track nor guarantees right-of-way;

- (e) to 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 management and maintenance authorities accordingly;
- (f) to 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 office should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (g) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (h) to note the Director of Agriculture, Fisheries and Conservation's comment that the applicant should ensure the development would not affect the nearby streams, woodland and trees therein;
- (i) to note the Chief Engineer/Mainland North, Drainage Services Department's comments on the submitted drainage plan (Drawing A-3) that catchpits should be provided at the turning points along the proposed 525mm U-channel and the size of the proposed catchpits and the details of connection between the proposed 525mm U-channel and the existing natural drain should be shown on the drainage plan. The applicant should check and demonstrate that the hydraulic capacity of the existing natural drain would not be adversely affected by the development. The U-channel with grating cover should be provided at the ingress/egress of

the site. The DLO/YL, LandsD and the relevant lot owners should also be consulted as regards all proposed drainage works outside the site boundary or the applicant's jurisdiction;

- (j) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for the provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. The water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (k) to 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 relevant RNTPC Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration;
- (l) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that if the existing structures were erected on leased land without approval of BD (not being New Territories Exempted Houses), they were unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the 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 Buildings Authority (BA) should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in

accordance with the BO. 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) Regulation (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

- (m) to 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 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/619 Proposed Temporary Open Storage of Construction Machinery, Construction Materials, Recyclable Materials (including Paper, Metal and Plastic) and Ancillary Office for a Period of 3 Years in “Undetermined” zone, Lots 2685 (Part), 2686 (Part), 2687 (Part), 2688 (Part), 2689, 2690 (Part), 2700 (Part), 2701 (Part), 2702, 2703 (Part), 2704 S.A, 2704 S.B (Part) and 2705 (Part) in D.D. 120, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/619)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction machinery construction materials, recyclable materials (including paper, metal and plastic) and ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the southwest of the site and along the access track leading from Shan Ha Road to the site, and environmental nuisance was expected. There was an environmental complaint received in 2009 concerning the site which was related to dumping/ land filling activities. However, no dumping or land filling or other environmental nuisance was spotted during site inspection. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the site had high potential for

agricultural rehabilitation. Other concerned government departments had no objection to or adverse comment on the application;

- (d) one public comment was received during the first three weeks of the statutory publication period. The comment from a Yuen Long District Council member raised objection to the application on the grounds that the application was subject of repeated revocations of the previous planning approvals and it reflected the applicant's insincerity to comply with the approval conditions. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. To address DEP's concern on the environmental aspect, approval conditions restricting the operation hours, prohibiting open storage within the 20m-wide buffer area adjoining the "V" zone, prohibiting the carrying out of workshop activities, prohibiting the storage and handling of used electrical appliances and electronic waste and restricting the use of heavy goods vehicles were recommended. The applicant would also be advised to follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to alleviate any potential environmental impact and to keep the site clean and tidy at all times. Although DAFC had reservation on the application in view of the site's high potential for agricultural rehabilitation, the application site was zoned "U" and the approval of the application on a temporary basis would not frustrate the long-term use of the area. For the public comment concerning the applicant's insincerity to comply with the approval conditions, it was considered that the application could be tolerated one more time and shorter compliance periods would be imposed to monitor the progress on compliance with approval conditions. The applicant should be advised that sympathetic consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions. The applicant would also be advised that

sympathetic consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions.

108. In response to the Chairman's question, Ms. Bonita Ho pointed out that the application site was subject to five previous applications submitted by different applicants.

Deliberation Session

109. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.11.2015, 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 11:00 p.m. and 8:00 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 open storage was allowed within 20m from the western boundary of the application site adjoining the "Village Type Development" zone and landscape treatment would be provided for that area, as proposed by the applicant, during the planning approval period;
- (d) no dismantling, cleaning, repairing, spraying and other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no storage or handling (including loading and unloading) of electrical appliances and electronic/computer parts (including cathode-ray tubes) was allowed 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 submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.2.2013;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.5.2013;
- (i) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.2.2013;
- (j) in relation to (i) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.5.2013;
- (k) the provision of fire extinguisher(s) together with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.1.2013;
- (l) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.2.2013;
- (m) in relation to (l) above, the implementation 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 23.5.2013;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not

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

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

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (c) sympathetic consideration would not be given to any further application if the planning permission was revoke due to non-compliance of approval conditions;
- (d) the site should be kept in a clean and tidy condition at all times;
- (e) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) comments that no approval had been given for the proposed structures as site office, guard room and toilet uses. Should the application be approved, the lot owners and the occupiers of government land (GL) concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by the 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 the LandsD. Besides, access to the site required traversing through private lot and/or GL. His office provided no maintenance works for the GL involved and did not guarantee right-of-way;

- (f) to 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;
- (g) to 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 would not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (h) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (i) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that 3 numbers of existing trees (*Ficus microcarpa*) along the southern boundary of the site were found inclined that should be replanted and kept upright;
- (j) to note the Chief Engineer/Mainland North, Drainage Services Department's comments on the on the submitted drainage plan (Drawing A-3) that the size of the proposed catchpits and the details of connection with the existing public manhole should be shown on the drainage plan, catchpits should be provided at location where the surface channel changes

direction, and the location and details of the proposed corrugated metal sheets should be shown on the drainage plan. The applicant should check and demonstrate that the hydraulic capacity of the existing public drain would not be adversely affected by the development. DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside the site boundary or the applicant's jurisdiction;

- (k) to 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 inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (l) to note the Director of Fire Services's comments on the requirements on formulating fire service installations (FSIs) proposal in Appendix V of the relevant RNTPC Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration;
- (m) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there was no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures were erected on leased land without approval of BD (not being New Territories Exempted Houses), they were unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the 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 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

- (n) to 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 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/620 Proposed Temporary Eating Place and Shop (Grocery Store) for a Period of 3 Years in “Residential (Group C)” zone, Lots 1279 S.A (Part), 1298 (Part) and 1301 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/620)

Presentation and Question Sessions

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

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

112. Members had no question on the application.

Deliberation Session

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.11.2015, 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 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (c) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.5.2013;
- (d) in relation to (c) 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 23.8.2013;
- (e) 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 23.5.2013;
- (f) in relation to (e) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.8.2013;
- (g) 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 23.5.2013;

- (h) in relation to (g) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.8.2013;
- (i) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) comments that no approval had been given to allow the specific structure as grocery store, eating place, staff room and store room, kitchen and toilet on the site. The lot owners concerned would need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by the 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 the LandsD. Besides, the site was accessible through a long stretch of informal village track on government land and other private land extended from Kung Um Road. His office did not provide maintenance works for this track nor guarantee right-of-way;

- (c) to 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;
- (d) to 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 to prevent surface water flowing from the site to the nearby public roads/ drains;
- (e) to note the Director of Environmental Protection's comments that the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" should be observed by the applicant. The applicant was reminded that all wastewaters from the site should comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (f) to note the Director of Food and Environmental Hygiene's comments that any food business carrying out at the site should be granted with a licence issued by his Department. The applicant should also prevent creating environmental nuisance affecting the public;
- (g) to note the Director of Agriculture, Fisheries and Conservation's comments that good site practices should be adopted and necessary measures should be implemented to avoid causing water pollution and disturbance to the streamcourse (including the riparian vegetation) nearby;
- (h) to note the Chief Engineer/Mainland North, Drainage Services

Department's comments on the submitted drainage proposal (Drawing A-3) that the 375mm surface channel was proposed to be constructed outside the site. The applicant was required to provide reasons why the 375mm surface channel was proposed to be constructed outside the site. The sizes of the proposed catchpits and the details of the connection with the existing open channel should be shown on the proposed drainage plan. The applicant should check and demonstrate the hydraulic capacity of the existing open channel would not adversely affected by the development. Catchpit should be provided at location where the surface channel changes direction and the location and details of the proposed hoarding should be shown on the proposed drainage plan. The flow paths of the surface runoff from the adjacent areas should be indicated on the proposed drainage plan. DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside the site boundary or outside the applicant's jurisdiction;

- (i) to 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. Water mains in the vicinity of the site could not provide the standard pedestal hydrant;

- (j) to note the Director of Fire Services's comments on the requirements on formulating fire service installations (FSIs) proposal in Appendix IV of the relevant RNTPC Paper. Any structure on the site should be approved for its structural stability by appropriate authority. Detailed licensing requirement for eating place would be issued upon receipt of formal application. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration;

- (k) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there was no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works were to be carried out on the site, 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, any existing structure 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 less than 4.5m wide, the development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (l) to 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.

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

Agenda Item 39

Any Other Business

115. There being no other business, the meeting closed at 4:35 p.m..