

TOWN PLANNING BOARD

**Minutes of 478th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 7.12.2012**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Professor Edwin H.W. Chan

Dr. C.P. Lau

Ms. Anita W.T. Ma

Dr. W.K. Yau

Dr. Wilton W.T. Fok

Mr. Lincoln L.H. Huang

Ms. Janice W.M. Lai

Mr. H.F. Leung

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

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

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

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

Secretary

Absent with Apologies

Mr. Timothy K.W. Ma (Vice-chairman)

Mr. Rock C.N. Chen

Dr. W.K. Lo

Professor K.C. Chau

Mr. Ivan C.S. Fu

Ms. Christina M. Lee

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

In Attendance

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

Chief Town Planner/Town Planning Board
Mr. Jerry Austin

Town Planner/Town Planning Board
Miss Hannah H.N. Yick

Agenda Item 1

Confirmation of the Draft Minutes of the 477th RNTPC Meeting held on 23.11.2012

[Open Meeting]

1. The draft minutes of the 477th RNTPC meeting held on 23.11.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

[Ms. Jacinta K.C. Woo, District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), and Ms. Maggie M.Y. Chin, Senior Town Planner/Shu Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

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/5B)

3. 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. (MVA), the consultant of the applicant. The Committee noted that he had tendered apologies for being unable to attend the meeting.

4. The following representatives from Planning Department (PlanD) were invited to the meeting at this point:

Ms. Jacinta Woo	-	DPO/STN
Ms. Maggie Chin	-	STP/STN

5. The following applicant’s representatives were invited to the meeting at this point:

Mr. Marcus Tse

Mr. Phil Black
Mr. Kenneth Chan
Mr. Truman Chan
Mr. Chapman Lam
Mr. Charles Lee
Mr. Joseph Hui

6. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Ms. Maggie Chin, STP/STN to brief Members on the background of the application.

Presentation and Question Sessions

7. Ms. Maggie Chin presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

The proposal

- (a) the applicant proposed to rezone the application site, with a site area of about 1.77 ha, from “Recreation” (“REC”) to “Comprehensive Development Area” (“CDA”) on the approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/12 to facilitate a proposed residential development of 30 detached houses, with a maximum plot ratio (PR) of 0.4, site coverage (SC) of 20% and building height (BH) of 3 storeys including car port;

Background

- (b) the application site was previously designated as “Unspecified Use” (“U”) on the draft Kwu Tung South Development Permission Area (DPA) Plan No. DPA/NE-KTS/1 gazetted on 12.7.1991. The application site, in close proximity to Hong Kong Golf Club, was subsequently rezoned from “U” to “REC” on the draft Kwu Tung South OZP No. S/NE-KTS/1 which was gazetted on 3.6.1994 in order to reserve land for recreational uses. It was intended that the area could be turned to active recreation playground or sports training ground. The zoning and boundary of the subject “REC”

zone had remained unchanged since then;

- (c) there was no previous rezoning request / s.12A rezoning application for the application site. However, the application site involved three previous s.16 applications (No. A/NE-KTS/164, 178 and 221) submitted by the same applicant. Application No. A/NE-KTS/164 for temporary open storage of construction materials and containers for a period of 3 years, application No. A/NE-KTS/178 for a proposed residential development of 18 two-storey (6m) houses with ancillary recreational and leisure facilities, and application No. A/NE-KTS/221 for proposed recreational and leisure facilities with low-rise residential development (14 two-storey (6m) houses) were all rejected by the Committee in 2002, 2004 and 2006 respectively;

Departmental Comments

- (d) Transport Department had no objection to the application and advised that information on access point, internal transport arrangements and provision of additional footpath along Hang Tau Road should be provided at the detailed design stage;
- (e) Environmental Protection Department had no objection to the application and advised that the existing public sewerage system had adequate capacity to support the proposed development. Detailed sewerage proposal and noise impact assessment should be provided at the detailed design stage;
- (f) Agriculture, Fisheries and Conservation Department had no strong view on the application and considered that the mature trees within the application site should be preserved as far as possible and the applicant should avoid causing any adverse impacts to the watercourse located outside the north-eastern portion of the site;
- (g) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) had no objection from the urban design and landscape perspective. He advised that the proposed low-rise and low-density residential development was not incompatible with the surrounding rural environment. Detailed landscape

and tree preservation proposal should be submitted at the s.16 planning application stage;

- (h) other concerned government departments had no objection to or adverse comments on the application;

Local Views

- (i) the District Officer/North (DO/N) had consulted the locals concerned. The Chairman of Sheung Shui District Rural Committee, Representative of the Customer Service Centre of Goodwood Park and the Chairman of the Incorporated Owners of Nice Villa had no comment on the application. However, the Vice-chairman of North District Council, the two Indigenous Inhabitants Representatives of Hang Tau, a Residents' Representative of Hang Tau, and the Chairmen of the Incorporated Owners of Eden Garden, Golf View Garden and Richmond Villas objected to the application on the grounds that the proposed development was incompatible with the surrounding rural land uses and environment and the applicant had not submitted visual impact assessment; there were insufficient landscape buffer and greening facilities, and the compensatory planting proposed by the applicant outside the application site was not feasible; the proposed residential development would worsen traffic conditions at Hang Tau Road, Kam Hang Road and the locality but no traffic impact assessment had been submitted by the applicant; the proposed development would lead to water, air and noise pollution but the applicant had not submitted environmental impact assessment with proposed mitigation facilities; nearby rivers would be polluted and the ecological environment would be destroyed; there were insufficient drainage facilities along the vehicular access in Hang Tau Village and the proposed development would lead to serious flooding in the village; and land reserved for development by indigenous inhabitants would be reduced;

Public Comments

- (j) during the statutory publication period, five public comments on the application were received from Members of the North District Council

(NDC) and the general public. One comment indicated ‘no comment’ while the other four objected to the application. The grounds of objection included that the “REC” zone should be retained as the proposed large-scale residential development was only to earn more money; the proposed residential development would worsen the traffic conditions at Hang Tau Road; the rural, natural and ecological environment would be destroyed; there were insufficient drainage facilities along Hang Tau Road and the proposed residential development would lead to serious flooding; land reserved for development by indigenous inhabitants would be reduced; and construction works would cause disturbance to residents;

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

Planning Department (PlanD)’s Views

- (k) the planning considerations and assessments were detailed in paragraph 12 of the Paper and highlighted below:
 - (i) the subject site formed part of a large “REC” zone which was characterized by low-rise, low-density residential development. Further north across the Fanling Highway was the Kwu Tung North New Development Area (NDA) identified under the North East New Territories New Development Areas Planning and Engineering Study (NENT NDA Study) and proposed to be developed as a mixed development node providing medium to high density public and private housing and employment uses. The “REC” zone to the south of Fanling Highway/Kam Hang Road and east of Hang Tau Road had been identified as a potential development area for low-density private residential development with related government, institution or community and supporting facilities. A planning and engineering study on the Kwu Tung South potential development area would soon commence in December 2012;
 - (ii) in the vicinity of the subject site along Hang Tau Road, two rezoning applications (No. Y/NE-KTS/3 and Y/NE-KTS/4) have

been approved by the Committee on 23.9.2011 and 19.10.2012 respectively for low-rise, low density residential development;

- (iii) the “REC” zone in which the subject site was located had a total area of about 8.55 ha. Comprising mainly private land (about 89.4%), the zone was currently occupied by a mix of uses including low-rise domestic structures and village houses in the eastern and northern portions and open storage yards, workshops and warehouses at the western portion. Given the large portion of land under private ownership, the planning intention for the “REC” zone could only be realized through private initiatives. However, no recreational proposal had ever been submitted. In view of the changing site context and circumstance, it was considered opportune to review the long term planning intention for the area;
- (iv) the applicant proposed to rezone the north-eastern portion of the “REC” zone (about 1.77 ha) to “CDA” to facilitate a low-rise, low density residential development with a maximum PR of 0.4, SC of 20% and BH of 3 storeys including car port. The proposed residential development was considered compatible with the surrounding uses which were mainly low-rise, low density village houses and domestic structures, except for some open storage and temporary workshops and warehouses in the south-west. The proposed development intensity was also comparable with the existing residential developments in the vicinity of the site, such as Goodwood Park and Valais, which were zoned “Residential (Group C)2” (“R(C)2”) to the north, Casas Domingo within the “R(C)1” zone (with a maximum PR of 0.43, SC of 20% and BH of 3 storeys (12.05m)) as well as the two approved rezoning applications No. Y/NE-KTS/3 and No. Y/NE-KTS/4;
- (v) the site was situated in a predominantly rural environment with a mix of low-rise village houses/domestic structures, open storage and warehouse uses. The proposed residential use and development

intensity were consistent with the character of the neighbourhood. CTP/UD&L, PlanD considered the proposed rezoning application acceptable from visual and landscape perspectives;

- (vi) Traffic Impact Assessment, Environmental Assessment, Drainage Assessment and Sewerage Assessment had been submitted by the applicant to support the proposed rezoning. While government departments had no in-principle objection or adverse comments on the rezoning proposal, the technical issues raised could be addressed at the detailed planning stage. Under the “CDA” zoning, the applicant would be required to submit a Master Layout Plan, Master Landscape Plan and other technical assessments for the proposed residential development for further consideration;

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

- (vii) the local objections and public comments against the application were mainly on land use compatibility, traffic, drainage, environmental, ecological, landscape and visual grounds which had been addressed by the applicant. Regarding the concern on reduction in land for Small House development, it was noted that the site fell entirely outside the “Village Type Development” zone and the village “environs” of Hang Tau Village and the applicant was the sole owner of the site. Rezoning of the site to “CDA” would not affect the land supply for Small House development in Hang Tau Village; and
- (viii) PlanD considered the proposed rezoning of the subject site from “REC” to “CDA” acceptable in principle. However, as the site formed part of the larger “REC” zone (about 8.55 ha), it was considered more appropriate to review the long term land use for the whole “REC” zone. Taking into account the existing land uses and potential developments in the surrounding area, the need for housing land to meet the territorial demand, there was potential for rezoning

the remaining part of the “REC” zone for low density residential uses to optimize the use of scarce land resources. Should the Committee agree to the current application, PlanD would carry out a comprehensive land use review of the whole “REC” zone for the consideration of the Committee.

8. Upon the invitation of the Chairman to make his presentation, Mr Phil Black said that he had nothing to add as PlanD had already given a comprehensive presentation and there was no objection from the government departments to the rezoning application.

9. Noting the large amount of private land within the “REC” zone, a Member asked whether PlanD had considered the demand for recreational facilities in the area and the impact of the current rezoning application on the supply of recreational facilities in the district. Ms. Jacinta Woo, DPO/STN, replied that since the designation of the “REC” zone in 1994, no proposal for recreational development had been received. Only two proposals mainly for residential development had been received. As the “REC” zone mainly comprised private land, whether the planning intention of the “REC” zone could be realised would depend on the market. Recreational facilities such as Beas River Country Club and Hong Kong Golf Club were already in existence in the vicinity of Kwu Tung South. Apart from the subject “REC” zone, there were other “REC” zones within the OZP, including a site of about 7 ha to the south where no proposal for recreational development had ever been received since its designation in 1994. In view of the low-rise character of the surrounding area, the subject “REC” zone had potential for low-rise residential development. PlanD and the relevant government departments had no in-principle objection to the application. For the remaining portion of the “REC” zone, a land use review would be conducted with a view to identifying suitable land uses.

10. In response to the Chairman’s enquiry, Ms. Woo referred to Plan Z-2b of the Paper and said that the houses adjoining the south-eastern boundary of the application site were village houses while those to the south-west of the site were 13 Small Houses approved under Application No. A/NE-KTS/80. Hang Tau Village was located further to the south. The Chairman then enquired about the timing for conducting the land use review of the “REC” zone and Ms. Woo said that it would be conducted as soon as possible.

11. A Member asked whether the residential developments in the surrounding area were mainly detached houses and whether the applicant had considered to build apartment blocks rather than houses on this site to increase the number of flats provided. In response, Ms. Woo said that the area mainly comprised low-rise detached or semi-detached houses and apartment blocks were rare. Mr. Phil Black said that the applicant's proposal was for the development of 3-storey detached houses with gardens in order to be consistent with the rural character of the areas. The applicant had no plans for the development of apartment blocks. In response to the same Member's enquiry, Mr. Black said that in view of the nature of development in the surrounding area, the infrastructure requirement and the development parameters of other "CDA" zones in the area, the applicant had no intention to develop the land at a development intensity higher than a PR of 0.4 and a BH of 3 storeys.

12. In response to another Member's enquiry on the timing of development, Mr. Black said that the subject development was scheduled for completion by 2016 taking into account the time required for amendments to the OZP, lease modification, building plan approval and the final construction works.

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

Deliberation Session

14. A Member supported the application and PlanD's proposal to review the "REC" zone as there had been no proposal for recreational development since its designation. In view of the current shortage of housing land supply, the Member considered that the land use review should examine whether the PR and BH could be increased.

15. Another Member had no objection to the subject application but considered that though there was a need to increase flat supply, the land use review should study carefully the appropriate development intensity for the area, taking into account the existing character

of the area. The Chairman said that PlanD should conduct the land use review in a comprehensive manner taking into account the development intensity of the surrounding areas and the infrastructure capacity of the area.

16. Another Member indicated support for the application and considered that the proposed low-rise development would result in a facelift to the area. The Chairman said that PlanD should expedite the land use review so as to help increase housing land supply in a timely manner.

17. After further deliberation, the Committee decided to agree to the application and that PlanD should carry out a comprehensive review of the whole “REC” zone and the proposed amendments to the OZP should be submitted to the Committee for approval prior to gazetting under the Town Planning Ordinance.

Sai Kung and Islands District

Agenda Item 4

Section 16 Application

[Open Meeting]

A/SK-CWBN/23 Proposed Minor Relaxation of Plot Ratio and Site Coverage
Restrictions for Permitted House Development in “Residential (Group
C) 6” zone, Lot 501 and Ext. in D.D. 238, Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBN/23)

18. The Committee noted that the applicant’s representative requested on 23.11.2012 for deferment of the consideration of the application for one month in order to allow time to address the public comments and comments from the Chief Town Planner/Urban Design and Landscape, Planning Department.

19. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the

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

Agenda Item 5

Section 16 Application

[Open Meeting]

A/SK-HH/56 Proposed Columbarium in “Government, Institution or Community”
zone, Lots 26 S.B, 28 RP, 29 RP, 40, 41 RP, 785 and 787 in D.D. 214,
Heung Chung, Sai Kung
(RNTPC Paper No. A/SK-HH/56)

20. 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. (MVA), one of the consultants of the applicant. The Committee noted that he had tendered apologies for being unable to attend the meeting.

21. The Secretary reported that a petition letter submitted by Ms. Christine Fong, Member of Sai Kung District Council, was received before the meeting and was tabled for Members’ reference. The letter raised objection to the application as the proposed columbarium development was close to residential development and would cause adverse traffic impact.

22. The Committee noted that the applicant’s representative requested on 21.11.2012 for deferment of the consideration of the application for two months in order to allow time for preparation of supplementary information to address departmental comments.

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

Sha Tin, Tai Po and North District

[Ms. Jacinta K.C. Woo, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Mr. C.T. Lau, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), Mr. Liu Chin Ho, Engr/NTE (Headworks 1), Water Supplies Department (WSD), Mr. Sy Kin Lik, Engr/Planning 1, WSD and Ms. So Lai Wah, Chemist/Resources Mgt 2, WSD were invited to the meeting at this point.]

Agenda Item 6

[Open Meeting]

Review of “Village Type Development” zone of Shan Liu on the
Approved Ting Kok Outline Zoning Plan No. S/NE-TK/17
(RNTPC Paper No. 9/12)

Presentation and Question Session

24. With the aid of a powerpoint, Mr C. T. Lau, STP/STN, presented the findings of the review and covered the following aspects as detailed in the Paper:

Background

- (a) the “Village Type Development” (“V”) zone of Shan Liu was first included in the interim development permission area plan of Ting Kok in 1990 and was expanded from 1,524m² to 5,164m² on the draft development permission area in 1991. The “V” zone boundary was subsequently included in the first Ting Kok Outline Zoning Plan (OZP) and had remained unchanged since then. Planning Department (PlanD) had

previously submitted two proposals for extension of the “V” zone to the Committee on 8.1.2000 and 13.2.2004. While the first proposal was deferred by the committee pending resolution of issues concerning the water gathering grounds (WGGs), the second proposal was agreed by the Committee to be used as a basis for discussion with the concerned government departments and the villagers of Shan Liu. Although the proposal was considered acceptable by government departments after further revision, the Indigenous Inhabitants Representative (IIR) of Shan Liu refused to accept the revised proposal;

- (b) the IIR of Shan Liu had also submitted two rezoning requests (No. Z/NE-TK/7 and 13) to the Committee for extension of the “V” zone boundary by rezoning an area of about 0.58 ha and 3.66 ha respectively from “Agriculture” (“AGR”) and “Green Belt” (“GB”) to “V”. These two rezoning requests were not agreed by Committee on 13.2.2004 and 23.1.2009 respectively for reasons inter alia that the land in the concerned “AGR” zone was considered suitable for agricultural rehabilitation; the ecological impacts of the proposed enlargement of the “V” zone onto the “GB” zone, which comprised wooded areas and the streams, had not been addressed; and there was insufficient information to justify that the proposed rezoning request was acceptable from the water quality, landscape, agricultural and nature conservation planning as well as geotechnical safety points of view;
- (c) on 19.11.2010, arising from the consideration of application No. A/NE-TK/301 for Small House development in Shan Liu, the Board noted that there was a shortage of land in the “V” zone to meet the Small House demand and requested that a review of the “V” zone should be undertaken;

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

The Shan Liu area

- (d) Shan Liu area was situated on the upper foothills between Pat Sin Leng Country Park and Ting Kok Village. It was predominantly rural in

character with a Tsz Tong and some ruin structures in the western part. The middle part of the Area was mainly flat and abandoned agricultural land sparsely covered with weeds. Surrounding the middle part of the Area were continuous woodlands forming the foothill of the Pat Sin Leng Country Park. There were two stream courses flowing from the mountain in the north to the southern part of the Area towards the WGGs in the east;

Development Constraints

- (e) the area fell within the upper and lower indirect WGGs where any proposed development would need to be connected to the existing or planned sewerage system in the area. The south-eastern portion of the area, in particular, fell within the lower indirect WGG which was much closer to water intake, causing the vulnerability and the risk of pollution of the fresh water resources to be much higher. In this regard, WSD would not accept any “V” zone extension proposal that would encroach onto the lower indirect WGG;
- (f) there were two registered slope features located to the northwest of the area. The Geotechnical Engineering Office, Civil Engineering and Development Department would need to be consulted on any development that would affect or would be affected by these two slope features;

Demand and Supply of Small House Sites

- (g) there was strong Small House demand from Shan Liu village. The number of outstanding Small House applications as of November 2012 was 39 while the 10-year Small House demand forecast had been increased from 19 to 250 between 2006 and 2012. Based on the latest estimate by the PlanD, about 0.41 ha of land (or equivalent to about 16 Small House sites) was available within the “V” zone. Therefore, there was a shortage of land within “V” zone to meet the future Small House demand (about 7.23 ha for 289 Small Houses);

Changes in Circumstances

- (h) in November 2008, the planned sewerage system to serve the potential Small House development within the “V” zone of Shan Liu Village was

gazetted. The planned sewerage system extension commenced in 2011 and was scheduled for completion by end 2013. With the implementation of the public sewerage system, it was opportune to extend the “V” zone to meet the Small House demand;

Land Use Proposal

- (i) one of the guiding principles for the proposed “V” zone extension was that any development should not be allowed to affect or encroach onto slopes, woodland and stream courses in order to ensure minimal impacts on the existing natural environment. Moreover, any proposed “V” zone extension should be confined to an extent that will not jeopardise the existing natural landscape and rural setting nor cause the water resources to be contaminated by wastes and pollutants

- (j) Having taken into account the existing site condition, topography, land status, permitted developments, capacity of infrastructure, demand and supply of Small House sites and concerned Government departments’ comments, the following amendments to the OZP were proposed;

Rezoning from “Agriculture” and “Green Belt” to “Village Type Development”

- (i) to rezone about 1.03 ha of land in the immediate surroundings of the existing “V” zone from “AGR” and “GB” to “V”. Adjoining the Tsz Tong, the areas (shown as Areas A and B on Plan 8 of the Paper) comprised flat and abandoned agricultural land with some ruins of past domestic structures and were considered suitable for village type development and compatible with the existing landscape character and rural setting. The resultant “V” zone of Shan Liu would be about 1.45 ha (equivalent to about 58 Small Houses) and would be bounded by a footpath in the west and south, and the demarcation line between the upper/lower indirect WGG. Upon the completion of the planned public sewerage system, village development in the area would be able to be connected to the public sewerage system;

- (ii) although the land available within the proposed “V” zone could not fully meet the 10-year Small House demand forecast of 250 Small Houses, it was sufficient to accommodate the demand arising from the current outstanding Small House applications of 39 Small Houses. An incremental approach was considered appropriate in reserving additional land for Small House development. Small House developments outside the proposed “V” zone would still be considered on a case-by-case basis in accordance with the Interim Criteria;

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

Rezoning from “Village Type Development” and “Agriculture” to “Green Belt”

- (iii) it was proposed to rezone the north-western portion of the existing “V” zone to “GB” (about 0.1 ha), and two other pieces of land to the northwest of the existing “V” zone and to the south of a local track from “AGR” to “GB” (about 0.21 ha). The three areas (shown as Areas C and D on Plan 8 of the Paper) were on the lower hill slopes with washed out areas and at the edge of woodland covered with dense and mature trees. Rezoning these areas to “GB” was to ensure minimal impact on the existing landscape quality and enhance geotechnical safety;

- (k) the relevant Government departments had been consulted. EPD had no objection to the rezoning proposal provided that any future Small House developments would be connected to the planned sewerage system. WSD was concerned about the timing for occupation of the Small Houses and ways/means to ensure and enforce proper connection to the public sewerage system. AFCD did not support the rezoning proposal as the subject “AGR” zone had high potential for rehabilitation of agricultural activities;

- (l) as the public sewerage system in Shan Liu was scheduled for completion by end 2013 and the DLO/Tai Po advised that conditions would be included in the offer letter to those Small House applications within the WGGs requiring connection of the Small Houses to the public sewerage system, the concerns of WSD were adequately addressed. On the AFCD's concerns, it should be noted that the agricultural land within the village 'environs' of Shan Liu had been abandoned for many years; and
- (m) should the Committee agree to the rezoning proposals, the proposed amendments to the Ting Kok OZP incorporating the rezoning proposals would be submitted to the Tai Po District Council and the Tai Po Rural Committee for consultation.

25. A Member asked whether the planned public sewerage system was sufficient to cater for the proposed "V" zone extension. Ms. Jacinta Woo, DPO/STN, responded that at present, there was no development in Shan Liu and the proposed "V" zone could accommodate about 58 Small Houses. The public sewerage system was designed to serve the planned village developments at Shan Liu and hence there should be adequate capacity. In this regard, the Drainage Services Department had been consulted and had no objection to the proposed "V" zone extension

26. In response to a Member's enquiry, Ms. Woo said that although nobody lived in Shan Liu at the moment, according to DLO/TP, there were currently 39 outstanding Small House applications and a 10-year Small House demand forecast of 250 Small Houses. The proposed "V" zone was drawn up to meet the future need of Shan Liu. In response to the same Member's enquiry, Ms. Woo said that there was 0.51 ha of land in the existing "V" zone and after deducting about 0.1 ha of slopes, there would be about 0.41 ha of land for the development of about 16 Small Houses. Upon the extension of the "V" zone, there would be about 1.45 ha of land to accommodate 58 Small Houses. Although several Small House applications had been approved by the Board, no Small House had been developed in this area as the sewerage network had not been completed.

27. The Chairman enquired about the difference between the upper indirect WGG and the lower indirect WGG. In response, Mr. Liu Chin Ho, Engr/NTE (Headworks 1), WSD

said that the boundary between an upper and a lower indirect WGG was at about 250 m from a catchwater or an intake. Since any development within the lower indirect WGG was closer to the water intake and would have a higher risk of polluting the water resources, the development restrictions within the lower indirect WGG were more stringent. In response to the Chairman's enquiry on the location of the water intake point, Mr. Liu said that it was at a point about 250m to the south-east of the line demarcating the boundary between the upper and lower indirect WGG. Mr. Liu confirmed that WSD did not support any extension of the "V" zone into the lower indirect WGG. Small House development proposals within the lower indirect WGG would be assessed on a case by case basis.

28. In response to the Chairman's enquiry, Ms. Jacinta Woo said that the disturbed land to the north-west of the "V" zone which was within village 'environ' was outside the boundary of Ting Kok OZP. Although the planned "V" zone extension was inadequate to meet the 10-year Small House demand forecast, it would be able to accommodate the current outstanding Small House application of 39 Small House and the short-term demand. The long-term demand of Small House would be monitored and the "V" zone would be reviewed when required. In the interim, individual Small House applications outside the "V" zone would be considered on a case by case basis under the s.16 planning application system.

29. A Member opined that even without the proposed "V" zone extension, Small House application could still be considered based on the Interim Criteria and applications would be favourably considered if the proposed Small House could be connected to the public sewerage network. This Member asked whether application for Small House would still be required after the "V" zone had been enlarged. The Chairman said that Small House development within "V" zone was always permitted and no planning application would be required. However, an application to the Lands Department was still required.

30. Noting that water supply in Hong Kong was from the Mainland, a Member enquired about the contribution of the local water resources in meeting the water demand of Hong Kong. Mr. Liu replied that about 20% to 30% of the water demand of Hong Kong was supplied from local reservoirs.

31. A Member had reservation on the proposed "V" zone extension which would expand the "V" zone by three times. The Member opined that before a review of the Small

House Policy was completed, the Board should not extend the “V” zone boundary. In response, the Chairman said that the Small House Policy review was outside the jurisdiction of the Town Planning Board. Nevertheless, the Board had the responsibility to plan for Small House developments under the existing Small House Policy. As there was a shortage of land in Shan Liu to meet the demand for Small House, the Board needed to extend the “V” zone to meet the needs of the villagers.

32. After further deliberation, the Committee decided to :

- (a) note the findings of the review of the “V” zone for Shan Liu; and
- (b) agree to the rezoning proposals stated in paragraphs 7.3 and 7.4 in the Paper and that the proposed amendments to the Ting Kok OZP incorporating the rezoning proposals should be submitted to the Tai Po District Council and the Tai Po Rural Committee for consultation prior to submission to the Committee for consideration.

[The Chairman thanked Ms. Jacinta K.C. Woo, DPO/STN, Mr. Liu Chin Ho, Engr/NTE (Headworks 1), WSD, Mr. Sy Kin Lik, Engr/Planning 1, WSD and Ms. So Lai Wah, Chemist/Resources Mgt 2, WSD, for their attendance to answer Members’ enquires. Ms. Woo, Mr. Liu, Mr. Sy and Ms. So left the meeting at this point.]

[Ms. Maggie M.Y. Chin and Mr. David Y.M. Ng, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Items 7 and 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-HH/5 Proposed House (New Territories Exempted House – Small House) in area designated as “Unspecified Use”, Government Land in D.D. 283, Hoi Ha Village, Sai Kung North
(RNTPC Paper No. A/DPA/NE-HH/5)

A/DPA/NE-HH/6 Proposed House (New Territories Exempted House – Small House) in area designated as “Unspecified Use”, Government Land in D.D. 283, Hoi Ha Village, Sai Kung North
(RNTPC Paper No. A/DPA/NE-HH/6)

33. Noting that the two s.16 applications were similar in nature and the application sites were adjacent to each other, Members agreed that the two applications should be considered together.

Presentation and Question Sessions

34. With the aid of a visualiser, 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 highlighting that the two applications were amongst several applications that had been deferred by the Board pending the Chief Executive in Council (CE in C)’s decision on the representations to the draft Hoi Ha DPA Plan which were related to the two applications. Since the approval of the DPA Plan by CE in C on 4.10.2011, the relevant government departments had been liaising with all the applicants whose applications had been deferred by the Board to explore ways to address the various concerns on tree preservation, ecological and landscape value aspects of the applications and to explore alternative sites. Since July 2012, four applications (No. A/DPA/NE-HH/1, 2, 3 and 4) had been withdrawn and replaced by new applications i.e., Application No. A/DPA/NE-HH/34, 35, 33 and 29 respectively. As the applicants of the subject two

applications could not be reached to address the departmental concerns, these applications had to be submitted to the Committee for consideration;

- (b) a proposed House (New Territories Exempted House (NETH) – Small House) for each application;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the paper. The Director of Agricultural, Fisheries and Conservation (DAFC) did not support the application due to the possible adverse impact on the tree species of conservation interest as well as on the woodland as a whole. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning perspective as the proposed development would impose adverse impact on the existing landscape resource and surrounding landscape in the vicinity. Due to the gradient of the application site, extensive site formation was inevitable. The impact of the site formation and the required construction access would extend beyond the application boundary and affect the existing trees in the proximity. Other concerned government departments had no objection to or adverse comments on the applications;
- (d) during the first three weeks of the statutory public inspection period, four public comments were received from Kadoorie Farm & Botanic Garden Corporation (KFBG), World Wide Fund for Nature Hong Kong (WWF), the Hong Kong Bird Watching Society (HKBWS) and Designing Hong Kong Ltd., all objecting to the application. Their major views were that there was a good stand of mature secondary forest at the application site, and the proposed small house development would destroy the integrity of this secondary forest and the ecology it supported. It would also damage local landscape and the marine reserve area. The lack of sewerage would pollute the ground and open water. The area was undergoing plan making process, and any planning application should be withheld until the completion of the Outline Zoning Plan (OZP), and the preparation of a sustainable layout. 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 applications based on the assessment as detailed in paragraph 12 of the Paper for each application. Although the proposed Small House development fell entirely within the 'VE' of Hoi Ha Village and some village houses were located to its immediate north, the application site was located on a densely vegetated slope that formed an integral part of the Hoi Ha Fung Shui Woodland, with mature trees connecting to the Sai Kung West Country Park. The proposed development was considered not compatible with the rural character of the woodland. The DAFC did not support the application, due to the possible adverse impact on the tree species of conservation interest as well as on the woodland as a whole. Hence, the subject wooded area was not an ideal place for small house development from flora conservation and tree preservation perspectives. From landscape planning perspective, the CTP/UD&L, PlanD objected to the application due to the considerable site formation works and the clearance of existing vegetation required, which would likely cause adverse impact on and beyond the footprint of the proposed Small House. Approval of the application would set an undesirable precedent for other similar applications on the wooded slope. The cumulative effect of approving similar applications would result in a general degradation of the environment and cause adverse impacts on landscape resources and landscape character of the area. 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 existing trees and vegetation, and on the landscape character of the area. There were no exceptional circumstances that would warrant a sympathetic consideration of the application.

35. In response to the Chairman's enquiry, Mr. David Ng, STP/STN responded that apart from the Fung Shui Woodland, there were other trees in the area identified as having conservation interest by the DAFC.

Deliberation Session

36. In view of the conservation interest of the woodland in the area, a Member opined that detailed information regarding the impact of the proposed development on the woodland should be submitted for consideration.

37. After further deliberation, the Committee decided to reject the applications. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper for each application 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 and on the existing trees and vegetation, including some that were of conservation 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 (Presentation and Question Sessions Only)]

A/DPA/NE-HH/33 Proposed House (New Territories Exempted House - Small House) in area designated as “Unspecified Use”, Government Land in D.D. 283, Hoi Ha Village, Sai Kung North
(RNTPC Paper No. A/DPA/NE-HH/33)

Presentation and Question Sessions

38. With the aid of the visualiser, 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) a proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Chief Town Planner/Urban Design and Landscape of the Planning department (CTP/UD&L, PlanD) advised that the site was on a vegetated slope covered with wild grasses and herbaceous plants. Scrubland vegetation was found to the east of the site and there was a vegetation group including bamboos and native trees along the southern boundary including a mature tree with the main branch and tree crown spreading into the site. While the proposed Small House development was not incompatible with the adjacent village character, he had strong reservation on the application from landscape planning perspective, as the proposed Small House would cause adverse landscape impact at and beyond the site, due to the site formation work and vegetation clearance required. He noted that no tree preservation proposal had been provided to demonstrate no adverse impact on the existing landscape resources. As the proposed development would fully occupy the site, it was not practical to impose landscape mitigation measures. Other concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory public inspection period, three public comments were received from Kadoorie Farm & Botanic Garden Corporation, World Wide Fund Hong Kong, and one member of the public, all objecting to the application. Their major views included that the Hoi Ha enclave was bounded on three sides by Sai Kung Country Park and on the other side by the Hoi Ha Wan (HHW) Marine Park. Near the existing village area was the Fung Shui Woodland and secondary woodland of high conservation importance. The application site itself was in the midst of a clump of trees and would cut across or was very near to a seasonal stream.

The proposed Small House would cause ecological impacts on an important natural habitat. The increase in the number of Small Houses at Hoi Ha might overload the soakaway system in the area, polluting water quality and the Hoi Ha Wan Marine Park. The proposed house would deprive existing residents of any place to park their cars and make no provision for parking of vehicles owned by the prospective occupier. The applicant had submitted no reports concerning planning studies, environmental impact, traffic (vehicular) impact, traffic (pedestrian) impact, visual impact, landscape impact, tree survey, geotechnical impact assessment, sewerage impact assessment and risk assessment to prove that the development had no adverse impacts. Hoi Ha was covered by a Development Permission Area (DPA) Plan, pending an Outline Zoning Plan (OZP) under preparation. There was a presumption against development. No permission should be granted to build until the OZP was in place and approved. No local objection/view was received by the District Officer/Tai Po; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper. Although CTP/UD&L, PlanD had strong reservation to the application as the proposed Small House would cause adverse landscape impact at and beyond the site, the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the site was mainly covered with wild grass and herbs and he had no comment on the application. DAFC suggested that the applicant should be advised to implement good site practice to avoid adverse impacts to the nearby trees and Fung Shui Woodland. With respect to the public comments on the ecological concern relating to the HHW Marine Park and Country Park, the Director of Environmental Protection (DEP) advised that given the small scale of the proposed Small House, it was unlikely to cause major pollution. He had no objection to the proposed development subject to the certification of compliance with ProPECC 5/93 by an Authorised Person (AP) regarding the design and construction of the septic tank & soakaway system. Regarding the public comments on the lack of relevant impact assessments in the application and other details such as vehicular access, car parking,

drainage, infrastructure provision, country park protection, and environment, relevant departments had no adverse comments on or no objection to the application. On the comments that no permission should be granted to build Small Houses until the OZP was in place, 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 in the course of preparing an OZP. Applications for development in this period could be considered on a case-by-case basis, having regard to the relevant guidelines and departmental comments.

39. Members had no question on the application.

Deliberation Session

40. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.12.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the submission and implementation of drainage proposal, including proposals to ensure that the proposed Small House would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should implement good site practice to confine all construction works within the site to avoid adverse impacts on the Fung Shui Woodland;
- (b) to note the comments of the Director of Environmental Protection that the

applicant should obtain the certification of compliance with ProPECC 5/93 by an Authorised Person regarding the design and construction of the septic tank & soakaway system;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that public stormwater drain was not available for connection in Hoi Ha Village. The applicant was required to provide proper stormwater drainage system to collect all runoff generated within the site or flowing towards the site from surrounding areas, and discharge the runoff collected to a proper discharge point. Any proposed drainage works, whether within or outside the site boundary, should be constructed and maintained by the applicant at his own expense. The applicant/owner was required to rectify the drainage system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system;
- (d) to note the Director of Fire Service's comments that the applicant should observe "New Territories Exempted Houses – A Guide to Fire Safety Requirements" published by Lands Department (LandsD). Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comments of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to the District Lands Officer/Tai Po (DLO/TP), LandsD to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP No. APP-56. If such exemption was not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (f) to note the comments of the Commissioner for Transport that the nearby village access was not under the management of the Transport Department.

The land status of the village access should be checked with the lands authority. The management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly;

- (g) to note the comment of the Chief Highway Engineer/New Territorial East, Highways Department that the access road from Hoi Ha Road to the subject site was not maintained by his Office;
- (h) to note the comments of the DLO/TP that if and after planning approval had been given by the TPB, his Office would process the Small House application, and if the Small House application was approved by the LandsD acting in the capacity as landlord at its sole discretion, such approval would be subject to such terms and conditions as might be imposed by LandsD;
- (i) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant might need to extend his 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 with the private lots to WSD's standards. The water mains in the vicinity of the site could not provide with the standard pedestal hydrant; and
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant/contractor should carry out the following measures:

- (i) for the application site within the preferred working corridor of high voltage overhead lines level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary.
- (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

[The Chairman thanked Mr. David Y.M. Ng, STP/STN, for his attendance to answer Members’ enquires. Mr. Ng left the meeting at this point.]

Agenda Items 10 and 11

Section 16 Application

[Open Meeting]

A/DPA/NE-TKP/19 Proposed Rebuilding of House (New Territories Exempted House) in area designated as “Unspecified Use”, Lot 826 A in D.D. 293 and Adjoining Government Land, To Kwa Peng, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/19A)

A/DPA/NE-TKP/20 Proposed Rebuilding of House (New Territories Exempted House) in area designated as “Unspecified Use”, Lot 826 RP in D.D. 293 and Adjoining Government Land, To Kwa Peng, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/20A)

42. Noting that the two s.16 applications were submitted by the same applicant for the same use at locations adjacent to each other, Members agreed that the two applications should be considered together.

43. The Committee noted that the applicant's representative requested on 20.11.2012 for deferment of the consideration of each of the application for two months in order to allow time for preparation of supplementary information to address departmental comments.

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

Agenda Item 12

Section 16 Application

[Open Meeting]

A/DPA/NE-TKP/22 Proposed 12 Houses (New Territories Exempted Houses - Small Houses) in area designated as "Unspecified Use", Various Lots in DD 293, To Kwa Peng, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/22)

45. The Committee noted that the applicant's representative requested on 20.11.2012 for deferment of the consideration of the application for two months in order to allow time for preparation of supplementary information to address departmental comments, in particular, regarding the sewage treatment facilities.

46. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the

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

Agenda Item 13

Section 16 Application

[Open Meeting]

A/NE-KTN/160 Temporary Vehicle Repair Workshop (including Container Vehicle Repair Yard) for a Period of 3 Years in “Industrial (Group D)” zone, Lots 759S.A, 759RP (Part), 761S.A, 761S.C(Part), 762S.A and 762S.C in D.D. 95 and Adjoining Government Land, Kwu Tung North
(RNTPC Paper No. A/NE-KTN/160)

47. The Committee noted that the applicant requested on 30.11.2012 for deferment of the consideration of the application for one month in order to allow time for preparation of supplementary information to address the comments from Transport Department.

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/75 Proposed Temporary Open Storage of New and Second-hand Vehicles (including 2 Private Cars and 4 Light Goods Vehicles) for a Period of 3 Years in “Agriculture” zone, Lots 48, 49, 50, 52RP, 52S.A (Part) and 52S.B (Part) in D.D. 37 and Adjoining Government Land, Man Uk Pin (RNTPC Paper No. A/NE-MUP/75A)

Presentation and Question Sessions

49. With the aid of a visualiser, 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) proposed temporary open storage of new and second-hand vehicles (including 2 private cars and 4 light goods vehicles) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the application site; and there was one non-substantiated complaint case on waste pollution regarding the application site in the past 3 years. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural life in the vicinity of the site was active and the site had high potential for rehabilitation of agricultural activities. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application. The site was located in an area of rural landscape character. The proposed use was incompatible with the landscape character of the surrounding environment. When comparing the aerial photos taken in 2010, 2011 and 2012, it was noted that significant disturbance to the landscape resources and character

had taken place. Approval of the application would also set an undesirable precedent and encourage more open storage uses in the surrounding areas, leading to the degradation of the rural environment and adjoining “GB” zones. Other concerned government departments had no objection to or adverse comments on the application;

- (d) during the first three weeks of the statutory public inspection period, five public comments were received. A Member of the North DC supported the application which would facilitate villagers. The other four public comments respectively from Designing Hong Kong Limited, a general public, Kadoorie Farm & Botanic Garden Corporation and World Wide Fund (WWF) Hong Kong objected to the application. The grounds of objection were that the proposed open storage use was not in line with the planning intention of the “AGR” zone; approval of the case would set an undesirable precedent and induce degradation of the rural environment; the site was very close to a stream which drained to an Ecologically Important Stream and might have impact on the aquatic habitat for larval dragonflies; the parking of vehicles would affect the environment and road safety of the village; and filling of land was found at the application site which might have involved ‘destroy first, build later’ activities. For the further information on the application, during the first three weeks of the statutory public inspection period, four public comments were received. The same DC member of the North District Council made the same support comment on the application as stated above. The other 3 comments from Kadoorie Farm & Botanic Garden Corporation and 2 general public relaying views of indigenous villagers objected to the application. In addition to grounds of objection mentioned, the indigenous villagers were worried about flooding due to filling of land in the application site and possible damage to the track and ‘fung shui’ of the village and water pollution to the stream;
- (e) the District Officer (North) advised that the Chairman of Sha Tau Kok District Rural Committee (STKDRC) and Village Representative (VR) of Man Uk Pin raised objections to the application while the incumbent District Council (DC) member had no comment. The grounds of objections

were adverse impacts on the environment because there was a natural stream close to the application site and emissions from the vehicles would pollute the air, noise and water. Besides, the track was frequently used by school children and villagers, and increased traffic might cause accident. Moreover, the proposed use was not compatible with the “AGR” zone, was visually intrusive and posed concerns on the environment and ecology. Besides, the application site had high potential for rehabilitation;

- (f) the PlanD’s views – PlanD did not support the application based on the assessment as detailed in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone and DAFC objected to it from an agricultural development standpoint as agricultural life in the vicinity of the site was active and the site was of high potential for rehabilitation of agricultural activities. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. The application did not comply with TPB Guidelines No. 13E in that the application site was not subject to any previous approval for similar open storage use; the proposed development was not compatible with the surrounding land uses which were predominantly rural in character and there were adverse departmental comments and public objections. The applicant had not submitted any technical proposals to demonstrate that the proposed development would not have adverse landscape, environmental and ecological impacts on the surrounding areas. CTP/UD&L objected to the application from the landscape planning point of view as the proposed use was incompatible with the surrounding rural landscape dominated by farmland and wooded “GB”. As compared with aerial photos taken in 2010 and 2011, significant disturbance to the landscape resources and character had taken place. Approval of the application would set an undesirable precedent and encourage more open storage uses in the surrounding areas, leading to the degradation of the rural environment and adjoining “GB” zones. DEP also did not support the application as there were domestic structures in the vicinity of the application site. The proposed use would cause nuisance to the nearby residents. There were local objections and also adverse public

comments.

50. In response to a Member's enquiry, Ms. Maggie Chin said that the applicant had confirmed that the site would only be used for the parking of 2 private cars and 4 light goods vehicles despite the large site area.

51. In response to a Member's enquiry, Ms. Chin said that the Committee had previously deferred a decision on the application on 6.7.2012 to allow PlanD to investigate whether the unauthorized development might constitute an abuse of the planning application process. An Enforcement Notice was subsequently issued by the Planning Authority to the relevant owners and the unauthorised development had ceased. Ms. Chin further confirmed that the applicant was one of the recipients of the Enforcement Notice.

52. The Chairman asked whether the land filling materials as shown in Plan A-4a of the Paper were construction materials. Ms. Chin replied that she did not have the information at hand.

Deliberation Session

53. A Member did not support the application as it involved "destroy first, build later" activities.

54. 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 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 application did not comply with the Town Planning Board (TPB) Guidelines No.13E for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ in that the proposed development was not compatible with the surrounding land uses which were predominantly rural in character; there was no previous planning approval granted at the site; and there were adverse comments from the relevant government departments and local objections against the application;
- (c) the proposed development was incompatible with the rural character of the surrounding area which was predominantly agricultural land with domestic structures in its close vicinity; and
- (d) there was no information in the application to demonstrate that the proposed development would have no adverse environmental and landscape impact on the surrounding areas.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/405 Proposed Utility Installation for Private Project (Electricity Package Sub-station) in “Agriculture” zone, Lot 883 RP in D.D.79, Ping Yeung Village, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/405)

Presentation and Question Sessions

55. With the aid of a visualiser, 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) proposed utility installation for private project (electricity package sub-station);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory public inspection period, one public comment was received from a North District Council Member supporting the application as it was good for the villagers. No local objection was received by the District Officer/North while one of the Indigenous Inhabitant Representatives of Ping Yeung supported the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 10 of the Paper.

56. Members had no question on the application.

Deliberation Session

57. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.12.2016, 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 to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB; and

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

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

- (a) to note the District Lands Officer/North, Lands Department's advice that the owner of the lot should be advised to apply to his office for Short Term Waivers (STW) for regularization of the structures under construction. There was no guarantee that the STW would be granted to the applicant. If the STW was granted, the grant would be made subject to such terms and conditions to be imposed as the government should deem fit to do so including the payment of STW fees;
- (b) to note the comments of the Chief Highway Engineer/ New Territories East, Highways Department that any access roads leading from Ping Che Road to the application site was not maintained by his office;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
 - (i) if a certificate of exemption under Cap 121 in respect of the proposed electricity package sub-station could not be issued, the development was subject to the provisions of the Buildings Ordinance;
 - (ii) as the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage;
 - (iii) the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with B(P)R 5 and 41D respectively; and

- (iv) detailed comments on the proposed development would be provided under the Buildings Ordinance at the formal plan submission stage.

- (d) to note the comment of the Chief Engineer/Development(2), Water Supplies Department that the application site was located within the flood pumping gathering ground;

- (e) to note the comment 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;

- (f) to note the comments of the Director of Health as follows:
 - (i) according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. As such, it was important for the project proponent to ensure that the installation complied with the relevant ICNIRP guidelines or other established international standards; and

 - (ii) WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities;

- (g) to note the comments from the Chief Town Planner/Urban Design and Landscape, Planning Department that during his site visit, it was observed that some trees were affected by the climbers. To avoid the existing trees being affected by the construction works of the proposed development, tree

protection measures should be submitted. In addition, with reference to the layout of the proposed development, tree planting opportunity was available along the site boundary; and

- (h) to note the comments of the Director of Fire Services as follows:
 - (i) emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Fire-fighting and Rescue administered by BD; and
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans.

Agenda Items 16 and 17

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/406 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 612 S.A in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/406)

A/NE-TKL/407 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 612 S.B in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/407)

59. Noting that the two s.16 applications were similar in nature and the application sites were adjacent to each other, Members agreed that the two applications should be considered together.

Presentation and Question Sessions

60. With the aid with a visualiser, 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) a proposed House (New Territories Exempted House (NTEH) - Small House) under each application;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development point of view as active farming activities were noted at the application site and its vicinity. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of development outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the proposed development from the landscape perspective. The sites were surrounded by farmland and temporary structure, village houses to the further north, east and south, wooded “Green Belt” zone to the further southeast. Approval of the proposed small house application would set an undesirable precedent of spreading village development outside the “V” zone and would erode the rural landscape character where the proposed development located. Other concerned government departments had no objection to or adverse comments on the applications;
- (d) during the first three weeks of the statutory public inspection period, three public comments were received for Application No. A/NE-TKL/406 and two were received for Application No. A/NE-TKL/407. Two public comments were the same for both applications. The first one was submitted by a North District Council Member who supported the application as it was good for the villagers. The second one was submitted by the Kadoorie

Farm and Botanic Garden Corporation (KFBG) who expressed concern on the application as it was not in line with the planning intention of “Agriculture” (“AGR”) zone. If the application was approved, there would be numerous similar applications targeting the area in “AGR” zone. It was noted that the application site and its surrounding areas were mostly active farmlands, and the Board should consider the potential cumulative impact that would be caused. Application No. A/NE-TKL/406 received an additional public comment from a general public who raised objection to the application on the ground that part of the application site would encroach onto an existing access road leading to the farmlands. The District Officer (North) advised that the Indigenous Inhabitant Representatives (IIRs) of Ping Yeung supported the application while the Vice-Chairman of Ta Kwu Ling District Rural Committee and the incumbent District Council Member had no comment on the applications; and

- (e) the PlanD’s views – PlanD did not support the applications based on the assessment as detailed in paragraph 11 of the Paper for each application. Although the application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (Interim Criteria) in that the proposed Small House footprint fell entirely within the ‘VE’ and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Lei Uk Village, the application site was currently a piece of active farmland which formed an integral part of a large “AGR” zone with active agricultural activities. NTEH/Small House developments had long been concentrated in the “V” zone of Lei Uk Village and there was still 2.2 ha (about 87 Small House sites) of land available within the “V” zone. While 10 applications for Small House development within the ‘VE’ to the east of Lei Uk Village (which was about 20m from the village proper) had been approved by the Committee between 2002 and 2011, no similar application for Small House development within the concerned “AGR” zone to the west of “V” zone of Lei Uk Village had ever been approved. Besides, the two application sites were further away from the village proper of Lei Uk Village. The proposed development was not in line with the planning

intention of the “AGR” zone and DAFC did not support the application from agricultural development point of view as active farming activities were found at the site and its vicinity. The CTP/UD&L, PlanD also had reservation on the proposed development as it was situated on land with a pleasant rural landscape character. Approval of the proposed Small House application would set an undesirable precedent of spreading village development outside the “V” zone and would erode the rural landscape character. Besides, C for T also considered that Small House development should be confined within the “V” zone as far as possible. Although the applicant claimed that similar Small House applications near the application site, namely Lots 669 S.A to S.C, Lots 671 S.A and B, and Lots 680 S.A RP in D.D 82, had been approved by the Committee, it was noted that the concerned lots were located to the west of Ping Che Road; they were closer to the village proper of Lei Uk Village (approximately 20m to the north-west of the site) and the “V” zone was situated to the immediate west of the concerned sites. The planning applications for those sites were approved by the Committee on the consideration that the applications complied with the Interim Criteria in that the concerned sites were located within the ‘VE’ of Lei Uk Village and the footprints of the proposed Small Houses fell mainly within the “V” zone of Lei Uk Village; for those applications that fell entirely within the “AGR” zone, there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the same village; and the proposed NTEH (Small House) development would unlikely had significant adverse environmental, drainage and traffic impacts on the surrounding areas. The situation of the current applications were not comparable to those of the similar applications due to the location of the two sites which were further away from Ping Che Road and the village proper of Lei Uk Village.

61. In response to the Chairman’s enquiry, Ms. Maggie Chin said that the land to the east of Lei Uk Village was partly under cultivation and partly vacant.

Deliberation Session

62. A Member considered that the subject two applications were similar to the approved applications to the east of Lei Uk Village as they were also under “AGR” zone and within ‘VE’. The Secretary said that apart from the zoning and the boundary of ‘VE’, the Board would need to consider other factors stipulated in the Interim Criteria, such as character of the area, compatibility with the surroundings, provision of infrastructure and any objection from government departments etc. to determine whether an application should be approved. More vacant land was available to the east of Lei Uk Village and the Committee had approved applications on this side of the Village. Agricultural activities were active on the western side of the Village. The Committee had not approved any application for Small House development to the west of Lei Uk Village. Ms. Chin supplemented that there was about 2.2 ha of land within “V” zone which could accommodate 87 Small Houses. The number of outstanding Small House application was only 32. In this regard, adequate land was available within the “V” zone to meet the Small House demand in the short term.

63. A Member did not support the two applications as they were located outside “V” zone and agricultural activities were active in the vicinity of the application sites.

64. A Member considered that the rejection of the applications would not help rehabilitate the land for agricultural use. Ms. Chin said that there were still active farming activities at the application sites and also in the vicinity of the application sites on the west side of Lei Uk Village.

65. A Member considered that it was not justified to approve the two applications as the two sites were in the midst of active farmland. This Member enquired whether DAFC had also raised objection to those applications to the east of Lei Uk Village which were subsequently approved by the Board.

[The Committee took a five minute break at this point. Dr. W. K. Yau left the meeting during the break.]

66. The Secretary reported that in the previously approved applications to the east of Lei Uk Village, the DAFC did not support those applications as the application sites had high potential for agricultural rehabilitation. Nevertheless, the character of the site to the east of Lei Uk Village was different as that area was mainly fallow agricultural land while the area to

the west of Lei Uk Village was mainly active agricultural land.

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

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

[The Chairman thanked Ms. Maggie M.Y. Chin, STP/STN, for her attendance to answer Members’ enquires. Ms. Chin left the meeting at this point.]

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/446 Temporary Open Storage of Construction Materials for a Period of 3
Years in “Green Belt” zone, Lots 556 RP (Part) in D.D. 9 and
Adjoining Government Land, Nam Wa Po, Tai Po
(RNTPC Paper No. A/NE-KLH/446)

Presentation and Question Sessions

68. With the aid of a visualiser, 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) temporary open storage of construction materials for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, Lands D) advised that half of the site was on Government land which fell within the resumption and clearance limit of the “Liantang/Heung Yuen Wai Boundary Control Point and Associated Works”. As informed by the Civil Engineering and Development Department (CEDD), the tentative site handover date of this Government land portion was no later than 4.7.2013. As portion of the site was affected by the resumption project, he did not support the application. The Chief Engineer/Boundary Control Point, Civil Engineering and Development Department (CE/BCP, CEDD) advised that part of the site was within the works limit of the proposed realignment of the Tai Wo Service Road West for Fanling Highway Interchange under “Liantang/Heung Yuen Wai Boundary Control Point and Associated Works”, which would commence in early 2013. He had no in-principle objection to the application provided that the applicant would revise the site boundary and its vehicular entrance point to suit the revised alignment and level of the realigned Tai Wo Service Road West. In accordance with the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’, the Director of Environmental Protection (DEP) did not support the application as the nearest village house of Nam Wa Po was located within 100m from the subject site boundary, and environmental nuisance was expected. Other concerned government departments had no objection to or adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, one public comment from the two Indigenous Inhabitant Representatives of Nam Wa Po was received objecting to the application on the grounds that the site was zoned “Green Belt” and should not be used for open storage of construction materials which caused adverse environmental impact on the surrounding area. No local objection/view was received by the District Officer/Tai Po; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use at the western portion of the site on private land with an area of about 635m² could be tolerated for a period of 3 years based on the assessment as detailed in paragraph 12 of the Paper. Although the eastern portion of the site on government land (about 695m², 52%) formed part of the public works project for “Liantang/Heung Yuen Wai Boundary Control Point and Associated Works” and was scheduled for handing over to the CE/BCP, CEDD in July 2013, CE/BCP, CEDD had no in-principle objection to the application provided that the applicant could revise the site boundary and its vehicular entrance point to tie in with the public works project. The applicant subsequently submitted a revised site plan that met the requirements of CE/BCP, CEDD who had no adverse comment on the proposed vehicular entrance point. Given that the site had been previously approved by the Committee, sympathetic consideration might be given to the application. Since the eastern portion (about 695m², 52%) of the site had been resumed by the Government, the proposed use could be tolerated at the remaining western portion of the site on the private land (about 635m², 48%) on a temporary basis without affecting the implementation of the public works project. As regards DEP’s concerns on environmental nuisance to nearby residents, there was no environmental complaint related to the site in the past three years. To address DEP’s concern, an approval condition restricting the operation hours was recommended. As regards the public comment raising concerns on the adverse environmental impacts, it should be noted that the subject open storage use had been in existence since 1998, there was no environmental complaint in the past three years and the concerned government departments had no objection to nor adverse

comment on the application. The commenters' concern could be addressed through the implementation of approval conditions.

69. Members had no question on the application.

Deliberation Session

70. After deliberation, the Committee decided to partially approve the application for open storage of construction materials at the western portion of the site on private land with an area of about 635m² on a temporary basis for a period of 3 years until 7.12.2015, 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 11:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) no sinking of wells, blasting, drilling or piling works were allowed on the application site during the planning approval period;
- (c) routine clearance and maintenance works should be carried out to avoid blockage of the drainage facilities;
- (d) the relocation of vehicular entrance point to the satisfaction of the Chief Engineer/Boundary Control Point of Civil Engineering and Development Department or of the TPB;
- (e) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.1.2013;
- (f) the submission of proposals of preventive measures against water pollution within the upper indirect water gathering grounds within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 7.6.2013;

- (g) in relation to (f) above, the implementation of proposals of preventive measures against water pollution within the upper indirect water gathering grounds within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 7.9.2013;
- (h) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2013;
- (i) in relation to (h) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2013;
- (j) 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;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; 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.

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

- (a) a partial approval of the application was granted to allow the temporary open storage use to be operated on the western portion of the site on private land on a temporary basis without affecting the implementation of the public works project “Liantang/Heung Yuen Wai Boundary Control Point

and Associated Works”;

- (b) planning permission should have been renewed before continuing with the applied use at the application site;
- (c) to resolve any land issues relating to the development with the concerned owners of the application site;
- (d) to note the comments of the Director of Environmental Protection that the applicant should follow the ‘Code of Practice on Handling Environmental Aspects of Open Storage Uses’;
- (e) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Consultants Management, Drainage Services Department that the site should have its stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was no existing public sewerage in the vicinity of the site;
- (f) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that before carrying out any excavation work, the applicant should submit his proposal for such excavation work in writing to the Water Authority for approval in all aspects, and should not carry out any work whatsoever until the Water Authority had given written approval to such excavation work, and should comply with any requirement of the Water Authority in respect of the said excavation work. In the event that as a result or arising out of any development of the lot or any part thereof any subsidence of the ground occurred at any time, the applicant should indemnify the Government against all actions, claims and demand arising out of any damage or nuisance to private property caused

by such subsidence. For provision of water supply to the development, the applicant might need to extend his inside services to the nearest Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard. His other comments were listed in Appendix IV; and

(g) to note the comments of the Director of Fire Services that for compliance with the approval condition (c), the applicant was required to submit certificate(s) under Regulation 9(1) of the Fire Service (Installation and Equipment) Regulations (Chapter 95B). If covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed site, fire service installations (FSIs) would need to be installed. In such circumstances, except where building plan was circulated to the Buildings Department, the tenant was required to send the relevant layout plans to the Fire Services Department incorporated with the proposed FSIs for approval. In doing so, the applicant should note that:

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

(ii) the location of where the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans.

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/447 Temporary Warehouse for Storage of Construction Materials for a
Period of 3 Years in “Green Belt” zone, Lots 617 S.B ss.1 and 618 S.B
RP (Part) in D.D. 9, Nam Wa Po, Tai Po
(RNTPC Paper No. A/NE-KLH/447)

Presentation and Question Sessions

72. With the aid of a visualiser, 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) temporary warehouse for storage of construction materials for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. In accordance with the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’, the Director of Environmental Protection (DEP) did not support the application as the nearest village house of Nam Wa Po was located within 100 m from the subject site boundary and environmental nuisance was expected. Other concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from the two Indigenous Inhabitant Representatives of Nam Wa Po was received objecting to the application on the grounds that the site was zoned “Green Belt” and should not be used for open storage of construction materials which would cause adverse traffic impact on the surrounding area. No local objection/view was received by the District

Officer/Tai Po; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessment as detailed in paragraph 12 of the Paper. As regards DEP's objection to the application, it should be noted that the application was for a small scale warehouse storing construction materials and there was no environmental complaint against the site in the past three years. The proposed use would unlikely cause significant adverse environmental impacts on the surrounding areas. To address DEP's concern, approval conditions restricting the operating hours and prohibiting workshop activities on the site were recommended. As regards the public comment raising concerns on the adverse traffic impact on the surrounding area, Transport Department had no objection to the application.

73. Members had no question on the application.

Deliberation Session

74. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.12.2015, 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 5:00 p.m. and 9:30 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no workshop activities should be carried out on the application site at any time during the planning approval period;
- (c) no sinking of wells, blasting, drilling or piling works were allowed on the application site during the planning approval period;
- (d) the maintenance of existing trees and landscape plantings on the application

site at all times during the planning approval period;

- (e) the maintenance of existing drainage facilities implemented on the application site at all times during the planning approval period;
- (f) the submission of proposals of preventive measures against water pollution within the upper indirect water gathering grounds within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 7.6.2013;
- (g) in relation to (f) above, the implementation of proposals of preventive measures against water pollution within the upper indirect water gathering grounds within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 7.9.2013;
- (h) the submission of fire service installations (FSI) and water supplies for fire fighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2013;
- (i) in relation to (h) above, the provision of FSI and water supplies for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.9.2013;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; 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.

75. 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 apply to the District Lands Officer/Tai Po, Lands Department for Short Term Waiver to regularize the structures erected on site;
- (c) to note the comments of the Director of Environmental Protection that the applicant should follow the 'Code of Practice on Handling Environmental Aspects of Open Storage Uses';
- (d) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Consultants Management, Drainage Services Department that the site should have its stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was no existing public sewerage in the vicinity of the site;
- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that before carrying out any excavation work, the applicant should submit his proposal for such excavation work in writing to the Water Authority for approval in all aspects, and should not carry out any work whatsoever until the Water Authority had given written approval to such excavation work, and should comply with any requirement of the Water Authority in respect of the said excavation work. In the event that as a result or arising out of any development of the lot or any part thereof any subsidence of the ground occurred at any time, the applicant should

indemnify the Government against all actions, claims and demand arising out of any damage or nuisance to private property caused by such subsidence. His other comments were listed in Appendix III of the Paper; and

- (f) to note the comments of the Director of Fire Services that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed site, FSI would need to be installed. In such circumstances, except where building plan was circulated to the Buildings Department, the tenant was required to send the relevant layout plans to the Fire Services Department incorporated with the proposed FSI for approval. In doing so, the applicant should note that:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSI and the access for emergency vehicles should be clearly indicated on the layout plans.

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

- (g) the permission was given to the use under application. It did not condone any other use(s) which currently existed on the site but was not covered by the application. The applicant should be requested to take immediate action to discontinue such use(s) not covered by the permission.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/458 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” zone, Lot 816 S.A in D.D. 10, Chai Kek, Lam Tsuen, Tai
 Po
 (RNTPC Paper No. A/NE-LT/458)

Presentation and Question Sessions

76. With the aid of a visualiser, 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) a proposed house (New Territories Exempted House (NTEH)- Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site had high potential for rehabilitation of agricultural activities. Other concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/Tai Po; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper. The application site was a piece of abandoned agricultural land and was adjacent to the village houses of Lily Villa. Although DAFC did not

support the application, the Chief Town Planner/Urban Design and Landscape, PlanD had no objection to the application from the landscape planning point of view as the proposed Small House development was considered not incompatible with the surrounding environment which was rural in character with a mix of village houses, agricultural land, vegetated fields and woodland trees and adverse impact on landscape resources was not anticipated.

77. Members had no question on the application.

Deliberation Session

78. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.12.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the actual construction of the proposed Small House should only begin

after the completion of the public sewerage network;

- (b) the foul water drainage system of the proposed New Territories Exempted House (NTEH)/Small House should be connected to the planned public sewerage system in the area and the applicant should connect the whole of the foul water drainage system to the planned public sewerage system upon its completion;
- (c) the applicant should submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes were proposed to pass to demonstrate that it was both technically and legally feasible to install sewerage pipes from the proposed NTEH/Small House to the planned sewerage system via the relevant private lots;
- (d) to note the comments of the Director of Environmental Protection that the applicant should take up full ownership, construction and maintenance responsibility of the sewerage connection system and connect the proposed house to the future public sewer at his own cost. The sewerage connection point should be within the application site and adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (f) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Project Management, Drainage Services Department (DSD) that:

- (i) public stormwater drainage system was not available for connection in the vicinity of the Site. Any proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicant at his own expense. The applicant/owner was required to rectify the drainage system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system. Public sewerage system was not currently available for connection in the vicinity of the site. However public sewer would be laid in Chai Kek Village under DSD's project 4332DS "Lam Tsuen Valley Sewerage"; and
- (ii) the scope of provision of village sewerage to Lam Tsuen Valley "Village Type Development" zone area was being finalised under DSD's project 4332 DS, 'Lam Tsuen Valley Sewerage'. The village sewerage works in Chai Kek Village would start in 2012, for completion in end 2016 tentatively subject to the land acquisition progress. Theoretically, the applicant could extend his sewer via other private lots/Government land to the proposed public sewers by himself if he would like to discharge his sewage into the public sewerage system. The preliminary location of the public sewerage system would be subject to revision due to actual site situation;
- (g) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road from Lam Kam Road adjoining the Site was not maintained by HyD;
- (h) 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 Lands Department. Detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;

- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans/ to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the Site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the Site, the applicant should carry out the following measures:
 - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level at 132kV or above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply line; and
- (j) to note that the permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and planning permission from the TPB was obtained where required before carrying out the road works.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/464 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” and “Village Type Development” zones, Lot 1323 S.A
 ss.2 S.A, San Tong Tsuen, Lam Tsuen, Tai Po
 (RNTPC Paper No. A/NE-LT/464)

Presentation and Question Sessions

80. With the aid of a visualiser, 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) a proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as there were agricultural activities in the vicinity and the site itself had high potential for rehabilitation for agricultural activities. Other concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/Tai Po; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper. Although DAFC did not support the application, the Chief Town

Planner/Urban Design and Landscape, PlanD had no in-principle objection to the application from the landscaping planning point of view and considered that the proposed Small House was generally compatible with the surrounding rural environment and adverse impact on landscape resources was not anticipated.

81. Members had no question on the application.

Deliberation Session

82. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.12.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the foul water drainage system of the proposed New Territories Exempted House (NTEH)/Small House should be connected to the planned public sewerage system in the area and the applicant should connect the whole of

the foul water drainage system to the planned public sewerage system upon its completion;

- (b) the applicant should submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes were proposed to pass to demonstrate that it was both technically and legally feasible to install sewerage pipes from the proposed NTEH/Small House to the planned sewerage system via the relevant private lots;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:
 - (i) septic tank and soakaway pit system might be permitted to be used as an interim measure for foul effluent disposal before public sewers were available subject to the approval of the Director of Environmental Protection (DEP). Any such permitted septic tank and soakaway pit system should be designed and maintained in accordance with the Environmental Protection Department's ProPECC Practice Note No. 5/93. The septic tank and soakaway pit system should be located at a distance of not less than 30m from any water course and should be properly maintained and desludged at a regular frequency. All sludge thus generated should be carried away and disposed of outside the water gathering grounds;
 - (ii) the proposed septic tank should be within the application site and within the "Village Type Development" ("V") zone; and
 - (iii) 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;

- (d) to note the comments of DEP that the proposed house should be connected to the future public sewer when available; the sewerage connection point(s) should be within the application site and within the “V” zone; adequate land should be reserved for the future sewer connection work; and legal consent for access right to construct and maintain the sewer connection system should be acquired from the owner(s) of the adjacent private lot, if necessary;

- (e) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Project Management, Drainage Services Department (DSD) that:
 - (i) public stormwater drain was not available for connection in the vicinity of the subject lot. Any proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicant at his own expense. The applicant was required to rectify the drainage system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system;

 - (ii) the village sewerage works in San Tong Tsuen would be carried out under the project 4332DS, ‘Lam Tsuen Valley Sewerage’. The village sewerage works near the site was scheduled to commence in 2012/2013, for completion in 2016/2017 tentatively subject to the land acquisition progress; and

 - (iii) the proposed Small House was partly outside the “V” zone where no existing public sewerage system connection was available. Public sewers would be laid to the locations near to the proposed development under DSD’s current project scheme. From technical point of view, the applicant could extend his sewer to the proposed public sewerage system via other private/government land. However

the above information was preliminary and would be subject to revision due to actual site situation;

- (f) to note the comments of the Director of Fire Services that the applicant was reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department. Detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (g) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make necessary submissions to the Lands Department to verify if the sites 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 provisions of the Buildings Ordinance;
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the Site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the Site, the applicant should carry out the following measures:
 - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the

underground cable (and/or overhead line) away from the vicinity of the proposed structures; and

- (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
- (i) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road from Lam Kam Road to the Site was not maintained by HyD; and
- (j) to note that the permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and planning permission from the TPB was obtained where required before carrying out the road works.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/417 Proposed House (Redevelopment) in “Coastal Protection Area” zone,
Lot 1200A in D.D. 29, 7 Po Sam Pai, Tai Po
(RNTPC Paper No. A/NE-TK/417)

Presentation and Question Sessions

84. With the aid of a visualiser, 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) a proposed house (redevelopment);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, three public comments against the application were received. The commenters, including Kadoorie Farm & Botanic Garden Corporation, the Indigenous Inhabitant Representatives (IIRs) and local villagers of Po Sam Pai, objected to the application mainly on the grounds that the area was zoned “Coastal Protection Area” (“CPA”) which was intended to protect and conserve the natural coastline. In general, development should be excluded from this zone; the Ting Kok Site of Special Scientific Interest (SSSI) comprised a large patch of dwarf mangroves and the construction runoff and daily effluent of the proposed development would cause ecological impacts on the vegetated area surrounding the site, which was ecologically linked to the nearby Ting Kok SSSI. No mitigation measure was provided in the submission; there was no public drain and pedestrian access for the site; there were unauthorized temporary structures within the site used for kitchen and toilet; and the approval of the application would set a precedent for other similar applications within “CPA” in the area and the Board should consider the potential cumulative impacts so caused in approving the subject application. No local objection/view was received by the District Officer/Tai Po; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 10 of the Paper. Concerns of the commenters on the traffic, environmental, ecological and drainage impacts on the surrounding area could be addressed through imposition of approval conditions to minimize the potential adverse impacts on the surrounding area.

85. Noting that the application site was within the “CPA” zone, a Member asked whether there was any concern on the drainage and sewerage aspect. Mr. C. T. Lau replied that DSD had been consulted and had no objection to the application.

Deliberation Session

86. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.12.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of tree preservation 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; and
- (c) the provision of fire fighting installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that as the lease document governing the lot was missing, the case would most likely be processed by way of land exchange. The existing temporary structures should be demolished so that the roofed-over-area and gross floor area as permitted in the exchange document could be complied with;
- (b) to note the comments of the Commissioner for Transport that the applicant was advised to clarify the land status, management and maintenance responsibilities of the village access with the relevant lands and

maintenance authorities in order to avoid potential land disputes;

- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid impacts, in particular physical encroachment and water pollution, to the sensitive area adjacent to the site;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public sewerage available for connection in the vicinity of the site. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development. There was no public drain in the vicinity of the site. The applicant/owner was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend 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;
- (f) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) if the existing structures were erected on leased land without

approval of the BD (not being a New Territories Exempted House (NTEH)), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;

- (ii) if the proposed new building was NTEH under the BO, the LandsD should comment on the application. Otherwise, the prior approval and consent of the BD should be obtained. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO;
- (iii) for unauthorised building works (UBW) erected on leased land, enforcement action might be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;
- (iv) in connection with (ii) above, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and
- (v) if the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/528 Proposed Public Utility Installation (Electricity Package Substation) in
“Green Belt” zone, Lots 482 S.N ss.1 and ss.2 in D.D. 21, Pun Shan
Chau, Tai Po
(RNTPC Paper No. A/TP/528)

Presentation and Question Sessions

88. With the aid of a visualiser, Mr. C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed public utility Installation (electricity package substation);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/Tai Po; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper.

89. Members had no question on the application.

Deliberation Session

90. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.12.2016, 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) implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) 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 the electricity supply lines;
- (b) to note the comments of the Director of Health that according to the World Health Organization (WHO), it was important to comply with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines (1998). With the compliance with the guidelines, exposure to extremely low frequency electromagnetic fields such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities. Moreover, upon commissioning of the electricity package substation, the applicant should verify the actual compliance with the ICNIRP guidelines with direct on-site measurements and submit the report for consideration by the Director of Electrical and Mechanical Services;

- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should avoid damage to the existing trees during construction;
- (d) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should submit necessary Geotechnical Submission to the Buildings Department at a later stage;
- (e) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department; and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road from Tat Wan Road connecting to the subject site was not maintained by HyD; and
- (g) to note the comments of the District Lands Officer/Tai Po of Lands Department (LandsD) that the owner should apply to LandsD for Short Term Waiver (STW) to cover the electricity package substation at the subject lots. Nevertheless, there was no guarantee that the application for STW would ultimately be approved.

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

Tuen Mun and Yuen Long District

Agenda Item 24

Section 12A Application

[Open Meeting]

Y/TM/8

Application for Amendment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/29 from “Green Belt” to “Government, Institution or Community” for a Religious Institution and Columbarium Development, Lots 1744 S.A to S.C and 1744 S.F to S.I in D.D. 132, Tuen Mun
(RNTPC Paper No. Y/TM/8A)

92. The Committee noted that the applicant’s representative requested on 30.11.2012 for deferment of the consideration of the application for one month in order to allow time to resolve land use and traffic issues.

93. 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 one month was allowed for preparation of the submission of the further information, and since a total of three months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 25

Section 16 Application

[Open Meeting]

A/TM/432

Proposed Comprehensive Residential Development and Minor Relaxation of Building Height Restriction from 10 Storeys above Car Park to 10 Storeys above 2-Levels of Lobby, E/M Facilities, Basement Carpark and Other Ancillary Facilities in “Comprehensive Development Area” zone, Various Lots in D.D. 374 and 375 and Adjoining Government Land, So Kwun Wat, Tuen Mun (RNTPC Paper No. A/TM/432B)

94. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK) with Environ Hong Kong Ltd. (Environ), MVA Hong Kong Ltd. (MVA) and Scott Wilson Ltd. (SW) as consultants. The following Members had declared interests in this item:

- | | |
|----------------|---|
| Mr. Ivan Fu | - had current business dealings with SHK, Environ and MVA |
| Ms. Janice Lai | - had current business dealings with SHK and SW |
| Dr. C. P. Lau | - owned a flat at Kwun Tsing Road, So Kwun Wat, which was located close to the application site |

The Committee noted that Mr. Fu had tendered apologies for being unable to attend the meeting. As the applicant had requested a deferral of consideration of the application, the Committee agreed that Ms. Lai and Dr. Lau could stay in the meeting.

95. The Committee noted that the applicant’s representative requested on 28.11.2012 for deferment of the consideration of the application for two months in order to allow time to address the public comment on the access arrangements for the Ngau Kok Lung Village. .

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

Agenda Item 26

Section 16 Application

[Open Meeting]

A/YL-PS/393

Proposed Temporary Warehouse (for Storage of Used and New Construction Materials and Equipment) for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 763 RP, 764, 765(Part), 766, 767(Part), 768(Part), 771 and 772 S.B(Part) in D.D. 122, Yung Yuen Road, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/393)

97. 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., one of the consultants of the applicant. The Committee noted that he had tendered apologies for being unable to attend the meeting.

98. The Committee noted that the applicant’s representative requested on 27.11.2012 for deferment of the consideration of the application for two months in order to allow time to address the environmental concerns raised by relevant government departments.

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

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

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL-MP/202 Proposed House Development, Minor Relaxation of Building Height Restriction, and Filling of Pond in “Residential (Group D)” zone, Lots 3207 RP, 3209 RP, 3220 RP, 3221 RP, 3224 RP, 3225 S.A RP, 3225 S.C RP, 3225 RP, 3226 S.A RP, 3226 RP, 3228, 3229, 3230 RP, 3250 S.B ss.21 RP, 3250 S.B ss.33 S.B, 3250 S.B ss.40 S.A (Part), 3250 S.B ss.40 RP (Part) and 4658 RP (Part) in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/202A)

100. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson) with Environ Hong Kong Ltd. (Environ), Westwood Hong & Associates Ltd. (Westwood), AECOM and ADI Ltd. (ADI) as consultants. Mr. Ivan Fu, having current business dealings with Henderson, Environ, Westwood, AECOM and ADI, had declared an interest in this item. Ms. Janice Lai, having current business dealings with Henderson, AECOM and ADI, had also declared an interest in this item. The Committee noted that Mr. Fu had tendered apologies for being unable to attend the meeting. As the applicant had requested a deferral of consideration of the application, the Committee agreed that Ms. Lai could stay in the meeting.

101. The Committee noted that the applicant’s representative requested on 15.11.2012 for deferment of the consideration of the application for two months in order to allow time to further review the sewage impact assessment.

102. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the

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

Agenda Item 28

Section 16 Application

[Open Meeting]

A/YL-MP/206 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Open Space” zone, Lot 2874 in D.D. 104, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/206)

103. The Secretary reported that the application site might involve unauthorized site formation works prior to the application, which was in contravention with the approach announced by the Board to deter “Destroy First, Built Later” activities in July 2011. To allow more time for investigation to collect more information on the site formation works undertaken on the site, Planning Department requested that a decision on the application be deferred to ascertain whether any unauthorized site formation works were involved that might constitute an abuse of the planning application process.

104. After deliberation, the Committee decided to defer a decision on the application as requested by Planning Department pending the investigation of the suspected unauthorized site formation works on the application site.

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL- ST/421 Proposed School (Annex Extension to an Existing School) in “Village Type Development” zone, Lots 122 (Part), 123 (Part), 124, 125 S.C ss.1, 125 S.C RP and 126 in D.D. 102, San Tin, Yuen Long
(RNTPC Paper No. A/YL- ST/421A)

105. The Committee noted that the applicant’s representative requested on 19.11.2012 for deferment of the consideration of the application for two months in order to allow time to prepare Preliminary Environmental Review as requested by the Environmental Protection Department.

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

[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 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/427 Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years in “Undetermined” zone, Lots 250 S.B RP (Part), 252 RP (Part), 271, 272, 273, 274, 275, 276 S.B ss.1 and 279 S.B RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/427)

107. The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) was the consultant of the applicant. Ms. Anita Lam having current business dealings with Lanbase had declared an interest in this item. As she had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

108. With the aid of a visualiser, 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) temporary public vehicle park (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and 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 3 years based on the assessment as detailed in paragraph 12 of the Paper.

109. Members had no question on the application.

Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.12.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

- (f) the existing trees on the site should be maintained at all times during the planning approval period;
- (g) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (h) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2013;
- (i) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2013;
- (j) in relation to (i), the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.9.2013;
- (k) the submission of parking layout plan with dimensions within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.6.2013;
- (l) in relation to (k), the implementation of parking layout plan within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.9.2013;
- (m) the provision of boundary fencing on the site within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2013;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately

without further notice;

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

111. 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 application site;
- (b) the planning permission was given to the development/use(s) and structures under application. It did not condone any other development/use(s) and structure(s) which currently occur(s) on the site/premises but not covered by the application. The applicant should be requested to take immediate action to discontinue such development/use(s) and remove such structure(s) not covered by the permission;
- (c) to follow the latest Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lots within the site were Old Schedule Agricultural Lots held under 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 applied use and/or occupation of the Government Land (GL) within the site. Attention should be drawn

to the fact that the act of occupation of GL without Government's prior approval should not be encouraged. Modification of Tenancy (MOT) No. M19780 was issued for erection of structures over Lots 271, 272 and 273 in D.D. 99 for private residential and agricultural purposes. If structures of else purpose were found on the said lots, his Office would arrange to terminate the MOT as appropriate. The site was accessible through an informal track on GL extended from Lok Ma Chau Road. His office provided no maintenance works for this track nor guaranteed right-of-way; his Office was considering the granting of Short Term (STW) and Short Term Tenancy (STT) based on the proposed development parameters of the last planning approval under Application No. A/YL-ST/380. Nevertheless, changes in the proposed development parameters were noted in the current application. Granting of STW/STT would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such proposed STW/STT would be approved. If such proposed STW/STT were approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department at Appendix V of the Paper;
- (f) to note the comments of the Director of Fire Services that fire service installations (FSI) were required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSI to his Department for approval. In formulating FSI proposal for the proposed structures, the applicant was advised to make reference to the requirement: for enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30 m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans; the applicant should also be advised that : (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of

where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in the above, the applicant was required to provide justification to his Department for consideration.

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD, they were unauthorized under the Buildings Ordinance (BO). Prior approval and consent of the Buildings Authority (BA) should be obtained before any new building works (including containers as temporary buildings) were to be carried out on the site, 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 less than 4.5m, its permitted development intensity should be determined under B(P)R 19(3) at building plan submission stage;
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the measures as prescribed at Appendix VI of the Paper; and
- (i) to note the comments of the Director of Environmental Protection that the

applicant was reminded of his obligation to comply with the Water Pollution Control Ordinance by applying for a discharge licence from his Regional Office (North) should there be any effluent discharge from the site.

Agenda Item 31

Section 16 Application

[Open Meeting]

A/TM-SKW/78 Proposed Temporary Barbecue Area for a Period of 3 Years in “Village Type Development” zone, Lots 246 S.B (Part), 248 (Part), 250 (Part), 251 (Part), 258, 259, 260, 261 (Part), 262 S.B (Part) and 263 S.B (Part) in D.D. 385 and Adjoining Government Land, Tai Lam Chung, Tuen Mun
(RNTPC Paper No. A/TM-SKW/78A)

112. The Committee noted that the applicant’s representative requested on 22.11.2012 for deferment of the consideration of the application for two months in order to allow time to address comments from the Drainage Services Department and the Fire Services Department.

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/81 Temporary Shop and Services (Car Washing and Waxing Services) with Ancillary Office and Storerooms for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 183 (Part) and 184 (Part) in D.D. 385, Tai Lam Chung, Tuen Mun
(RNTPC Paper No. A/TM-SKW/81)

Presentation and Question Sessions

114. With the aid of a visualiser, 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) temporary shop and services (car washing and waxing services) with ancillary office and storerooms for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport (C for T) commented that the site was served with an unnamed access road branching off from Tai Lam Chung Road. This access road was not a public road being managed by his department. The management and maintenance authorities of the access road should be consulted to ascertain whether the access road was suitable/adequate to serve the development or upgrading works were required. The C for T requested the applicant to clarify whether parking spaces would be provided within the site for other vehicles waiting for the services or otherwise a waiting queue along the access road would be formed which might subsequently affect the main stream traffic flow at Tai Lam Chung Road. He also requested the applicant to demonstrate that it was safe to perform reversing manoeuvres of the private cars at the run-in/run-out of the site. The Chief Engineer/Mainland

North, Drainage Services Department (CE/MN, DSD) commented that the development was in an area where no public sewerage connection was available in the vicinity. The Director of Environmental Protection (DEP) commented that the applicant should collect, treat and dispose of the wastewater arising from the site in compliance with the requirements of the Water Pollution Control Ordinance. Other concerned government departments had no objection to or adverse comments on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/Tuen Mun; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in paragraph 11 of the Paper. The planning intention of the “Comprehensive Development Area” (“CDA”) zone was for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any, to serve the residential neighbourhood. The development was not in line with the planning intention of “CDA” zoning. There was no strong planning justification provided in the submission for a departure from such planning intention, even on a temporary basis. The development was considered incompatible with the surrounding land uses comprising mainly residential dwellings, barbecue area, vacant land and the rural setting of the general area. Although there were storage yards in the vicinity of the site, they were suspected unauthorised developments subject to enforcement action taken by the Planning Authority. Moreover, the applicant had not provided any information to address the concerns of C for T on the traffic aspects and the concern of CE/MN, DSD and DEP on the handling of wastewater from the car washing service. No similar application had been approved in the same “CDA” zone. As there were many pieces of vacant land in the vicinity of the site, the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “CDA” zone. The cumulative impact of approving such applications would

result in a general degradation of the environment of the surrounding area.

115. Members had no question on the application.

Deliberation Session

116. In response to the Chairman's enquiry, Mr. K. F. Tang said that in areas without public sewerage connections, facilities would need to be provided by the project proponent to handle the sewage generated by the proposed use. In this regard, the sewage treatment facility proposed by the applicant would need to meet the relevant requirements in the Water Pollution Control Ordinance. For the current application, the applicant had not provided any information on the proposed sewage treatment facility for the consideration of DEP.

117. 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 planning intention of the "Comprehensive Development Area" ("CDA") zone was for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any, to serve the residential neighbourhood. The development was not in line with the planning intention. There was no strong planning justification provided in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development was incompatible with the existing residential dwellings and rural character in the surrounding area. The applicant failed to demonstrate that the development would not generate adverse traffic and sewage impacts on the surrounding area; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "CDA" zone. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.

[The Chairman thanked Mr. K.C. Kan, STP/TMYL, for his attendance to answer Members' enquires. Mr. Kan left the meeting at this point.]

Agenda Item 33

Section 16 Application

[Open Meeting]

A/YL-NSW/218 Proposed Comprehensive Development with Wetland Enhancement (including House, Flat, Wetland Enhancement Area, Nature Reserve, Visitors Centre, Social Welfare Facility, Shop and Services) as well as Filling of Land and Pond, Excavation of Land in "Other Specified Uses" annotated "Comprehensive Development and Wetland Enhancement Area 1" and "Site of Special Scientific Interest (1)" zones, Lots No. 1520 RP, 1534 and 1604 in D.D.123 and Adjoining Government Land, Nam Sang Wai and Lut Chau, Yuen Long (RNTPC Paper No. A/YL-NSW/218)

118. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson) with Masterplan Ltd. as one of the consultants. Mr. Ivan Fu, having current business dealings with Henderson and Masterplan Ltd., had declared an interest in this item. Ms. Janice Lai, having current business dealings with Henderson, had also declared an interest in this item. The Committee noted that Mr. Fu had tendered apologies for being unable to attend the meeting. As the applicant had requested a deferral of consideration of the application, the Committee agreed that Ms. Lai could stay in the meeting.

119. The Committee noted that the applicant's representative requested on 22.11.2012 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments.

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

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

Agenda Item 34

Section 16 Application

[Open Meeting]

A/YL-NTM/278 Temporary Container Vehicle Park with Ancillary Office and Storage for a Period of 3 Years in “Open Storage” zone, Lots No. 2844 RP (Part), 2845 (Part), 2849 (Part), 2850, 2851 RP, 2854, 2855, 2856, 2857, 2858 RP, 2859 RP (Part), 2874 (Part), 2875 (Part), 2893 (Part), 2895 (Part), 2896 (Part), 2897 (Part) and 2898 (Part) in D.D. 102, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/278)

121. The Committee noted that the applicant’s representative requested on 16.11.2012 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments.

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/814 Temporary Open Storage of Containers and Logistics Centre with Ancillary Open Storage of Recyclable Materials for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 89(Part), 90(Part), 93 RP(Part), 94(Part), 95(Part), 96(Part), 98(Part), 100(Part), 101, 103, 104(Part), 116(Part), 117(Part), 118, 119, 120(Part), 121(Part), 123(Part), 129(Part), 130, 131, 132(Part) and 133 (Part) in D.D.125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/814)

Presentation and Question Sessions

123. With the aid of a visualiser, 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) temporary open storage of containers and logistics centre with ancillary open storage of recyclable materials for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential dwellings in the vicinity of the site, the closest being about 50m away, and along the access road (Ping Ha Road). Environmental nuisance was expected. Other concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and 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 3 years based on the assessment as detailed in paragraph 12 of the Paper. Regarding DEP's objection to the application, there was no environmental complaint against the site over the past 3 years. To mitigate any potential environmental impacts, approval conditions on restrictions on operating hours, prohibition of workshop activities, and stacking of containers had been recommended.

124. Members had no question on the application.

Deliberation Session

125. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.12.2015, 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 8:00 p.m. and 8:00 a.m. from Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair and workshop activity was allowed on the site, as proposed by the applicant, during the planning approval period;
- (d) no handling (including loading, unloading and storage) of electrical/ electronic appliances/components, including cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment, as proposed by the applicant, was allowed on the site during the planning approval period;

- (e) the stacking height of containers stored within the site should not exceed 8 units during the planning approval period;
- (f) no stacking of containers within 5m of the periphery of the site during the planning approval period;
- (g) the existing fencing on the site should be maintained at all times during the planning approval period;
- (h) the existing drainage facilities implemented on the site should be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2013;
- (j) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2013;
- (k) in relation to (j) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2013;
- (l) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.1.2013;
- (m) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.6.2013;
- (n) in relation to (m) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the

satisfaction of Director of Fire Services or of the TPB by 7.9.2013;

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

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

- (a) planning permission should have been obtained before continuing/commencing the development on-site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no approval had been given for the specified structures as logistic centre, meter room, toilet, site office and loading/unloading area. The private land of lot No. 93 RP in DD 125 was covered by Short Term Waiver No. 3040 which allowed for ancillary use to open storage with permitted built-over area not exceeding 51.26m² and height not exceeding 5m above the level of ground. Letter of Approval

(LoA) ref. MT/LM 12296 was issued for Lot No. 101 in D.D. 125. If structures were found erected on the lot for the purposes other than the approved ones, his office would consider termination of the LoA as appropriate. The site was accessible through an informal track on Government Land and private land extended from Ping Ha Road. His office provided no maintenance works for this track nor guaranteed right-of-way. The lot owner would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD;

- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport that sufficient manoeuvring space should be provided within the site. No vehicle was allowed to queue back to public road or reverse onto/from the public road. The vehicular track leading to the site from Ping Ha Road fell outside Transport Department's purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;

- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that 8 dead trees were found at the eastern boundary and a number of existing trees at the northern boundary affected by climbers were in poor condition. Replacement of these trees was required. As the existing trees adjacent to the structure at the northern boundary were inaccessible for inspection, photos indicating the condition of these trees should be provided in the future submission;

- (i) to note the detailed comments of the Director of Fire Services in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain fire service installations as prescribed above, he was required to provide justifications to his department for consideration; and

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

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/815 Proposed Private Utility Installation (Electricity Substation for CLP's Transformer) with Excavation of Land (1.5m deep) for Cable Trench in "Village Type Development" zone, Lot 678 RP (Part) in D.D.125, San Wai, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/815)

Presentation and Question Sessions

127. With the aid of a visualiser, 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) proposed private utility installation (electricity substation for CLP's transformer) with excavation of land (1.5m deep) for cable trench;
- (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, Plan D) had reservation on the application from the landscape planning point of view as the proposed excavation at the southeast corner of the substation might affect the existing palm trees at the eastern boundary. In addition, no tree preservation proposal or landscape proposal was submitted. Other concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, 1 public comment was received. The commenter, one of the owners of the adjoining residential dwelling (Block A, Grantham) stated that a 4.5m wide

emergency vehicular access (EVA) between the boundary wall of his house and the proposed substation had not been shown on the drawing submitted by the applicant. 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 assessment as detailed in paragraph 11 of the Paper. On CTP/UD&L of PlanD's reservation on the application, an approval condition on the submission and implementation of a tree preservation and landscape proposal was recommended to address his concern. As regards the public comment, it was noted that the distance between the boundary wall near Block A, Grantham and the proposed electricity substation was about 3.8 m wide. Both Buildings Department and Fire Services Department had no objection to the application.

128. Members had no question on the application.

Deliberation Session

129. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.12.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government. No approval had been given to the proposed structure with the specified dimensions as substation for CLP Power Hong Kong Limited's transformer. The private land of Lot No. 678 RP in D.D. 125 was covered by Short Term Waiver No. 3342 which allowed the use of the land for the purpose of package substation (electricity substation) with permitted B.O.A. not exceeding 13.7m² and height not exceeding 3 m above the level of ground. Access to the site required traversing through private lots and/or Government land (GL). He provided no maintenance work for the GL involved and did not guarantee right-of-way. Should the application be approved, the lot owner would still need to apply to him to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD;

- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department to provide his own drainage facilities to collect the runoff generated from the site, and discharge the runoff collected to a proper discharge point. The proposed development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside the site boundary before the commencement of the drainage works;

- (c) to note the comments of the Director of Environmental Protection to take appropriate measures to avoid noise nuisance arising from the proposed development, such as locating openings of the proposed transformer and

switch rooms away from sensitive receivers;

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

the standard pedestal hydrant.

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/818 Temporary Storage of Recycling Materials (Household Materials, Electronic Parts and Goods) with Ancillary Workshops, Offices and Storerooms for a Period of 3 Years in “Undetermined” zone, Lots 1805 (Part) and 1832 (Part) in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/818)

Presentation and Question Sessions

131. With the aid of a visualiser, 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) temporary storage of recycling materials (household materials, electronic parts and goods) with ancillary workshops, offices and storerooms for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) had reservation on the application as the application site was almost occupied by recycling materials, which were either stored in the open air or within covered structures. Majority of these recycling materials were used electronic/electrical equipment which were being stored outdoor without proper protection to avoid causing adverse environmental impacts, such as land contamination. DEP was concerned about the applicant’s genuine intent to store all the recycling materials, in particular, used electronic/electrical equipment, under covered structures and on paved

ground to safeguard the environment. Other concerned government departments had no objection to or adverse comments on the application;

- (d) during the first three weeks of the statutory publication period of the application and the further information, three public comments from two Yuen Long District Council members were received. One of them suggested that the local track leading to the site should be paved with concrete to avoid causing environmental pollution. The other DC Member objected to the application in view of the repeated previous revocations due to failure to comply with the approval conditions. Furthermore, the storage of electronic parts would cause pollution to the environment and soil and the temporary workshop use would cause noise nuisance to nearby residents. 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 3 years based on the assessment as detailed in paragraph 12 of the Paper. To address the DEP's concern and mitigate any potential environmental impacts, approval conditions on the handling of electronic wastes had been recommended. There was no substantiated environmental complaint against the site over the past 3 years. Regarding the concerns on environmental pollution and noise nuisance raised by the public commenters, it was noted from DEP that no noise pollution complaint against the site had been received over the past 3 years and the nearest residential development was located about 130m away across Ping Ha Road. To mitigate any potential environmental impacts, approval conditions on the operating hours and the handling of electronic wastes had been recommended. Given the previous application (No. A/YL-HT/666) was revoked due to non-compliance with approval conditions, shorter compliance periods were recommended to monitor the fulfillment of approval conditions.

132. Members had no question on the application.

Deliberation Session

133. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.12.2015, 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 6:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling of electrical/electronic equipment, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no handling (including loading, unloading and storage) of cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment was allowed on the site during the planning approval period;
- (e) handling (including loading, unloading and storage) of electrical/electronic equipment, electronic parts and goods on the site must be carried out within concrete-paved area with covered structures, as proposed by the applicant, during the planning approval period;
- (f) no material was allowed to be stored within 1m of any tree during the planning approval period;
- (g) the existing drainage facilities on-site should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2013;

- (i) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.1.2013;
- (j) the implementation of the accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.3.2013;
- (k) the submission of a tree preservation and landscape proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 7.3.2013
- (l) the implementation of the tree preservation and landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2013;
- (m) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.3.2013;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) and (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) and (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) planning permission should have been obtained before continuing the development on-site;
- (b) shorter compliance periods were granted to monitor the fulfillment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprised Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government, and to apply to him to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by the LandsD acting in the capacity of the landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium or fee, as might be imposed by LandsD;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (g) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the

lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (i) to note the comments of the Director of Fire Services that the installation/maintenance/modification/repair works of FSIs should be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC should, after the completion of the installation/maintenance/modification/repair works, issue a certificate (FS 251) for his approval; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action might be taken by the Building Authority (BA) to effect the removal of unauthorized building works (UBW) erected on the site in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Prior approval and consent of the BA should be obtained before any new building works (including temporary buildings) were to be carried out on the site. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The site should be provided with means of obtaining access from a street and emergency vehicular access in accordance with Building (Planning) Regulations (B(P)R) (5) and 41D 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.

Agenda Item 38

Section 16 Application

[Open Meeting]

A/YL-HT/825 Temporary Workshop with Ancillary Storeroom for a Period of 3 Years in “Undetermined” zone, Lots 1835 (Part), 1836 (Part), 1837 (Part) and 1839 (Part) in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/825)

135. The Committee noted that the applicant’s representative requested on 29.11.2012 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments.

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

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/244 Temporary Open Storage and Sales of Construction Metals with Ancillary Workshop and Heavy Vehicle Park (Transportation for Metals) for a Period of 3 Years in “Commercial/Residential” zone, Lots 2182 RP, 2183 RP, 2184RP, 2185RP, 2186, 2156RP (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/244)

Presentation and Question Sessions

137. With the aid of a visualiser, 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) temporary open storage and sales of construction metals with ancillary workshop and heavy vehicle park (transportation for metals) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses (residential dwellings) in the vicinity of the site (the closest being less than 40m away) and along the access road (Lau Fau Shan Road), and environmental nuisance was expected. Other concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory public inspection period, one public comment on the application was received from the manager of Lau Fau Shan Chamber of Commerce. In view of the various planning applications for workshop uses in the area, he was concerned that the existing road could not cope with the developments and the Government should widen Lau Fau Shan Road and Deep Bay Road to meet the demand. 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 applications based on the assessment as detailed in paragraph 12 of the Paper. The planning intention of the “Commercial/Residential” (“C/R”) zone was primarily for commercial and/or residential development. The temporary open storage and sale of construction metals with ancillary workshop and heavy vehicle park under application was not in line with the planning intention of the “C/R” zone. No strong justification had been

given in the submission for a departure from such planning intention, even on a temporary basis. The site was in close proximity to the residential settlements to its west and southwest (the closest being less than 40m away), as well as the tourist spot of Lau Fau Shan seafood market and restaurants of Lau Fau Shan to its northwest. The temporary open storage and sale of construction metals with ancillary workshop and heavy vehicle park was not compatible with the surrounding residential/tourism developments to its southwest, west and northwest. Although there were open storage uses in the vicinity of the site in the subject "C/R" zone, they were either existing uses tolerated under the Town Planning Ordinance or suspected unauthorized developments which would be subject to enforcement action by the Planning Authority. There was also no information in the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding area. In this regard, DEP did not support the application because there were sensitive uses in the vicinity of the site and along the access road (Lau Fau Shan Road) and environmental nuisance was expected. The application was not in line with Town Planning Board Guidelines No. 13E as there were adverse departmental comments on the environmental aspect, and the applicant had not submitted any environmental assessment to address the adverse comments and demonstrate that the applied use would not have adverse environmental impacts on the surrounding areas. Since 2001, the Committee had rejected all 6 previous applications No. A/YL-LFS/70, 143, 147, 152, 160 and 220 for various open storage and workshop uses at the subject site. There had been no material change in the planning circumstances since the rejection of these applications. Rejection of the current application was therefore in line with the Committee's previous decisions.

138. Members had no question on the application.

Deliberation Session

139. 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 “Commercial/Residential” zone, which was primarily for commercial and/or residential development. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development was not compatible with the surrounding residential/tourism developments to its southwest, west and northwest; and
- (c) the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments on the environmental aspect and the applicant failed to demonstrate that the development would not have adverse environmental impact on the surrounding areas.

[The Chairman thanked Mr. Ernest C.M. Fung, STP/TMYL, for his attendance to answer Members’ enquires. Mr. Fung left the meeting at this point.]

Agenda Item 40

Section 16 Application

[Open Meeting]

A/YL-KTN/378 Proposed Residential Development in “Undetermined” zone, Lots 215 S.C, 264 S.B RP (Part), 266 S.A (Part), 266 RP (Part), 267, 268, 269 S.B RP (Part), 269 S.B ss.2 RP (Part), 270 (Part), 271 (Part), 272, 275, 277 (Part) and 295 (Part) in D.D. 103 and Adjoining Government Land, Ha Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/378B)

140. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK) with Environ Hong Kong Ltd. (Environ) and Urbis Ltd. (Urbis) as consultants. Mr. Ivan Fu, having current business dealings with SHK, Environ and Urbis, had declared an interest in this item. Ms. Janice Lai, having current business dealings with SHK and Urbis, had also declared an interest in this item. The Committee noted that Mr. Fu had tendered apologies for being unable to attend the meeting. As the applicant had requested a deferral of consideration of the application, the Committee agreed that Ms. Lai could stay in the meeting

141. The Committee noted that the applicant's representative requested on 26.11.2012 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments.

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

Agenda Item 41

Section 16 Application

[Open Meeting]

A/YL-KTN/394 Proposed Temporary Field Study/Education Centre and Hobby Farm for a Period of 5 Years in "Agriculture" zone, Lots 1750 S.A ss.4 RP, 1750 S.A ss.5 RP and 1750 S.A ss.6 RP (Part) in D.D. 107, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/394)

143. The Committee noted that the applicant requested on 6.12.2012 for deferment of the consideration of the application for two months in order to allow time to further examine

the details of the development proposal.

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

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/583 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1726 in D.D. 106, Kam Sheung Road, Pat
Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/583)

Presentation and Question Sessions

145. With the aid of a visualiser, 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) a proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD), advised that he did not support the application as the application site fell outside the village

'environs' ("VE") of Yuen Kong Tsuen. According to the existing guidelines, Small House applications would not generally be considered if the proposed house site was outside or more than 50% of it was outside either the 300 ft "VE" of any recognized village or the "Village Type Development" ("V") zone which encircled a recognized village. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that although the site had been paved, it was suitable for greenhouse cultivation and there were agricultural activities nearby. As the site had high potential for agricultural rehabilitation, he did not support the application from the agriculture development perspective. Other concerned government departments had no objection to or adverse comments on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and 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 assessment as detailed in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the "Agriculture" zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC did not support the application from the agriculture development perspective as the site had high potential for agricultural rehabilitation. Though the site had been paved, it was suitable for greenhouse cultivation and there were agricultural activities nearby. There was no strong planning justification given in the submission for a departure from the planning intention. The application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (Interim Criteria) in that the site and the NTEH/Small House footprints fell entirely outside the "VE" for Yuen Kong Tsuen and the "V" zone. According to the Interim Criteria, development of NTEH/Small House with more than 50% of the footprint outside both the "VE" and the

“V” zone would normally not be approved except under very exceptional circumstances. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. There was no exceptional circumstance to justify approval of the application. Based on the advice of DLO/YL of LandsD, the outstanding Small House applications and the estimated Small House demand in the next 10 years for Yuen Kong Tsuen were 27 and 170 respectively (i.e. 197 Small Houses or about 4.9 ha of land in total). According to PlanD’s latest assessment, there was about 3.1 ha of land within the “V” zone in Yuen Kong Tsuen located at about 190 m to the north of the site for Small House developments (i.e. equivalent to about 124 Small Houses). Although there was insufficient land for meeting the long-term demand for Small House in Yuen Kong Tsuen, there was still land available to meet the current outstanding demand and those in the coming years.

146. Members had no question on the application.

Deliberation Session

147. 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 assessing planning applications for New Territories Exempted House (NTEH)/Small

House development' in that the site and the proposed NTEH/Small House footprint fell entirely outside the village 'environs' for Yuen Kong Tsuen and the "Village Type Development" zone. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. There was no exceptional circumstance to justify approval of the application.

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/584 Renewal of Planning Approval for Temporary Open Storage of Vehicle Parts for a Period of 3 Years in "Residential (Group D)" zone, Lots 698 S.A, 701 S.B RP (Part), 701 S.C (Part) and 702 S.C (Part) in D.D. 106 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/584)

Presentation and Question Sessions

148. With the aid of a visualiser, 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) renewal of planning approval for temporary open storage of vehicle parts for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) advised that there was no environmental complaint received in the past 3 years. However, he did not support the application as there were sensitive receivers, i.e. residential dwellings, located to the immediate south and

west and in the vicinity of the site, and environmental nuisance was expected. Other concerned government departments had no objection to or adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, a public comment from a Yuen Long District Councillor was received. The commenter stated that the impact on the natural environment and traffic arising from the development should be taken into account in considering the subject application. The views from the locals should also be respected. No local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 3 years based on the assessment as detailed in paragraph 12 of the Paper. Although DEP did not support the application due to residential dwellings nearby, there was no environmental complaint received by DEP in the past 3 years and no local objection was received during the statutory publication period. To address the environmental concern of DEP, approval conditions restricting the operating hours and types of vehicles, and prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended. As regards the public comment, approval conditions to address the environmental concerns as mentioned and approval condition prohibiting reversing of vehicles to address the traffic concern were recommended.

149. Members had no question on the application.

Deliberation Session

150. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 19.12.2012 to 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 night-time operation between 6:00 p.m. and 9:00 a.m. from Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out of the site was allowed at any time during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of records of the existing drainage facilities on the site within 6 months from the date of 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), 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) together with a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 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 during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if 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; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issue relating to the development with other concerned owner(s) of the application site;

- (b) the site should be kept in a clean and tidy condition at all times;

- (c) to note the comments of the District Lands Officer/Yuen Long that the site were situated on Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from Lands Department (LandsD). No approval was given for the specified structures as offices and store rooms. No permission had been given for the development and/or occupation of the Government land (GL) within the site. Modification of Tenancy (MOT) No. M17085 was issued for erection of structures over Lots 701 S.C & S.B in D.D. 106 for agricultural purposes. If structures of other purposes were found on the lots, LandsD would consider to terminate the MOT as appropriate. The site was accessible by Shek Kong Airfield Road via a short distance of open GL without maintenance works to be carried out thereon by LandsD. LandsD would 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 to regularize any irregularities on the site. Moreover, 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 GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

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

- (e) to note the comments of the Commissioner for Transport that the site was connected to the public road network via a section of a local access road

which was not managed by 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;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that a plan showing the location of all the existing trees within the site, as well as updated photo record on the condition of these trees should be provided;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Shek Kong Airfield Road;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. To address the condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/653 Temporary Car Park for Villagers (Excluding Container Vehicle) for a Period of 3 Years in “Village Type Development” zone, Lots 83 (Part), 85 RP (Part), 86 (Part), 87 S.B (Part), 87 RP (Part) and 92 RP (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/653)

152. The Committee noted that a letter dated 4.12.2012 and two letters dated 6.12.2012 from the applicant were received after the issue of Paper. The letters were tabled at the meeting.

Presentation and Question Sessions

153. With the aid of a visualiser, 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 highlighting that the three letters dated 4.12.2012 and 6.12.2012 submitted by the applicant provided signatures from villagers supporting the application and provided revised carparking layout that reduced the number of carparking spaces from 20 to 15 in order to address Water Supplies Department’s concern on interface with underground water mains ;
- (b) temporary car park for villagers (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or adverse comments on the application;

- (d) during the first three weeks of the statutory public inspection period, seven public comments were received from the local villagers. All the comments objected/strongly objected to or expressed concerns on the application as the development was located very close to the residential dwellings and occupied an existing open space for pedestrians, disabled persons using wheelchairs and children. Besides, the development would cause noise and artificial lighting nuisances, exhaust, adverse landscape impact and drainage/flooding and hygiene problems. The parking of vehicles would also obstruct the access of emergency vehicles and escape route for villagers, causing a fire safety problem. In addition, the villagers and the outsiders would also compete for use of the free car park within the village causing law and order problem. The District Officer/Yuen Long (DO/YL) advised that a local objection from two local residents in Sheung Che Tsuen was received by his office. The local residents objected to the application because the previous application No. A/YL-PH/642 for similar parking use had been rejected by the Committee as the concerned development was not in line with the planning intention and would cause adverse environmental impacts. The development would also obstruct the unique access/emergency vehicular access of the village. Besides, the developer had also erected illegal fencing board at Lot 83 in D.D. 111 causing inconvenience to the villagers. The applicant submitted the current fresh application instead of a review application under section 17 of the Town Planning Ordinance so as to bypass the public objections; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in paragraph 11 of the Paper. The 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 reprovisioning of village houses affected by Government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. The temporary car park was not in line with the planning intention of the “V” zone, though it might serve some of the parking needs of the local villagers.

The site, which was elongated in configuration and measured about 1,318m², was located within a village cluster. Given its close proximity to village houses which were mostly about 1m to 5m away from the site, the proposed public car park for private cars and vans at the site operating on a daily basis 24 hours a day might cause adverse environmental impacts to the local residents. Although the applicant submitted a carpark layout with a width of 4.5m wide vehicular access at the site, the applicant had not provided any details on measures to mitigate the potential environmental impacts. There was an existing access passing through the site as advised by Lands Department. The site currently served as a local access connecting Fan Kam Road and the existing village houses to the north and east for the local residents/pedestrians. Approval of the application might affect the local access through the site to the surrounding areas. Moreover, the access road leading from Fan Kam Road to the site was about 120m in length. It was a narrow road about 3m to 4m in width and there was no proper pavement for the pedestrians. Frequent vehicular traffic due to the proposed public car park in the midst of a village cluster might pose road safety concern. Previous application No. A/YL-PH/642 for similar vehicle park use at the site was rejected by the Committee recently on 20.7.2012 for the reasons that the development was not in line with the planning intention, and that the site was located within a village cluster and the applicants failed to demonstrate that the development would not have adverse environmental impacts on the adjacent residential dwellings. Compared with the previous application, even though the current application involved a reduction of parking spaces from 36 to 15, there was no major change in planning circumstances that warranted a departure from the Committee's previous decision. Although there were three similar applications No. A/YL-PH/84, 291 and 181 approved with conditions by the Committee or the Board on review within the same "V" zone, these applications were located at the fringe of the village with direct access to Fan Kam Road. Seven public comments received during the statutory publication period and one local comment received by DO/YL objected to or expressed concerns on the application mainly for the reasons as mentioned in paragraph (d) above.

154. Noting from Plan A-4a and 4b of the Paper that cars were currently parked at the site, the Chairman asked whether any enforcement action would be taken by the Planning Authority. Ms Bonita Ho, STP/TMYL, replied that the site was subject to enforcement action as the use for parking of vehicles on the site was an unauthorized development (UD) under the Town Planning Ordinance.

Deliberation Session

155. In response to a Member's enquiry, Ms. Ho said that the site was the subject of a previous planning Application No. A/YL-PH/642 for public vehicle park (private cars and light goods vehicles) which was rejected by the Committee on 20.7.2012. The proposed public vehicle park was not for the exclusive use of the villagers.

156. 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 development was not in line with the planning intention of the "Village Type Development" zone which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. No strong planning justification had been given in the submission to justify a departure from the planning intention; and
- (b) the site was located within a village cluster. The applicant failed to demonstrate that the development would not have adverse environmental impacts on the adjacent residential dwellings.

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/177 Proposed Temporary Public Vehicle Park (excluding container vehicle) for a Period of 3 Years in “Village Type Development” zone, Lots 616 S.B RP (Part) and 617 (Part) in D.D. 114 and Adjoining Government Land, Kam Tin Road, Shek Kong
(RNTPC Paper No. A/YL-SK/177)

Presentation and Question Sessions

157. With the aid of a visualiser, 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) proposed temporary public vehicle park (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) considered that as the site fell within a “Village Type Development” (“V”) zone, the parking of private car/ light good vehicles could only be tolerated and there should be no workshop/ repairing activities at the site. The proposal for allowing parking spaces for coaches/ medium goods vehicles was undesirable. Other concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and 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 3 years based on the assessment as detailed in paragraph 11 of the Paper. To address DEP's comments and the possible environmental concerns, approval conditions that would restrict the operating hours and maximum parking capacity, prohibit the parking/storage of medium and heavy goods vehicles exceeding 5.5 tonnes (including container tractor/trailer) and coaches, prohibit the carrying out of vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, and require the maintenance of the existing boundary fence were recommended.

158. Members had no question on the application.

Deliberation Session

159. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.12.2015, 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. to 9:00 a.m. was allowed on the site during the planning approval period;
- (b) vehicles were not allowed to reverse into or out of the site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no more than 45 private cars/light goods vehicles were allowed to be parked on the application site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes), including container tractors/trailers, as defined in the Road Traffic Ordinance and

coaches were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;

- (f) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance and coaches were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (g) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the application site at any time during the planning approval period;
- (h) the existing boundary fence on the application site should be maintained at all times during the planning approval period;
- (i) the implementation of the approved tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2013;
- (j) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2013;
- (k) in relation to (j) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2013;
- (l) 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 18.1.2013;
- (m) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 7.3.2013;

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

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (c) sympathetic consideration might not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no approval had been given to the proposed

specified structures as office and restroom. No permission had been given for the applied use and/or occupation of the Government land within the site. The act of occupation of Government land without Government's prior approval should not be encouraged. 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-site. Furthermore, the applicant had to either exclude the Government land (GL) portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal track on GL extended from Kam Tin Road. His office provided no maintenance work for this track nor the GL involved and did not guarantee right-of-way;

- (e) to note the comments of the Commissioner for Transport 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;
- (f) 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 any potential environmental nuisances;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the site was in the vicinity of a watercourse. The applicant was advised to prevent polluting this watercourse during

operation;

- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant should provide updated photo record on the conditions of all existing trees within the site in accordance with the tree preservation proposal (Drawing A-2 of the Paper);
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSI) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSI to his Department for approval. In addition, the applicant was also advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSI to be installed should be clearly marked on the layout plans;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures were erected on leased land without approval of BD (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 2-storey office 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 emergency vehicular access in

accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively;

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

- (l) to note the comments of the Director of Leisure and Cultural Services that no ground excavation should be conducted within the site. The applicant was advised to inform the Antiquities and Monuments Office of his Department in case of discovery of antiquities or supposed antiquities within the site.

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/621 Renewal of Planning Approval for Temporary Retail Shop for Hardware Groceries for a Period of 3 Years in “Residential (Group B) 1” zone, Lot 1375 RP (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/621)

Presentation and Question Sessions

161. With the aid of a visualiser, 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) renewal of planning approval for temporary retail shop for hardware groceries for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) noted that a residential development (Jasper Court) was located to the immediate east of the subject site. Given the same use applied for and similar environmental setting around the site, he maintained his previous comments that should the applied use involve workshop activities and traffic of heavy vehicles, environmental nuisances were envisaged and it was considered environmentally undesirable according to the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. Other concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory public inspection period, 50 public comments from the Owners’ Committee and the residents of Jasper

Court were received objecting to the application. The objections were mainly on the grounds of environmental nuisances (including noise and air pollution), road safety, increase of traffic flow, environmental hygiene, fire hazard, incompatible land use, visual impact and public security. They considered that the loading/unloading activities would affect pedestrian/traffic safety; the odour and toxic gas generated by storage of paints and thinner and the noise and odour generated by cutting of metal would affect health; the storage of inflammable materials and goods would pose fire hazard and affect safety of the residents, and lowering of the property value. They felt annoyed with the frequent submission of planning applications from the applicant and the continuous consultations of the Board. They also pointed out that the shop operated on Sundays and holidays and in early morning with workshop activities being carried out and that there was illegal extension of the site over the past years. The shop for hardware groceries should be developed elsewhere in the industrial areas instead of a residential area. Should the current application be approved, the shop would have operated at the application site for 6 years and should not be considered as a temporary use. There was also suggestion to extend the railings to prevent parking of vehicles on the footpath. The development involved storage of construction materials, unauthorized structures and illegal occupation of Government land which affected the living environment and was not compatible with the surrounding areas. Environmental assessment should be carried out to assess the impact generated by the development. There was no actual need of retail use in the area. The District Officer/Yuen Long forwarded a letter from the Owners' Committee of Jasper Court to the Board which was also a public comment received during the statutory publication period of the application;

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 1 year based on the assessment as detailed in paragraph 12 of the Paper. While the DEP considered the applied use to be environmentally undesirable as there could be environmental nuisances if the site involved workshop activities and use

of heavy vehicles, no environmental complaint had been received by the DEP in the past 3 years, and the development did not involve workshop activities. To address the concern on the possible environmental impact, approval conditions restricting the operating hours, prohibiting metal cutting and workshop activities, restricting the type of vehicles used, prohibiting loading/unloading activities along Ma Fung Ling Road and requiring the maintenance of the existing boundary fence on-site were recommended. With regard to the public concerns on loading/unloading activities along public road and workshop activities within the site, no loading/unloading activities along Ma Fung Ling Road and no workshop activity were observed during our site inspection on 19.11.2012 (Monday). The strong local objections were mainly due to the environmental concerns of the proposal. In this regard, relevant approval conditions were recommended to address the possible environmental concerns. The subject retail shop for hardware groceries had been granted with planning approval since 2003. The Committee, in considering the previous planning Application No. A/YL-TYST/558, had granted a shorter approval period of 1 year with approval conditions in order to closely monitor the situation of the site as well as progress on the compliance with the approval conditions. Noting that there were still strong local objections to the applied use under the current application, continuous monitoring of the site situation was considered necessary, and a shorter approval period of 1 year was proposed.

162. Members had no question on the application.

Deliberation Session

163. In response to the Chairman's enquiry, Ms. Bonita Ho, STP/TMYL, said that no complaint was received against the retail shop since planning permission was granted to the previous application No. A/YL-TYST/558.

164. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year from 19.12.2012 to 18.12.2013, on the terms of the

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

- (a) no operation between 6:30 p.m. and 8:30 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no metal cutting or other workshop activities were allowed to be carried out on the application site at any time during the planning approval period;
- (d) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed for the operation of the application site at any time during the planning approval period;
- (e) no loading/unloading activities were allowed to be carried out along Ma Fung Ling Road at any time during the planning approval period;
- (f) the existing boundary fence on the application site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities implemented under Application No. A/YL-TYST/558 on the application site should be maintained at all times during the planning approval period;
- (h) the submission of a record of existing drainage facilities on the application 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.
- (i) the implementation of the accepted 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;

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

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

- (a) shorter approval period was allowed to continue monitoring the situation on the site;
- (b) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that Lot 1375 RP in D.D. 121 was covered by Short Term Waiver No. 3294 to allow the use of the land for the purpose of temporary retail shop for hardware groceries with permitted built-over area not exceeding 59.6m² and height not exceeding 5m above the level of ground. The lot owner(s) and occupier(s) of the Government land concerned would need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such applications would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such applications were

approved, they would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible from Tong Yan San Tsuen Road through the pavement and a short stretch of Government land. His office did not provide maintenance works for such access nor guarantee right-of-way;

- (d) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (e) to note the comments of the Director of Fire Services (D of FS) that the installation/ maintenance/ modification/ repair work of fire service installations (FSIs) should be undertaken by a Registered Fire Services Installation Contractor (RFSIC). The RFSIC should after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS251) and forward a copy of the certificate to the D of FS. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads/drains;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority for the structures existing at the site. If the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works were to be carried out on the site including

any temporary structures, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. The site should be provided with means of obtaining access thereto from a street under the Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and

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

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/622 Temporary Carpet Shop and Wholesale of Carpet for a Period of 3 Years in “Government, Institution or Community” and “Residential (Group B) 1” zones, Lots 1140 S.D RP, 1141 S.C, 1141 S.D ss. 2, 1141 S.D RP, 1142 S.G, 1142 S.H, 1142 S.I, 1142 S.K (Part) and 1152 S.C RP in D.D. 121, Tong Yan San Tsuen Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/622)

Presentation and Question Sessions

166. With the aid of a visualiser, 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) temporary carpet shop and wholesale of carpet for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, 12 public comments were received raising objection to the application. The objections were mainly on the grounds of environmental nuisances (including noise and air pollution), road safety, increase of traffic flow, incompatible land use, fire hazard, environmental hygiene and potential health hazards and public security. They considered that the applied use, which was in close proximity to residential developments, was incompatible with the surrounding environment; such industrial use should not be located near residences as it would affect the health and well-being of the local residents; the frequent loading/unloading activities would

increase the flow of traffic and affect pedestrian/traffic safety; and the storage of carpet would pose fire hazards and affect the safety of the residents. Some commenters pointed out that excavation works had been carried out within the site and urged the relevant departments to follow up on the matter. 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 3 years based on the assessment as detailed in paragraph 11 of the Paper. To address the local objections, relevant approval conditions, including restricting the operating hours and prohibiting the use of medium and heavy goods vehicles were recommended to mitigate the potential environmental impacts. Relevant approval conditions prohibiting the reversal of vehicles into or out of the site and the queuing of vehicles on public road, as well as requiring the implementation of the accepted fire service installations proposal were also recommended to address the public concerns on road and fire safety. As regards the excavation works being carried out within the site for a basement, Buildings Department had been informed to follow up on the matter.

167. Members had no question on the application.

Deliberation Session

168. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.12.2015, 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 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes as defined in

the Road Traffic Ordinance and tractors/trailers, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;

- (c) no reversing of vehicles into or out of the site were allowed at any time during the planning approval period;
- (d) no vehicle queuing on public road was allowed at any time during the planning approval period;
- (e) the existing drainage facilities implemented under Application No. A/YL-TYST/445 on the application site should be maintained at all times during the planning approval period;
- (f) the submission of a record of existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.3.2013;
- (g) the submission of run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.3.2013;
- (h) in relation to (g) above, the provision of run-in/out within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.6.2013;
- (i) the implementation of the accepted fire service installations (FSI) proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2013;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development including the warehouse which currently existed on the site but was not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (c) sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no approval had been given for the proposed specified structures as storage and ancillary office. 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-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no

guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal track on Government land extended from Tong Yan San Tsuen Road. His office provided no maintenance works for this track nor guaranteed right-of-way;

- (f) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the proposed access arrangement of the site from Tong Yan San Tsuen Road should be commented and approved by Transport Department (TD). If the proposed run-in was agreed by TD, the applicant should construct a run-in/out at the access point at the road near Tong Yan San Tsuen Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. Moreover, his office should not be responsible for the maintenance of any access connecting the site and Tong Yan San Tsuen 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 comments of the Director of Fire Services (D of FS) that the installation/ maintenance/ modification/ repair work of FSI should be undertaken by a Registered Fire Services Installation Contractor (RFSIC). The RFSIC should after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS251) and forward a copy of the certificate

to the D of FS;

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures were erected on leased land without approval of BD (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 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

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

contractors should liaise with the electricity supplier 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 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/623 Temporary Open Storage of Construction Materials for a Period of 3 Years in “Comprehensive Development Area” and “Residential (Group B) 1” zones, Lots 415, 420, 421 and 422 RP in D.D. 121, Tai Tao Tsuen, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-TYST/623)

Presentation and Question Sessions

170. With the aid of a visualiser, 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) temporary open storage of construction materials for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport (C for T) advised that the width of Fui Sha Wai South Road and the access track leading to the site from Fui Sha Wai South Road were narrow. The vehicles as mentioned in the applicant's further information were long vehicles and might be difficult to manoeuvre along such a narrow access track. The applicant was reminded that sufficient space should be provided within the

site for manoeuvring of vehicles. In addition, no vehicle queuing and no reverse movement on public road were allowed. The Director of Environmental Protection (DEP) advised that there was no environmental complaint concerning the site in the past 3 years. The site was the subject of a previously approved use as a temporary site office related to a residential development, Uptown, located to the immediate north of the site. While the temporary site office was removed upon the completion of Uptown, the residential development was now being occupied. With respect to the application involving open storage of construction materials, the applied use had the potential to cause environmental nuisance, such as noise from traffic of heavy vehicles, to the nearby sensitive receivers. Pursuant to the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”, the application was considered environmentally undesirable. In view of the above, he could not lend support to the application. Other concerned government departments had no objection to or adverse comments on the application;

- (d) during the first three weeks of the statutory public inspection period, 48 public comments were received from, inter alia, a Yuen Long District Council member and local residents (mainly residents of Uptown) raising objection to the application. The objections were mainly on the grounds of environmental nuisances (including noise and air pollution arising from heavy goods vehicle movement), traffic impacts (e.g. road safety, increase of traffic flow and aggravation of road conditions), environmental hygiene (e.g. infestation of insects and pests from the stagnant water on the site), odour problems, incompatible land use as the site was too close to residential development, visual impact and public security. Some commenters, who claimed to be residents of Uptown, expressed that their living environment was greatly degraded and affected by the proposed use and suggested that the temporary open storage should be relocated elsewhere. There were also comments that the open storage yard in such close proximity to residential developments would affect safety and security of the residents as there would be many workers/outsideers passing by the area. 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 assessment as detailed in paragraph 12 of the Paper. The proposed use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) and “Residential (Group B)1” “R(B)1” zones which were for comprehensive development/redevelopment of the area for residential use with the provision of open space, commercial and other supporting facilities and for sub-urban medium-density residential developments in rural areas respectively. It was incompatible with the adjoining existing residential development located to its immediate north and the planned residential uses to its northwest, west and southwest. Although there were open storage yard and workshops in the vicinity of the site, they were mostly suspected unauthorized developments subject to enforcement action taken by the Planning Authority. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. The application did not comply with the TPB Guidelines No. 13E in that there were adverse departmental comments. DEP objected to the application in view of the environmental nuisance of the proposed use on the nearby sensitive receivers of residential uses, with the nearest located to the immediate north of the site. C for T also raised concern that it would be difficult for long vehicles to manoeuvre along the narrow access track. In this regard, the applicant had not included any technical assessment/proposal in the submission to demonstrate that the development would not generate adverse environmental and traffic impact on the surrounding areas. The previous applications (No. A/YL-TYST/548) for temporary site office covering a much smaller site was approved mainly on sympathetic consideration that the proposed use was for facilitating the construction of the adjacent residential development (Uptown) and that the proposed site office was considered not excessive in scale and not incompatible with the surrounding environment which was predominantly residential in character mixed with storage sites and vehicle parks. However, with the completion of the adjoining residential development of

Uptown with 7 towers and 37 houses in the same “CDA” zone to the north of the site in 2012, there was a change in the planning circumstance of the area. Besides, the temporary site office was demolished after the completion of Uptown and the planning approval was subsequently revoked on 7.7.2012 due to non-compliance with approval conditions in relation to the submission and implementation of FSIs proposal. The operation of the subject temporary open storage of construction material would have environmental nuisance on the existing and planned residential development in the vicinity and the approval of the current application would also frustrate the long-term development of the area according to the zoned use. There were 48 public comments raising objection to the application.

171. Members had no question on the application.

Deliberation Session

172. 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 “Comprehensive Development Area” and “Residential (Group B)1” zones which were for comprehensive development/ redevelopment of the area for residential use with the provision of open space, commercial and other supporting facilities and for sub-urban medium-density residential developments in rural areas respectively. 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 Guidelines No. 13E in that there were adverse departmental comments and local objections against the application, and the applicant failed to demonstrate that the development would not generate adverse environmental and traffic

impact on the surrounding areas; and

- (c) the development was not compatible with the adjoining existing residential development and would generate adverse environmental impact on the existing and planned residential uses located to the immediate north, west, southwest and in the vicinity of the application site.

[The Chairman thanked Ms. Bonita K.K. Ho, STP/TMYL, for her attendance to answer Members' enquires. Ms. Ho left the meeting at this point.]

Agenda Item 49

Any Other Business

Vote of Thanks

173. The Secretary informed Members that this was the last meeting of the Committee for the Chairman before his retirement. On behalf of all Members, the Secretary proposed a vote of thanks to the Chairman. The Chairman thanked Members for their unfailing support in the work of the Committee throughout the years.

174. The meeting was closed at 5:50 p.m..