

TOWN PLANNING BOARD

**Minutes of 482nd Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 8.2.2013**

Present

Director of Planning
Mr. K.K. Ling

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Dr. C.P. Lau

Ms. Anita W.T. Ma

Dr. W.K. Yau

Professor K.C. Chau

Dr. Wilton W.T. Fok

Mr. Lincoln L.H. Huang

Ms. Christina M. Lee

Mr. H.F. Leung

Ir F.C. Chan

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

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

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

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

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

Secretary

Absent with Apologies

Mr. Rock C.N. Chen

Mr. Ivan C.S. Fu

Ms. Janice W.M. Lai

In Attendance

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

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

Town Planner/Town Planning Board
Mr. Vincent W.Y. Wong

General

1. The Chairman welcomed Ir F. C. Chan for joining the Town Planning Board and the Rural and New Town Planning Committee.

Agenda Item 1

Confirmation of the Draft Minutes of the 481st RNTPC Meeting held on 25.1.2013

[Open Meeting]

2. Mr. H. M. Wong submitted two proposed amendments to paragraph 15 and 16 of the draft minutes of the 481st RNTPC Meeting held on 25.1.2013 to read as:

Paragraph 15: “A Member asked whether DEP would consider the proposed redevelopment on the site acceptable if the applicant who lived on the site did not regard the rail noise as a problem. In response, Mr. H.M. Wong said that as the site was in close proximity to the East Rail, DEP was concerned about the adverse rail noise impact on the proposed redevelopment on the site. He pointed out that rail noise was controlled under the NCO. If the rezoning application was approved by the Committee and the redevelopment proposal was implemented, the future houses might have occupants other than the existing occupants. While the existing occupants did not regard the rail noise as a problem, the future occupants might lodge complaint about its adverse impact. Upon receiving complaints from the future occupants, the controlling authority would need to conduct investigation and undertake enforcement action if NCO exceedance was identified. Moreover, compliance with the noise standard was a NCO requirement. In view of the above, DEP could not support the subject rezoning application as the applicant did not submit technical assessment and mitigation measure to show NCO compliance.”

Paragraph 16: “A Member asked if NCO exceedance was identified, whether MTRC would be required to implement noise mitigation measures such as slowing down of trains and retrofitting noise barriers along the railway. In

response, Mr. H.M. Wong said that under such circumstances, the MTRC might be required to implement noise mitigation measures. He pointed out that rail noise issue should be avoided at the planning stage. There were examples that the developers proposed to provide mitigation measures such as noise barriers at their sites to overcome the rail noise problem, and those measures were considered acceptable by DEP.”

Members had no objection to the proposed amendments and agreed that the minutes were confirmed subject to the incorporation of the proposed amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-MWF/21 Proposed Public Utility Installation (Electricity Package Transformer) in “Residential (Group D)” and “Village Type Development” zones, Government Land in D.D.1 MW, Nim Po Tsuen (near Pak Ngan Heung), Mui Wo, Lantau
(RNTPC Paper No. A/I-MWF/21)

Presentation and Question Sessions

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

4. Mr. Tim T.Y. Fung, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (electricity package transformer);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 8 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Islands), Home Affairs Department; 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.

5. Members had no question on the application.

Deliberation Session

6. 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 8.2.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of facade design, colour scheme and finishing materials of the proposed development to mitigate the visual impact on the surrounding

area to the satisfaction of the Director of Planning or of the TPB;

- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the provision of fire services installations and water supplies for firefighting to the satisfaction of Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Islands, Lands Department that the applicant should be advised to obtain consent from the relevant parties before commencement of works if the proposed development would affect any private property or licence / permit / Tenancy area;
- (b) to note the comments of the Chief Building Surveyor/New Territories East 1 and Licensing, Buildings Department that all building works were subject to compliance with Buildings Ordinance and authorized person must be appointed to coordinate all building works; and
- (c) to note the comments of the Director of Electrical and Mechanical Services that the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation (Cap. 406H) should be observed by the applicant and his contractors when carrying out any works in the vicinity of the electricity supply lines.

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/222 Proposed House (New Territories Exempted House – Small House) in
 “Agriculture” and “Village Type Development” zones, Lot 481 S.A ss3
 in D.D. 244, Ho Chung, Sai Kung
 (RNTPC Paper No. A/SK-HC/222)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site had high potential for agricultural rehabilitation. Other government departments had no objection to or adverse comment on the application;
- (d) one public comment was received during the first three weeks of the statutory publication period. The commenter objected to the application on the grounds that the zoning was for agricultural purpose, the area lacked sustainable layout and the application would cause adverse traffic impacts and fire safety problems; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. Although DAFC did not support the application from agricultural

point of view, there were no farming activities at or near the Site and the proposed NTEH was not incompatible with the surroundings. Similar applications for NTEHs had been approved in the vicinity of the Site. Regarding the public comment concerning the “AGR” zone, sustainable layout, traffic impacts and fire safety problems, the application deserved sympathetic consideration according to the Interim Criteria in that the Site was within ‘village environs’ and there was a shortage of land in meeting Small House development in the “V” zone. The proposed NTEH would not cause adverse impacts on the surrounding areas as confirmed by the relevant government departments.

9. Members had no question on the application.

Deliberation Session

10. 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 8.2.2017, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) 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 within the private lots to the WSD’s standard;

- (b) 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 (LandsD). Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the subject site was within an area where there was no DSD’s sewerage connection available in the vicinity at present; and
- (d) to note the comments of the Commissioner for Transport that there was a vehicular access leading to the Site which was not under Transport Department’s management. The status of the vehicular access should be checked with the lands authority. The management and maintenance responsibilities of the vehicular access should be clarified with the relevant lands and maintenance authorities accordingly.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/223 Proposed House (Ancillary Road) in “Green Belt” zone, Lots 877
(Part), 878 (Part), 879 RP (Part), 887 (Part), 1939 S.B (Part) and 1939
RP (Part) in D.D. 244 and adjoining Government Land, Nam Pin Wai,
Sai Kung
(RNTPC Paper No. A/SK-HC/223)

Presentation and Question Sessions

[Ms. Christina M. Lee arrived at the meeting at this point.]

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

- (a) background to the application;
- (b) the proposed house (ancillary road);

[Prof. Edwin H.W. Chan arrived at the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning perspective as the effectiveness of the proposed landscape screen to the proposed access road including vertical greening of the retaining walls up to 3.5m high was limited. Moreover, the proposed vertical greening on the face of the retaining structures was outside the Site and without maintenance access. Other government departments had no objection to or adverse comment on the application;
- (d) two public comments were received during the first three weeks of the statutory publication period. The commenters objected to the application on the grounds that the zoning was for green belt, the area lacked sustainable layout, the approval of the application would set an undesirable precedent and there would be traffic impacts and fire safety problems; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 12 of the Paper. Regarding CTP/UD&L, PlanD's concerns about the effectiveness of the proposed landscape screen to the proposed access road and reservation on the application from landscape planning point of view, an approval condition on the submission and implementation of a landscape proposal including tree preservation proposal was recommended to address CTP/UD&L's concerns. Regarding the two public comments on the

grounds of the planning intention of the “GB” zone, the lack of a sustainable layout, the undesirable precedent of approving the application, traffic impacts and fire safety problems, there were exceptional circumstances to justify the application, relevant government departments consulted had no adverse comment on the application and relevant approval conditions were recommended to address the landscape and traffic aspects of the proposed access road.

13. In response to a Member's query, Mr. Kiu said that the proposed ancillary road under application was to serve a proposed residential development for 43 houses located within the adjacent "Residential (Group C)1" ("R(C)1") zone. Mr. Kiu went on to explain that the previous application No. A/SK-HC/104 which covered part of the site was for temporary open storage of civil engineering machinery and materials for a period of three years which was rejected by the Committee on 7.3.2003 as set out in paragraph 6 of the Paper.

14. In response to the Chairman's question on why "Option 3" of the access road from Nam Pin Wai Road proposed by District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) as shown on Drawing A-1 of the Paper was considered not feasible, Mr. Kiu said that the proposed road alignment was substandard with the narrowest point measuring only about 3.85m in width. The land parcels on the two sides of Nam Pin Wai Road were under private ownership and intended for Small House developments by indigenous villagers, it was therefore not feasible for the applicant to acquire the private land for upgrading the proposed access road to a standard road which was acceptable to the Transport Department.

15. In response to another Member's query, Mr. Kiu said that the proposed residential development at "R(C)1" zone was to the north west of the proposed road under application as shown on Plan A-1 of the Paper. Mr. Kiu also said that according to the Notes of the OZP, "flat" or "house" developments were always permitted under "R(C)1" zone as long as the proposed development was within the development restrictions specified in the Notes of the OZP. Mr. Kiu said that a land exchange application for the proposed residential development in “R(C)1” zone was received by DLO/SK, LandsD in 2004.

Deliberation Session

16. A Member indicated that while there was no objection to the application, it appeared that there was a problem with the coordination between government departments on the development programme of the proposed access road as shown on the OZP which was planned to serve the residential development in the “R(C)1” zone. In response, Mr. K. C. Siu said that the implementation programme of the proposed access road would depend on the traffic condition in the area, and was also subject to the availability of resources. Mr. Siu said that currently there was no priority in implementation of the proposed access road as shown on the OZP. In this connection, the same Member said that due consideration should be given to have a better coordinated implementation programme of new roads to serve the needs of proposed residential developments with a view to avoiding undesirable situation as in the instant case in future.

17. 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 8.2.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the design, construction, management and maintenance of the proposed access road should be carried out by the applicant to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission of an archaeological impact assessment and implementation of the mitigation measures before the commencement of any construction work for the proposed ancillary road and its relevant residential development to the satisfaction of the Director of Leisure and Cultural Services Department or of the TPB;
- (c) the provision of water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (d) submission and implementation of a landscape proposal including tree

preservation proposal to the satisfaction of the Director of Planning or of the TPB; and

- (e) the design and finish details of the Green Area to the satisfaction of the Director of Highways or of the TPB.

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

- (a) to liaise with the District Lands Officer/Sai Kung, Lands Department regarding the lease modification or land exchange matters for the proposed development;
- (b) to note the comments of the Chief Engineer/Lighting, Highways Department (CE/Lighting, HyD) that as a junction was proposed to be formed at Wo Mei Hung Min Road, the applicant was required to make separate submission detailing his proposed works including lighting proposal for CE/Lighting, HyD's consideration;
- (c) to note the comments of the Director of Fire Services that Emergency Vehicular Access (EVA) arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department (BD) and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) as follows:
 - (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's standards; and

- (ii) a waterworks reserve within 1.5m from the centerline of the water main and a waterworks reserve within 1m width should be provided to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains. All other services across, through or under the waterworks reserve were required to seek authorization from the Water Authority. If diversion was necessary, the applicant should bear the cost of any necessary diversion works affected by the proposed development;

- (e) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, BD as follows:
 - (i) there was no in-principle objection to the application under the Buildings Ordinance (BO) provided that the proposed access leading from Wo Mei Hung Min Road was to be constructed as a specified street in compliance with Building (Planning) Regulation (B(P)R) 18A and designed as an EVA in compliance with B(R)R 41D;

 - (ii) with regard to other options of vehicular access, if the Site did not abut on a specified street under B(P)R 18A of not less than 4.5m wide, its permitted development intensity should be determined under B(P)R 19(3) at the building plans submission stage. It was noted that only the vehicular access proposed in Option 5 with carriageway of not less than 6m wide could be accepted as EVA under Code of Practice for Fire Safety in Buildings 2011, provided that the Director of Fire Services had no objection to the proposed layout as shown on Figures No. 2.1 to 2.5 in Planning Statement at Appendix Ia of the Paper; and

- (iii) other comments would be given at building plans submission stage.

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

Sha Tin, Tai Po and North District

Agenda Item 6

Section 12A Application

[Open Meeting]

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

19. The Secretary reported that the application was submitted by Great City Holdings Ltd. with AECOM Asia Co. Ltd. and Environ Hong Kong Ltd. as its consultants. The following Members had declared interests in this item:

- | | | |
|----------------|---|--|
| Mr. Ivan Fu | - | having current business dealings with AECOM Asia Co. Ltd. and Environ Hong Kong Ltd; and |
| Ms. Janice Lai | - | Having current business dealings with AECOM Asia Co. Ltd. |

20. However, Members noted that both Mr. Fu and Ms. Lai had tendered apologies for not able to attend the meeting.

21. The Secretary also reported that on 25.2.2013, the applicant submitted a letter

requesting the Board to further defer making a decision on the application for another two months or until preliminary results were available from the “Ting Kok Plus” project, explaining that there were recent debates on the vetting process for the Lung Mei Beach and the government had announced the launch of the Ting Kok Coastal Conservation Plan (“Ting Kok Plus”). While a comprehensive and integrated conservation plan for the entire Ting Kok was yet to be in place, the results of “Ting Kok Plus” might likely have planning implications on the development proposal at the application site. The applicant also mentioned that subject to the results and detailed recommendations from “Ting Kok Plus”, he might consider further revising the development proposal and to updating the associated technical assessments and nature conservation proposal.

22. The Vice-Chairman expressed concern that the findings and detailed recommendations from “Ting Kok Plus” might not be available in two months’ time as the study was anticipated to complete in about a year’s time. There was no justification to allow an indefinite deferment period. This was already the fifth deferment request and should be the last deferment. Members agreed.

23. After deliberation, the Committee decided to defer a decision on the application for two months 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 the Committee had allowed the application be deferred for two months, resulting in a total of 10 months for the preparation of further information, and this should be the last deferment of the application. No further deferment would be granted unless under very special circumstances.

Agenda Item 7

Section 12A Application

[Open Meeting]

Y/TP/18 Application for Amendment to the Draft Tai Po Outline Zoning Plan No. S/TP/23 from “Village Type Development” to “Government, Institution or Community (2)”, Lots 738 S.C and 738 S.C ss.1 in D.D. 6, 74-75 Kam Shan Road, Tai Po
(RNTPC Paper No. Y/TP/18)

24. The Secretary reported that Mr. Ivan Fu had declared an interest in this item as Mr. FU had current business dealings with MVA Hong Kong Ltd., which was the consultant for the application. However, Members noted that Mr. Fu had tendered an apology for not able to attend the meeting.

25. The Secretary reported that on 23.1.2013, the applicant submitted further information (FI) including responses to comments raised by the general public and concerned government departments. The FI circulated to relevant government departments for comment on 24.1.2013. As the FI was technical in nature and did not involve any major change in development scheme or submission of a new or revised technical assessment, it was exempted from publication and recounting requirements. However, it was an established practice that the relevant paper would be sent to the applicant seven days before the Committee’s meeting. Since the FI was received nine days before issuance of the Paper, there was insufficient time for the relevant departments to provide comments on the FI and for Planning Department (PlanD) to consolidate the comments in the Paper. In the circumstance, PlanD requested the Committee to consider deferring the consideration of the application to the next meeting.

26. After deliberation, the Committee decided to defer a decision on the application as requested by Planning Department pending the receipt of relevant departmental comments. The Committee agreed that the application would be submitted to the Committee for consideration at the next meeting.

Agenda Item 8

Section 16 Application

[Open Meeting]

A/NE-FTA/117 Proposed Filling of Pond (about 1.2 m in depth) for Permitted
Agriculture Use in “Agriculture” zone, Lot 343 RP (Part) in D.D. 87,
Sheung Shui
(RNTPC Paper No. A/NE-FTA/117)

27. The Secretary reported that on 18.1.2013, the applicant requested the Board to defer making a decision the application for two months in order to allow additional time to prepare further information to address Drainage Services Department’s concerns.

28. 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 9

Section 16 Application

[Open Meeting]

A/NE-FTA/118 Proposed Filling of Pond (about 1.2 m in depth) and Land (about 1 m
in depth) for Permitted Agriculture Use in “Agriculture” zone, Lot 342
RP (Part) in D.D. 87, Sheung Shui
(RNTPC Paper No. A/NE-FTA/118)

29. The Secretary reported that on 18.1.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow additional time to prepare further information to address Drainage Services Department’s concerns.

30. 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.

[Mr. Otto K.C. Chan and Ms. Jessica K.T. Lee, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/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)

Presentation and Question Sessions

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

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

- (a) background to the application;
- (b) the temporary vehicle repair workshop (including container vehicle repair yard) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. Other government departments had no objection to or adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments from North District Councillors were received. The Vice-chairman of North District Council (DC) had no comment on the application while the other DC member supported the application so as to facilitate the need of the concerned villager. On 26.10.2012, further information on the application was published for public inspection. Two comments were received during the first three weeks of the statutory public inspection period. The same DC member expressed no comment on the application but urged the administration to consult villagers nearby. A general public objected to the application on the grounds of environmental and traffic impacts on the area and road safety of Ho Sheung Heung Road. District Officer/North, Home Affairs Department (DO/N, HAD) advised that two Indigenous inhabitants (IIs) of Ho Sheung Heung raised objection to the application on the ground that the ingress and egress traffic of heavy vehicles of the vehicle repair workshop would affect pedestrian safety as a kindergarten was in the vicinity of the application site. DO/N, HAD also advised that regarding the further information of the application, two IIs of Ho Sheung Heung also raised objection to the application on similar grounds; and

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

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of one year based on the assessment as detailed in paragraph 11 of the Paper. Although DEP did not support the application on the grounds that there were domestic structures in the vicinity of the application site and environmental nuisance

to local residents was anticipated. However, no environmental complaint in relation to the application site had been received by DEP in the past 3 years. Relevant approval conditions restricting the operation hours and maintenance of existing fencing along the application site were recommended to address DEP's concerns. The applicant would also be advised to undertake environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to alleviate any potential environmental impacts. Also, a temporary approval of one year was recommended in order to closely monitor the situation of the site with a view to minimise potential environmental and traffic nuisance to the local residents.

32. Members had no question on the application.

Deliberation Session

33. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 8.2.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) the existing drainage facilities on the application site should be maintained during the planning approval period;
- (d) the existing peripheral fencing on the application site should be maintained during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities on

site within 3 months from the date of approval to the satisfaction of Drainage Services Department or of the TPB by 8.5.2013;

- (f) the submission of proposals for water supplies for fire fighting and fire service installations within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 8.5.2013;
- (g) in relation to (f) above, the provision of water supplies for fire fighting and fire service installations within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 8.8.2013;
- (h) the submission of tree preservation and landscape proposals within 3 months from the date of approval to the satisfaction of the Director of Planning or of the TPB by 8.5.2013;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 6 months from the date of approval to the satisfaction of the Director of Planning or of the TPB by 8.8.2013;
- (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; and
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;

- (b) shorter approval period was allowed to monitor the situation on the site and a shorter compliance period for approval conditions were given correspondingly;
- (c) should the applicant failed to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application;
- (d) to note the Chief Engineer/Development (2), Water Supplies Department's comments that the site was within flood pumping ground;
- (e) to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that one dead tree stump was found at the northern boundary, replacement of this tree was required. Two trees at the northern boundary and southern boundary respectively were in fair condition, the applicant was required to replace these trees if found dead; and
- (g) to note the comments of the Director of Fire Services that:
 - a. 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;
 - b. if no building plan would be circulated to his Department via the Centralized Processing System of Buildings Department, the applicant was required to submit relevant layout plans incorporated with the proposed FSIs for his approval. In preparing the submission, the

applicant was advised on the following points:

- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
- (ii) the locations of the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans; and

detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The applicant would need to subsequently provide such FSIs according to the approved proposal. In addition, sprinkler system should be provided for the proposed 2-storey office during plan submission.

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

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/496 Temporary Car Parking and Loading/Unloading Area for a Period of 3 Years in “Residential (Group C)” zone, Lots 799 S.A RP and 800 S.B RP and 801 S.B in D.D. 83, Sha Tau Kok Road, Fanling
(RNTPC Paper No. A/NE-LYT/496)

Presentation and Question Sessions

35. Mr. Otto K.C. Chan, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary car parking and loading/unloading area for a period of three years;
- (c) departmental comments – concerned departments had no objection or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) one public comment was received during the first three weeks of the statutory publication period from a North District Council member who supported the application as it would bring convenience to the residents; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment as detailed in paragraph 11 of the Paper. The public comment in support of the application was noted.

36. Members had no question on the application.

Deliberation Session

37. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.2.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.8.2013;
- (b) in relation to (a) above, the implementation of drainage proposals within

9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.11.2013;

- (c) the submission of proposals for water supplies for firefighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.8.2013;
- (d) in relation to (c) above, the provision of firefighting access, water supplies and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2013;
- (e) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.8.2013;
- (f) in relation to (e) above, the implementation of landscape and tree preservation proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 8.11.2013; and
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note the comments of Commissioner for Transport to provide details on the types of vehicles, estimated number of daily, hourly vehicles trips to/from the subject site for his information;
- (b) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the application site was in an area where no

public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewerage treatment/disposal facilities for the proposed development;

- (c) to note the comments of Chief Engineer/Development(2), Water Supplies Department that the application site was located within the flood pumping gathering ground;
- (d) to note the comments of Director of Fire Services as follows :
 - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the application site, fire service installations (FSIs) would need to be installed;
 - (ii) except where building plan was circulated to the Centralised Processing System of Buildings Department, the applicant was required to send the relevant layout plans to his Department incorporated with the proposed FSIs for approval;
 - (iii) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
 - (iv) the location of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans;
 - (v) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
 - (vi) the applicant would need to subsequently provide such FSIs according to the approved proposal.
- (e) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary

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

- (f) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department to replace the two trees at the northern boundary completed in the previous application No. A/NE/LYT-308 which were found dead and that the objects stacked on the tree planting area might affect the health condition of the existing trees.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/497 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1757 S.C in D.D. 76, Ma Mei Ha Leng Tsui,
Fanling
(RNTPC Paper No. A/NE-LYT/497)

Presentation and Question Sessions

39. Mr. Otto K.C. Chan, STP/STN, reported to the meeting that replacement pages (pages 4 and 8 to the Paper and page 4 to Appendix IV of the Paper) with revisions on the Small House demand in Ma Mei Ha Leng Tsui and Leng Peo Tsuen were dispatched to Members for reference on 7.2.2013. He proceeded to present the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an

agricultural development standpoint as active agricultural activities were noted in the vicinity of the application site and the application site was of high potential for agricultural rehabilitation;

- (d) during the first three weeks of the statutory publication period, four public comments were received of which one from a North District Council member supported the Small House application as it would bring convenience to villagers. A Fanling District Rural Committee member indicates that he had no comment on the application. The other two comments were from Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited. The former expressed concern on the application that it was not in line with the planning intention of “AGR” zone; the approval of the application might give the public the impression that development within “AGR” zone would always/eventually be approved; agricultural land in Hong Kong should not be further reduced to safeguard the important public interest in respect of food supply; and the government should take all possible steps to protect Hong Kong’s agricultural land to secure a stable food supply. The other comment from Designing Hong Kong Limited objected to the application mainly on the following grounds:

- (i) the proposed Small House development was not in line with the planning intention of “AGR” zone;
- (ii) there was a lack of plan for a sustainable village layout to ensure the health and well being of current and future residents;
- (iii) failure to provide a sustainable village layout before approval might deteriorate the living environment in the village, impact the well being of residents and create health and social problems and future cost to the society;
- (iv) due to failure to provide sewerage system, cumulative impact of seepage from septic tanks would impose adverse impact to the

ground water and nearby water bodies; and

- (v) inadequate access and parking space provision would cause conflicts amongst villagers/resident. The Lands Department, as the administrator of the Small Houses Policy, had to immediately adjust the administration of the Small House Policy for villages which were connected to a public road, and only approved new Small Houses when there was confirmation that adequate access and parking space was available;

- (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 from an agricultural development standpoint as active agricultural activities were found in the vicinity of the application site and the application site was of high potential for agricultural rehabilitation, it was noted that the application site was located to the southwest of the “V” zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen village cluster and the footprint of the proposed Small House fell entirely within the ‘VE’ of the same village cluster. Besides, the proposed Small House development was not incompatible with the surrounding land uses, which were predominantly rural in nature with vacant land largely covered by vegetation to the immediate north, east and west; village dwellings to the immediate southwest and the further east; and approved Small House developments to the further north and south. Regarding the public concerns on deviation from the planning intention of “AGR” zone and food security; and failure to provide a sustainable village layout of infrastructure and development would result in adverse impact to the ground water and nearby water bodies and disharmony among residents, similar applications for Small House development within/partly within the same “AGR” zone had also been approved with conditions by the Committee. Moreover, the proposed Small House development would not cause significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area. Relevant government departments had no adverse comment on or no

objection to the application. Relevant approval conditions on the submission and implementation of drainage and landscape proposals were also recommended to address possible drainage and landscape impacts.

40. Members had no question on the application.

Deliberation Session

41. 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 8.2.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site was at a location where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment / disposal aspects of the development and the provision of septic tank;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant might need to extend 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 his department's standards; and

- (ii) the application site was located within the flood pumping gathering ground.
- (c) to note the comments of 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 (LandsD). Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/451 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" and "Village Type Development" zones, Lot 25 S.G in
D.D. 7, Tai Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/451)

Presentation and Question Sessions

43. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the applications as detailed in paragraph 9 and Appendix IV of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po), Home Affairs Department; 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.

44. Members had no question on the application.

Deliberation Session

45. 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 8.2.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

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

- (a) the construction of the proposed Small House should not be commenced before the completion of the planned sewerage system in the area;
- (b) to note the comments of the Director of Environmental Protection that upon completion of the public sewer, the applicant should connect the proposed Small House to the future public sewer at his own cost. The sewerage connection point should be within the application site. Adequate land should be reserved for the future sewer connection work;
- (c) to note the comments of the Director of Drainage Services that there was no public drain in the vicinity of the site. The applicant was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was no existing public sewerage in the vicinity of the site. Nevertheless, public sewerage connection would be provided near the proposed house when proposed village sewerage works under the project “North District Sewerage, Stage 2 Phase 1” was completed in end 2016. The sewer alignment might be fine-tuned during the course of construction to suit the actual site condition. As a corner of the subject lot would be resumed for the proposed sewerage works, the applicant was reminded that the proposed house should be avoided encroaching on the resumption limit;
- (d) to note the comments of the Chief Engineer/Development(2), Water

Supplies Department (WSD) that 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 through. For provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (e) to note the comments of the Director of Fire Services 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 during land grant stage;
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that as the site was close to the adjoining Fanling Highway, the applicant was reminded to provide mitigation measures at his own cost against any nuisance (e.g. noise, dust, etc.) from the public roads, and to assess the impact on the proposed house due to the Tolo Highway/Fanling Highway Stage 2 works and implement necessary measures; and
- (g) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 14

Section 16 Application

[Open Meeting]

A/NE-LT/470 Proposed 4 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” and “Village Type Development” zones, Lots 271 S.A ss.1, 271 S.A ss.2, 271 S.A ss.3 and 271 S.A ss.4 in D.D. 10, Pak Ngau Shek Ha Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/470)

47. The Secretary reported that on 25.1.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow time to prepare supplementary information and revise the location of the septic tanks to address the comments of concerned departments.

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 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 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/471 Proposed 3 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” zone, Lots 742 S.E, 742 S.G and 742 S.H in D.D. 10, Ng Tung Chai, Tai Po
(RNTPC Paper No. A/NE-LT/471)

Presentation and Question Sessions

49. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed three houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as there were active agricultural activities in the vicinity and the Site had high potential for rehabilitation of agricultural activities. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective. The subject “AGR” zone was of good landscape quality with a mix of agricultural land, undisturbed vegetated fields, woodland trees and scattered temporary structures. Approval of the application might set an undesirable precedent and encourage more village house developments into the “AGR” zone, resulting in an extension of village development well beyond the existing “V” zone boundary, irreversibly altering the landscape character of the “AGR” zone. The proposed Small Houses would be situated on top of concrete structures with retaining walls of 0.2-1.9m in height. The concrete structures would extend to the edge of the Site, providing no setback for buffer planting of trees and shrubs at ground level and was considered not desirable;
- (d) during the first three weeks of the statutory publication period, four public comments were received from local residents and indigenous villagers of Ng Tung Chai, a member of the public and Designing Hong Kong. The local residents/indigenous villagers of Ng Tung Chai objected to the application mainly on ‘feng-shui’, traffic and environmental grounds. A member of the public also objected to the application and raised concerns

on the ecological and sewerage impact of the proposed development. Designing Hong Kong objected to the application mainly on the grounds of geotechnical safety and lack of sustainable layout for village development; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in paragraph 11 of the Paper. The proposed development did not comply with the Interim Criteria in that there was still sufficient land available within the “V” zone to fully meet the future Small House demand. The applicants failed to demonstrate why there was no alternative land available within areas zoned “V” for the proposed development. The CTP/UD&L of PlanD had reservation on the application from landscape planning perspectives and considered that approving the application would alter the landscape character of the “AGR” zone. As the Site was entirely covered by the proposed houses and the raised platform, there would be no space available within the proposed layout for buffer planting. There were two similar planning applications (No. A/NE-LT/350 and 400) approved on 23.12.2005 and 18.6.2010 respectively for compliance of Interim Criteria. It should be noted that, at the time of consideration of these applications, these sites were located on vacant flat land and there was a general shortage of land in meeting the future Small House demand. For the current application, the proposed development was located on a slightly sloped ground and there was sufficient land available within “V” zone in meeting the future Small House demand. Since there was change in circumstances, the current application could not warrant the same sympathetic considerations as the two similar applications. There were also public comment against the application on traffic, environmental, sewerage, geotechnical, ecological and ‘feng-shui’ grounds.

50. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that there was still sufficient land available within the “Village Type Development” (“V”) zone to fully meet the future Small House demand; and
- (b) the applicants failed to demonstrate in the submission why there was no alternative land available within areas zoned “V” for the proposed development.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/426 Proposed 8 Houses (New Territories Exempted Houses - Small Houses) in “Green Belt” and “Village Type Development” zones, Lots 138 S.A ss.1 S.A, S.A ss.1 S.B, S.A ss.1 RP, S.A ss.2 S.A, S.A ss.2 S.B, S.B ss.1 & S.B ss.3, 145 S.A, S.B & S.C, 146, 149 and 150 S.A & RP in D.D. 28 and Adjoining Government Land, Lung Mei, Tai Po
(RNTPC Paper No. A/NE-TK/426)

Presentation and Question Sessions

52. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed eight houses (New Territories Exempted Houses – Small

Houses);

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Environmental Protection (DEP) did not support the application and raised concerns on the potential water quality impact on the downstream Lung Mei beach. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) did not support the application from the landscape planning point of view as the construction of the proposed eight Small Houses would lead to significant vegetation clearance and loss of landscape quality. There was no tree preservation or landscape proposal included in the submission to demonstrate that the vegetation loss could be adequately mitigated. Also, the subject “GB” zone acted as a significant buffer area between village development and the undisturbed hillside of Pat Sin Leng. The approval of the application would encourage more village house developments resulting in an extension of village development into the buffer area beyond the existing “V” zone boundary, and jeopardize the high landscape quality of the Pat Sin Leng hillside area.

- (d) during the first three weeks of the statutory publication period, six public comments were received from Kadoorie Farm & Botanic Garden Corporation, Village Representative of Lung Mei, Lung King Villa Resident Association, a Mutual Aid Committee of a residential development and some local residents. The commenters objected to the application for the following reasons:
 - (i) the proposed development was not in line with the planning intention of “GB” zone. The proposed Small Houses should be kept within the “V” zone and the “GB” zone should be left untouched;

 - (ii) the site was on a well vegetated slope and right next to a stream. It was concerned that construction of the proposed Small Houses

would cause ecological impacts on the area which was ecologically connected with Pat Sin Leng Country Park;

- (iii) the proposed development would cause adverse environmental, landscape, drainage, sewerage, geotechnical and ecological impacts on the surrounding areas; and
 - (iv) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone resulting in cumulative impacts on the area.
- (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 construction of the proposed eight Small Houses and the associated site formation works would involve felling of trees and clearance of natural vegetation affecting an area much larger than the application site which would cause irreversible damages to the landscape resources and character of the surrounding area. In this regard, CTP/UD&L of PlanD did not support the application from the landscape planning point of view and advised that there was no tree preservation or landscape proposal included in the submission to demonstrate that the vegetation loss could be adequately mitigated. The subject “GB” zone acted as a buffer area between village development and the undisturbed hillside of Pat Sin Leng. The approval of the application would result in an extension of village development into the buffer area and jeopardize the high landscape quality of the Pat Sin Leng hillside area. DEP also raised concern on the potential water quality impact on the downstream Lung Mei beach and did not support the application. The proposed developments did not meet the Interim Criteria in that the proposed developments would cause adverse landscape and sewerage impacts on the surrounding areas. The proposed developments also did not comply with the TPB-PG No. 10 for development within “GB” zone in that the proposed developments and the associated site formation works would involve extensive clearance of existing natural vegetation and affect the existing natural landscape in the

subject “GB” zone which served as green buffer area between village development and Pat Sin Leng natural hillside area. Approval of the application would result in encroachment onto the surrounding natural hillsides/woodland area that had significant landscape value. While there were eight similar applications (No. A/NE-TK/140, 192, 259, 260, 261, 262, 367 and 373) approved between 2002 and 2011 to the west of the application site, it should be noted that these application sites were located on vacant land covered by grass and at a certain distance away from the natural hillsides and the edge of the existing woodland. Hence, their impacts on the surrounding landscape would be minimal. As the subject site was located on the densely vegetated natural hillside covered with some shrubs and trees, construction of the proposed eight Small Houses and the associated site formation works would involve extensive clearance of existing natural vegetation and affect the existing natural landscape on the surrounding environment. The current application did not warrant the same considerations as those similar applications. Also, there were public comments against the proposed development raising concerns on the potential adverse environmental, landscape, drainage, sewerage, geotechnical and ecological impacts on the surrounding areas.

53. In response to the Chairman’s query, Ms. Lee said that there were six similar applications in the vicinity of the application as shown on Plan A-2 of the Paper which were previously approved by the Committee. However, these applications were located on vacant flat land covered by grass. Miss Lee said that the proposed development in the current application was located on the densely vegetated natural hillside covered with some shrubs and trees.

Deliberation Session

54. 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

“Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;

- (b) the proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve extensive clearance of existing natural vegetation and affect the existing natural landscape on the surrounding environment; and
- (c) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape and sewerage impacts on the surrounding areas.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/428 Proposed 5 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” zone, Various Lots in D.D. 15, Shan Liu, Tai Po
(RNTPC Paper No. A/NE-TK/428)

Presentation and Question Sessions

55. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed five houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site had high potential for agricultural rehabilitation. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning point of view and advised that the site was currently vacant and partly covered with grass and with the high landscape quality of the surrounding area, the approval of the application would encourage more village house developments in the “AGR” zone resulting in an extension of the village development beyond the existing “V” zone boundary and irreversibly altering the landscape character of the “AGR” zone;
- (d) one public comment was received during the first three weeks of the statutory publication period from Kadoorie Farm & Botanic Garden Corporation. The commenter objected to the application for reasons that the proposed development was not in line with the planning intention of “AGR” zone and the proposed Small Houses should be kept within the “V” zone. Some suspected site formation work might have been conducted in the village. Any “destroy first, build later” activities were not tolerated. The approval of the application would set a precedent for similar applications resulting in cumulative impact on the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 12 of the Paper. Although DAFC did not support the application from agricultural point of view as the site had high potential for agricultural rehabilitation, and CTP/UD&L, PlanD had reservation on the application from landscape planning point of view and considered that the surroundings of the site had high landscape quality and approving the application would alter the

landscape character of the “AGR” zone, it should be noted that given that the proposed Small Houses fell entirely within the ‘VE’, there was a shortage of land in meeting Small House demand, the proposed Small Houses could be connected to the public sewerage system, there were similar approved applications in the vicinity of the site and the proposed developments complied with the Interim Criteria, sympathetic consideration could be given to the application. Relevant approval condition on landscape proposal was also recommended to address CTP/UD&L, PlanD’s concerns. Regarding the public comment against the proposed developments raising concerns on the potential adverse impacts on the subject “AGR” zone, relevant approval conditions to minimize the potential adverse impacts on the surrounding area were recommended to address the commenter’s concerns. Regarding the commenter’s concern on site formation works in the village, the site was not the subject of any active enforcement cases.

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 8.2.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and

- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the construction of the proposed Small Houses should not be commenced before the completion of the public sewerage system. Upon completion of the sewers, the applicants should connect the proposed Small Houses to the public sewerage system at their own costs. Adequate land should be reserved for the future sewer connection work;
- (b) the applicants were required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain in the vicinity of the site. The applicants were required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicants should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. The proposed development should maintain a clear distance of 3.5m from the top of the embankment of existing natural stream course. There was no existing public sewerage in the vicinity of the site. Nevertheless, sewerage connection might be available when the proposed village sewerage works under the project "Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C" was completed in 2013. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;

- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicants might need to extend their inside services to the nearest suitable government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comments of the Director of Fire Services that the applicants were reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements would be formulated during land grant stage;
- (f) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicants were reminded to make necessary submission to the LandsD to verify if the site could satisfy the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption was not granted, the applicants should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (g) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/429 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” and “Village Type Development” zones, Government
 Land in D.D. 15, Shan Liu, Tai Po
 (RNTPC Paper No. A/NE-TK/429)

Presentation and Question Sessions

59. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site had high potential for agricultural rehabilitation. He also advised that the site straddled the Pat Sin Leng Country Park. It was located on a steep natural slope with dense vegetation and trees on the top of slope. Development of the proposed Small House might require substantial slope and site formation works causing vegetation clearance and felling of trees, which would in turn result in habitat loss and landscape degradation. As such, he also had reservation on the application from country parks point of view. Besides, the consent of the Country and Marine Parks Authority had to be obtained prior to the commencement of any works. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view as no information was provided in the application on the extent of site formation

works required and the potential adverse impacts on vegetation including wooded area adjoining the site. With the high landscape quality of the surrounding area, the approval of the application would encourage more village house developments in the area resulting in an extension of the village development well beyond the existing “V” zone boundary, irreversibly altering the landscape character of the area and degrading the nearby densely vegetated area;

- (d) one public comment was received during the first three weeks of the statutory publication period from Kadoorie Farm & Botanic Garden Corporation. The commenter objected to the application for the following reasons:
 - (i) the proposed development was not in line with the planning intention of “AGR” zone and the proposed Small Houses should be kept within the “V” zone;
 - (ii) some suspected site formation work might have been conducted in the village. Any “destroy first, build later” activities should not be tolerated;
 - (iii) the site was located on a cut slope and close to the woodland which was ecologically linked with the Pak Sin Leng Country Park. There were safety concerns of the house and the potential ecological impacts on the woodland; and
 - (iv) the approval of the application would set a precedent for similar applications resulting in cumulative impact on the area;
- (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 DAFC had reservation on the application from country parks point of view and advised that the site straddled the Pat Sin Leng Country Park. Development of the proposed Small House would require

substantial slope and site formation works which might cause vegetation clearance and felling of trees and resulted in habitat loss and landscape degradation. Besides, the consent of the Country and Marine Parks Authority had to be obtained prior to the commencement of any works. The CTP/UD&L, PlanD objected to the application from landscape planning point of view. Considering the high landscape quality in the surroundings of the site, the approval of the application would alter the landscape character of the area and degrade the nearby densely vegetated area. The proposed development did not comply with the Interim Criteria in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas. The applicant failed to provide information in the submission to address the geotechnical and landscape concerns. The approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area encroaching onto the woodland surrounding the country park area. There was a similar Application No. A/NE-TK/347 located to the immediate south of the subject site, which was rejected by the Board on review on 11.11.2011. An appeal was subsequently filed against the Board's decision. On 18.1.2013, the TPAB dismissed the appeal for similar considerations. Since then, there had been no change in planning circumstances and no strong planning justification provided in the application to warrant a departure of the Board's/ TPAB's previous decisions. There was also public comment against the proposed development raising concerns on the potential adverse impacts on the subject "AGR" zone, the safety of the proposed house and the potential impacts on the woodland in Pat Sin Leng Country Park.

60. In response to a Member's query on why the applicant could apply to use Government land for a proposed house, Ms Anita K. F. Lam explained that under the Small House Policy, an indigenous villager could apply for permission to erect for himself once in a lifetime a small house on a suitable site within his own village. The indigenous villager could apply to erect a small house if there was Government land within the "village environs"

("VE"). However, if there was not enough government land, an indigenous villager could apply for a building license for Small House development on the agricultural land he owned.

Deliberation Session

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

- (a) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that it would involve site formation and slope stabilisation works resulting in clearance of mature trees and dense vegetation in its surrounding area and damage to the landscape quality of the area in close proximity to the Pat Sin Leng Country Park. The applicant failed to demonstrate that the proposed development would not cause adverse geotechnical and landscape impacts on the surrounding areas; and
- (b) the approval of the application would result in further encroachment onto the woodland surrounding the country park area and a general degradation of the environment and landscape quality of the area.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/430 Proposed House (New Territories Exempted House - Small House) in
"Green Belt" zone, Lot 542 in D.D. 28, Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/430)

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

Presentation and Question Sessions

62. The Secretary reported that on 7.2.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow time to address comments.

63. 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.

[The Chairman thanked Mr. Otto K.C. Chan and Ms. Jessica K.T. Lee, STPs/STN, for their attendance to answer Members' enquires. Mr. Chan and Ms. Lee left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/195 Proposed Temporary Eating Place (Canteen), Shop and Services
(Estate Agency Shop) for a Period of 3 Years in "Village Type
Development" zone, Lot 1864 RP in D.D. 120, Yuen Long
(RNTPC Paper No. A/YL/195)

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary eating place (canteen) and shop and services (estate agency shop) for a period of 3 years;
- (c) departmental comments – concerned departments had no objection or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, three comments from the Chairman of Ma Tin Pok Mutual Aid Committee, an owner of Ma Tin Pok attached with the signatures of 14 local residents and a resident of Tai Kei Leng Tsuen were received. They raised objection to the application mainly on the grounds that the proposed development which was very close to a main road contravened the separation requirement under the B(P)R. Whilst there was already a shortage of parking spaces in his village, the applied uses would attract outsiders and increase illegal parking and traffic blockage. Besides, the proposed development would generate noise and odour nuisances, endanger the nearby residents with the increasing traffic, worsen public order and the sanitary condition of the surrounding areas since the site was very close to residential development. The sewerage and drainage proposals did not include a septic tank and did not show whether the drains/sewers were underground or at grade. It would pollute the nearby river channel and would impose adverse impacts on the environment; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the

temporary use could be tolerated for a period of three years based on the assessment as detailed in paragraph 11 of the Paper. Regarding the public objections on the grounds that the applied uses would generate noise and odour nuisances, cause traffic jam, endanger the nearby residents and worsen public order and the sanitary condition of the surrounding areas, concerned government departments had no objection to or adverse comment on the application. C for T considered that the additional traffic generated by the development would be small given its small scale of development. CE/MN, DSD advised that the surface runoff collected within the site and the sewage generated from the proposed development would be discharged to public stormwater pipe and sewerage pipe. DEFH advised that a separate licensing requirements and considered were required. Relevant approval conditions were also recommended to address environment, traffic, drainage and environmental hygiene impacts concerns. The application was also advised to approach the residents of Ma Tin Pok and Tai Kei Leng Tsuen to explain the proposed development and address residents' concerns.

65. Members had no question on the application.

Deliberation Session

66. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.2.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 9:00 p.m. and 8:00 a.m., as proposed by the applicant, should be carried out at the site during the planning approval period;
- (b) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.5.2013;
- (c) in relation to (b) above, the implementation of landscape proposal within

6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.8.2013;

- (d) 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 8.5.2013;
- (e) in relation to (d) 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 8.8.2013;
- (f) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.5.2013;
- (g) in relation to (f) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.8.2013;
- (h) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) 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.

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

- (a) shorter compliance periods were imposed to monitor the progress of compliance. Should the applicant failed to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (b) to note the comments of District Lands Officer/Yuen Long that the lot owner concerned would need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the application site was accessible through an informal track on Government land extended from Shap Pat Heung Road. His office provided no maintenance works for this track nor guaranteed right-of-way;
- (c) 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 Environmental Protection Department to minimise any potential environmental nuisances;
- (d) to note the Director of Environmental Protection’s comments that it was the responsibility of the applicant to ensure that a valid discharge licence under Water Pollution Control Ordinance was obtained at all time during the approval period;
- (e) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the applicant would maintain the proposed sewerage works and subsequent removal of the proposed sewerage work after the canteen was closed down. The tapping point would be reinstated to its original condition to his satisfaction;

- (f) to note the comments of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The emergency vehicular access provision in the site should comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulations (B(P)R) 41D which was administered by the Buildings Department (BD);

- (g) to note the comments of Chief Building Surveyor/New Territories West, BD that the granting of this planning approval should not be construed as condoning to any unauthorised structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of the building proposal was required under the provision of BO. The staircases for means of escape purpose should be separated from the remainder of the building in accordance with the requirements of the Code of Practice for Fire Resisting Construction. Besides, any temporary buildings were subject to control under the B(P)R Pt. VII and formal submission under the BO was required for any proposed new works, including any temporary structures;

- (h) to note the comments of Director of Food and Environmental Hygiene that a separate food licence issued by his department after consultation and favourable comments from relevant Government departments and compliance of relevant restaurant licensing requirements and conditions were required if food business would be carried on the premises. The type of licence required would depend on the mode of business to be conducted thereat. If the proposed eating place was a canteen solely for the staff only, no food licence was required. For obtaining information regarding licence application, the applicant could browse Food and Environmental Hygiene Department website or approach his Restaurant Licensing Resource Centre. The proprietor should take up the management responsibility and to prevent any nuisance arising from the premises;

- (i) to note the comments of Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should submit the works to BD for approval as required under the provisions of BO; and
- (j) to liaise with the residents of Ma Tin Pok and Tai Kei Leng Tsuen to further explain the proposed development and address their concern.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/403 Temporary Public Vehicle Park for Private Car and Light Van for a Period of 3 Years in “Residential (Group B) 1” zone, Lots 131(Part), 132 R.P.(Part), 135 R.P.(Part) and 136(Part) in D.D.121, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/403)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park for private car and light van for a period of 3 years;
- (c) departmental comments – concerned departments had no objection or adverse comments on the application as detailed in paragraph 9 of the Paper;

- (d) during the first three weeks of the statutory publication period, two public comments were received. One comment was from the land owner stating that the subject application had not been agreed by him. The other comment was from Designing Hong Kong stating that the proposed development did not comply with the zoning; the project might adversely affect the rural quality and would generate landscape, traffic impacts; making more parking spaces available to the public would promote car ownership among residents of the nearby properties; and a holistic approach was required regarding the vacancy rate and the use of parking space at the site; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment as detailed in paragraph 11 of the Paper. Regarding the public objection to the application concerning the application had not been agreed by the land owner; the proposed development did not comply with the zoning; the project might adversely affect the rural quality and would generate landscape, traffic impacts; making more parking spaces available to the public would promote car ownership among residents of the nearby properties; and a holistic approach was required regarding the vacancy rate and the use of parking space at the site respectively, concerned government departments had no objection or adverse comment to the application. Relevant advisory clause was also recommended requesting the applicant to resolve land issues.

69. Members had no question on the application.

Deliberation Session

70. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.2.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by

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

- (b) no dismantling, repairing of vehicles or other workshop activities were allowed on site at any time during the planning approval period;
- (c) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, and coaches were allowed to be parked on the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (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 22.3.2013;
- (f) the provision of peripheral fencing within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 8.8.2013;
- (g) the paving of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.8.2013;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.8.2013;
- (i) in relation to (h) above, the provision of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.11.2013;

- (j) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.8.2013;
- (k) in relation to (j) above, the implementation of a landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.11.2013;
- (l) 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 8.8.2013;
- (m) in relation to (l) above, the implementation of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2013;
- (n) 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;
- (o) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned

owner(s) of the application site;

- (b) to note the comments of District Lands Officer/Yuen Long that the lots within the site were Old Schedule Agricultural Lots held under Block Government Lease under which no structure was allowed to be erected without prior approval from his office. No approval had been given for the proposed specified structures as site office, guard room and toilet. The application site was accessible through an informal track on Government land (GL) extended from Ping Kwai Road. His office did not provide maintenance works for this track nor guaranteed right-of-way. Part of the GL was temporarily allocated to Water Supplies Department (WSD) for the project, namely “Salt Water Supply for Northwest New Territories – Mainlaying in Ping Shan, Hung Shui Kiu and Lam Tei Areas”. Should planning approval be given, the lot owner concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. 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 or fee, as might be imposed by LandsD;
- (c) to note the comments of Director of Environmental Protection (DEP) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP;
- (d) to note the comments of Commissioner for Transport, Transport Department (TD) that sufficient manoeuvring spaces should be provided within the subject site. No vehicle was allowed to queue back to public road or reserve onto/from the public road. The local track leading to the subject site from Ping Kwai Road was not under TD’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;

- (e) to note the comments of Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains. HyD should not be responsible for the maintenance of any access connecting the site and Ping Kwai Road;

- (f) to note the comments of 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 on the site and BD was not in a position to offer comments on their suitability for the use related to the application. The applicant's attention was drawn to the following points:
 - (i) if the existing structures were erected on leased land (or on land with a tenancy granted by the Government) without approval of the BD, they were unauthorized under Buildings Ordinance (BO) and should not be designated for any approved use under the application;

 - (ii) before any new building works, including any temporary structures were to be carried out on the site, prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

 - (iii) for UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be constructed as an acceptance of any existing building works or UBW on the site under the BO;

- (iv) the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulation (B(P)R) respectively; and
 - (v) if the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under the Regulation 19(3) of the B(P)R at building plan submission stage.
- (g) to note the comments of Director of Fire Services, Fire Services Department 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 for his approval. In addition, the applicant should be advised on the following points:
- (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.

Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority; Furthermore, 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 justifications to his Department for consideration.

- (h) to note the comments of 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 applicants/contractor(s) should carry out the following measures:

- (i) for application site with the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
- (ii) prior to establishing any structure within the site, the applicant and/or his contractor(s) 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 contractor(s) when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/253 Temporary Edible Ice Manufacturing Plant for a Period of 3 Years in
“Residential (Group E)” zone, Lot 407 (Part) in D.D.130 and Adjoining
Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/253)

Presentation and Question Sessions

72. Mr. K.C. Kan, STP/TMYL, informed the meeting that replacement pages (Pages 8 and 15 to the Paper) with revisions on Director of Fire Services' comments and the advisory clause relating to fire safety aspect were dispatched to Members for reference on 7.2.2013. He proceeded to present the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary edible ice manufacturing plant for a period of 3 years;
- (c) departmental comments – concerned departments had no objection or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) one public comment was received during the first three weeks of the statutory publication period from an individual who objected to the application on the grounds that there were no comprehensive assessments for the development to identify the operation noise, air pollution and impacts of vehicular traffic on pedestrians and that the installation of machines such as uncovered water tank and cooling plants would have environmental impacts on the residents; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment as detailed in paragraph 11 of the Paper. Regarding the public objection to the application on environmental grounds, the DEP had no objection to the application and advised the applicant to liaise with the relevant commenter to address his/her concerns and to implement appropriate pollution control measures recommended on the Environmental Protection Department website to minimise environmental nuisances.

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 8.2.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 8:00 p.m. and 8:00 a.m. from Mondays to Sundays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) only light goods vehicles with valid license issued under the Road Traffic Ordinance, as proposed by the applicant, were allowed to access, park/store at the site at any time during the planning approval period;
- (c) the submission of drainage proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.5.2013;
- (d) in relation to (c) above, the implementation of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.8.2013;
- (e) the submission of proposal on water supplies for firefighting and fire service installations within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.5.2013;
- (f) in relation to (e) above, the implementation of proposal on water supplies for firefighting and fire service installations within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.8.2013;
- (g) the submission of 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 8.5.2013;

- (h) in relation to (g) above, the implementation of 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 8.8.2013;
- (i) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the owner(s) of the application site;
- (b) prior planning permission should have been obtained before commencing the development on the site;
- (c) shorter compliance periods were given to monitor the progress of compliance with approval conditions;
- (d) should the planning permission be revoked due to non-compliance with any of the approval conditions again, sympathetic consideration might not be given by the Committee to any further application;

- (e) to note the comments of District Lands Officer/Tuen Mun, Lands Department (LandsD) that Lot No. 407 in D.D. 130 was an Old Schedule Agricultural Lot held under the Block Government Lease. A Short Term Waiver (STW) No. 208 had been issued in respect of the lot to permit erection of structures for the purposes of “Metal and Enamelware Factory”. The use of the structures for the purposes of “Edible Ice Manufacturing Plant” contravened the conditions of STW No. 208. The site was accessible from Ng Lau Road via an informal track on Government land and other private land. The Government land was previously covered by a Short Term Tenancy (STT) No.415 for the purposes of “Metal and Enamelware Factory” and it had been terminated. His office did not provide maintenance works for this track nor guaranteed any right-of-way to the site. The owner of the Lot would need to apply to the LandsD for an STW for erection of the structures on the Lot and the occupier would need to apply for an STT for occupation of the Government land. However, there was no guarantee that the applications would be approved and he reserved his comment on such. The applications would be considered by the LandsD acting in the capacity as the landlord as its sole discretion. In the event that the applications were approved, they would be subject to such terms and conditions as the Government should deem fit to do so, including charging of waiver fee/rent, deposits and administrative fees;
- (f) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD (not being a New Territories Exempted House), they were unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works were to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise, they were unauthorised building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the 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 site under the BO. If the applied use was subject to the issue of a licence, any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority. 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;

- (g) 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 (EPD) to minimize potential environmental impacts on the surrounding area;
- (h) to note the comments of Director of Environmental Protection that public sewer was available for the site along the nearby Ng Lau Road. The applicant was reminded that all sewage from the site should be discharged to the public sewer and all wastewater from the applied use should be collected, treated and disposed of in accordance with the Water Pollution Control Ordinance. The applicant should liaise with the relevant commenter to address his/her concerns and to implement appropriate pollution control measures recommended on the EPD website to minimize environmental nuisances;
- (i) to note the comments of Commissioner for Transport that the existing access road connecting to Ng Lau road was not a public road being managed by his department, the applicant should check with the lands authority regarding the land status of this access road leading to the application site. In addition, the applicant should check with the relevant

lands and maintenance authorities regarding the management and maintenance responsibilities of the access road accordingly;

- (j) to note the comments of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Furthermore, the emergency vehicular access provision in the site should comply with the standard as stipulated in the Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the B(P)R 41D;and

- (k) to note the comments of Director of Electrical and Mechanical Services that there were 400kV overhead lines (OHL) running above the site. The conditions pertaining to electricity supply safety and reliability should be strictly complied with by the applicant and the applicant's contractors. A minimum vertical clearance of 7.6m between the top of any structure and the lowest point of the OHL conductors must be maintained; and a minimum safety clearance of 5.5m from the OHL conductors in all directions should also be maintained. The roof of the developments should not be accessible. No scaffolding, crane and hoist should be built or operated within 9m from the conductors of the 400kV OHL at all times. CLP Power (CLPP) should be consulted on the safety precautions required for carrying out any works in the vicinity of the 400kV OHL. In any time during and after construction, CLPP should be allowed to get access to the 50m working corridor area of the concerned 400kV OHL for carrying out any operation, maintenance and repair work including tree trimming. The Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation should be observed by the applicant and the applicant's constructors at all times. As regards the electric and magnetic fields arising from the 400kV OHL, the applicant should be warned of possible undue interference to some electronic equipment such as computer monitors within the developments underneath the overhead lines.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/254 Proposed Temporary Private Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Green Belt” zone, Lot 2407 RP (Part) in D.D. 130 and Adjoining Government Land, Choi Yuen Village, Tat Fuk Road, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/254)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary private vehicle park (private cars and light goods vehicles) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) advised that the north-western part of the application site encroached on a permitted burial area for indigenous villagers (Nai Wai, Sun Fung Wai Tsuen Burial Ground TMBG No.23) and an existing footpath while the government land at the south-eastern part of the site encroached on Highways Department’s designated planting area by Leisure and Cultural Services Department (LCSD) following the completion of the Deep Bay Link Project. The applicant should confine the application site within private land. The District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD) advised that there was a permitted burial ground (PBG) No. 23 for villages in Lam Tei, namely Nai Wai and Sun Fung Wai in the vicinity of the site. It was anticipated that the locals would have concerns on the impacts of the application on the PBG.

As such, the site should not encroach on the PGB. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application from landscape planning point of view. Although various types of open storage, warehouses and car parks could be found in the neighborhood, most of them were unauthorized uses. Moreover, if the application was approved by the Board, it would set an undesirable precedent attracting more non-compatible uses encroaching into the “GB” zone that would further deteriorate the landscape quality of the green belt and undermine the intactness of the “GB” zone;

- (d) two public comments was received during the first three weeks of the statutory publication period from individuals supporting the application. They supported the application mainly on the grounds that the inadequate car parking facilities nearby had caused many unauthorized parking of vehicles on the road and at the layby passings, which also caused inconvenience and danger to villagers as well as vehicle drivers; Tat Fuk Road was a one lane two-way road and there were many heavy trucks using the road daily; the proposal would benefit the villagers and alleviate inadequate provision of parking spaces in the area; 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 “GB” zone and the applicant did not provide strong planning justification for departing from the planning intention, even on a temporary basis. The proposed development did not comply with TPB PG-No. 10 in that the proposed development was a new one which contravened the general presumption of development in “GB” zone, there was no exceptional circumstance for approval of the application and there were adverse comments from Government departments concerned. In this regard, DLO/TM, LandsD commented that the site involved Government land and the proposed development encroached on the permitted burial ground No. 23 and an existing footpath in the west and designated planting area in the southeast of the site. He considered that the applicant should

confine the proposed development on private land. DO(TM), HAD also stated that local concerns on the impacts on the permitted burial ground were anticipated and therefore the site should not encroach on the permitted burial ground. The CTP/UD&L, PlanD had reservation on the application on the grounds that approval of the application would set an undesirable precedent, attract more non-compatible uses to the “GB” area, cause deterioration of the landscape quality and undermine the intactness of the “GB” zone. The applicant also failed to demonstrate that the proposed development would not affect the permitted burial ground and existing footpath. The site was the subject of a previous application No. A/DPA/TM-LTYYY/59 which was rejected by the Committee on 21.7.1995. The main rejection reasons were that the development was not in line within the planning intention of upgrading the environment of the general area and there was no information to demonstrate that the development would not have significant adverse impact on the surrounding environment. There was no change in planning circumstances to justify a departure from preserving the environment within the “GB” zone. The similar Application No. A/TM-LTYYY/173 was rejected by the Committee in 2009 mainly on the grounds that the proposal was not in line with the planning intentions; no strong justification for a departure from the planning intention and the approval of the application would set an undesirable precedent and the cumulative effect would result in a general degradation of the environment of the surrounding area. Rejecting the current application was therefore in line with the previous decisions of the Committee.

77. Members had no question on the application.

Deliberation Session

78. 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 “Green Belt” (“GB”) zone. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the proposed development was not in line with the Town Planning Board (TPB) Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that there was a general presumption against development in “GB” zone, and there was no exceptional circumstances for approval of the application; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-NTM/282 Proposed House (Sound Barrier) with Excavation of Land in “Village Type Development” zone, Lots No. 2301, 2302 S.A, 2302 S.B, 2302 S.C & 2302 S.D in D.D. 104, Sheung Chuk Yuen, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/282)

79. The Secretary reported that on 31.1.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow time to prepare a noise impact assessment report to support the application.

80. 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 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/283 Proposed Private Utility Installation (Water Meter Room) with
Excavation of Land in “Village Type Development” zone, Lots No.
2308 S.C ss.2 and 2308 S.C. RP (Part) in D.D. 104, Sheung Chuk
Yuen, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/283)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed private utility installation (water meter room) with excavation of land;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 8 of the Paper.
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; 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.

82. Members had no question on the application.

Deliberation Session

83. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 8.2.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lots were old Scheduled agricultural lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his office. The site was accessible through an informal track on Government land extended from San Tam Road. His office provided no maintenance works for this track nor guarantees right-of-way. The lot owner concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its role 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 by LandsD;

- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the proposed water meter room should comply with the relevant WSD circular and to the satisfaction of the Water Authority;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed development would neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas;
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The emergency vehicular access (EVA) provision in the site should comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation (B(P)R) 41D which was administered by the Buildings Department (BD);
- (e) to note the comments of the Chief Building Surveyor/New Territories West, BD that the site should be provided with means of obtaining access therein from a street under B(P)R 5 and EVA should be provided under B(P)R 41D. If the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at building plan submission stage. As regards the footings and associated excavation works for the water meter room, the respective structural plans for such works have not yet been received by his department. Detailed comments would be provided upon formal submission of building/structural plans; and
- (f) to note the comments of the Director of Electrical and Mechanical Services

to approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/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. A high pressure underground town gas transmission pipe running along San Tin Highway.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/285 Temporary Real Estate Office and Transportation Office with Ancillary Car Park and Storage for a Period of 3 Years in “Residential (Group D)” zone, Lot No.2616 (Part) in D.D.104 Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/285)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary real estate office and transportation office with ancillary car park and storage for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) one public comment was received during the first three weeks of the statutory publication period from villagers of Wai Tsai Tsuen. The commenter objected to the application as the site was located at the busy section between his village and San Tam Road. The commenter also said that the commercial uses had increased traffic flow in the area; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment as detailed in paragraph 11 of the Paper. Regarding the public objection to the application concerning the site was located at the busy section between Wai Tsai Village and San Tam Road and the commercial uses had increased traffic flow in the area, both C for T and C of P had no adverse comment on the application from traffic point of view.

86. In response to a Member's query, Mr. Fung said that the site was the subject of a previous application (No. A/YL-NTM.234) for temporary real estate office with ancillary car park which was approved with conditions for a temporary period of three years. The planning permission had expired on 28.3.2012. According to a recent site inspection, the site was being used for the applied use without a valid planning permission. Before obtaining a planning approval, the current use at the application site was an authorized development and was liable to enforcement action under the Town Planning Ordinance, subject to whether there was adequate evidence. However, the subject planning application and planning enforcement were two separate matters and should not be considered together.

Deliberation Session

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

temporary basis for a period of 3 years until 8.2.2016, 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 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the existing trees on the site should be maintained at all times during the planning approval period;
- (c) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.8.2013;
- (d) in relation to (c) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.11.2013;
- (e) the submission of 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 8.8.2013;
- (f) in relation to (e) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 8.11.2013;
- (g) if the above planning condition (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (h) if any of the above planning conditions (c), (d), (e), or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site was situated on an Old Scheduled Agricultural Lot under the Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the Government. No approval had been given to the proposed specified structures as real estate office, transportation office and containers for storage. The site was accessible through an informal track on private lot and/or Government land extended from Ngau Tam Mei Road. His office provided no maintenance works for the track nor guaranteed right-of-way. The applicant was advised to apply to his office to permit the any additional/excessive structures to be erected or regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity of the landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on submitted drainage proposal that the gradients of the proposed u-channels should be shown on the drainage plan; standard crossing section of the u-channel should be provided; the stormwater of the site was proposed to discharge to an existing surface channel. The relevant connection details/section should be provided for comments. In the case that it was a local village drain, District Officer/Yuen Long should be consulted; cross sections showing the existing ground levels of the site with respect to the adjacent areas should be given; the development should

neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. the applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;

- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that the site was in vicinity to a former meander retained for ecological mitigation under the “Main Drainage Channels for Ngau Tam Mei, Yuen Long and Kam Tin” project. The applicant was also advised to avoid disturbing the vegetation on the embankment of the meander and adopt necessary measures to prevent polluting the meander during operation;
- (f) to note the comments of the Director of Fire Services that in formulating fire service installations (FSIs) proposal for the development, the applicant was advised to make reference that for other storages, open sheds or enclosed structures with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to the structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The locations of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as mentioned above, the applicant was required to provide justifications to his department for consideration;
- (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 (BA) for the structures existing at the site and his department was not in a position to offer comments on their suitability for the use related to the application. If the existing structures were erected on leased land without approval of the BD, they were unauthorized under the

Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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 works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulation (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (h) to note the comments of the Director of Electrical and Mechanical Services to approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/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 27

Section 16 Application

[Open Meeting]

A/YL-HT/804 Temporary Open Storage of Recyclable Materials (Plastic, Paper and Metal) with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Short Term Tenancy No. 1869 (Part), Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/804B)

89. The Secretary reported that on 28.1.2013, the applicant requested the Board to defer making a decision on the application for two months in order to further clarify with Fire Services Department on the revised fire services installations proposal submitted on 13.12.2012.

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

Agenda Item 28

Section 16 Application

[Open Meeting]

A/YL-HT/806 Temporary Recycling of Used Electrical Appliances with Storage and Ancillary Workshop and Site Office for a Period of 3 Years in “Undetermined” zone, Short Term Tenancy No. 1869 (Part), Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/806B)

91. The Secretary reported that on 28.1.2013, the applicant requested the Board to defer making a decision on the application for two months in order to further clarify with Fire Services Department on the revised fire services installations proposal submitted on 13.12.2012.

92. 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 would be allowed for the preparation of further information and as a total of six months had been allowed for preparation of the submission of the further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/832 Temporary Open Storage of Container Offices, Used Containers, Tools, Construction Materials, Construction Machinery, Sales of Metals with Ancillary Workshops and Logistics Vehicles Back-up Centre for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 3169 (Part), 3170 (Part), 3172 RP (Part), 3173 S.A RP (Part), 3173 S.B (Part), 3173 S.C, 3174 RP (Part), 3175 (Part), 3176, 3177 (Part), 3178 (Part), 3179 (Part), 3184 (Part), 3185 (Part) and 3187 RP (Part) in D.D.129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/832)

Presentation and Question Sessions

93. Mr. Ernest C.M. Fung, STP/TMYL, informed that meeting that the replacement page (page 4 to the Paper) with revisions on the revocation date of Application No. A/YL-HT/797 were tabled at the meeting for Members’ reference. He proceeded to present the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of container offices, used containers, tools, construction materials, construction machinery, sales of metals with ancillary workshops and logistics vehicles back-up centre for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive uses to the immediate west of the site. The use under application would likely generate traffic of heavy vehicles with potential to cause environmental

nuisance to the nearby sensitive receivers. While the noise barrier might minimize the noise impact to the residential dwelling adjacent to the subject site, there could still be environmental nuisance even if the noise criteria under the Noise Control Ordinance (NCO) and HKPSG were met. The proposed open storage use was considered undesirable according to the COP. Also there were two environmental complaints on noise nuisance pertaining to the site received in 2012. One of the noise complaints was referred by Mr. LAU Wong-fat, the Chairman of Heung Yee Kuk New Territories. The complainant was a resident living in a village house in the very close proximity of a metal recycling workshop namely, “Hundred Year Environmental Recycle Co”, located at D.D. 129, Lots 3173 s.B, 3175, 3184 and 3185. A noise measurement had been carried out at the complainant’s premise. It concluded that the noise level exceeded the limit. On 9.7.2012, DEP issued a noise abatement notice (NAN) to the owner of the recycling workshop requiring him to abate the noise by 5.10.2012. The other noise complaint was received on 31.7.2012 from an individual who alleged that he was the resident of the village house in previous complaint case. Her office had informed the complainant that a NAN had already been issued and required abatement of the noise by 5.10.2012 and before that time no actions could be taken. Compliance check had been conducted after 5.10.2012 and EPD was considering prosecution against the owner of the “Hundred Year Environmental Recycle Co”;

- (d) one public comment was received during the first three weeks of the statutory publication period. The resident of Lot No. 3174 RP in D.D. 129 objected to the application on the grounds of noise and vibration nuisance generated by the compaction of scrap metals on the site by heavy machineries, and dust nuisance from heavy vehicles accessing the site. The commenter claimed that his quiet life had been affected since recycling of metals was introduced to the site by the applicant 2 years ago. He was of the view that metal recycling should be located away from residents. He also accused that the drains of the adjacent site were frequently blocked by wilted leaves, branches and other objects; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in paragraph 12. The applied use was not incompatible with most of the surrounding uses within the subject “CDA” zone which was predominantly occupied for open storage yards and workshops. Since the introduction of recycling activities on the site by the current applicant from 2011 to present (Applications No. A/YL-HT/685 and 797), objections to and complaints on the site had been received from the resident who had grave concern on the noise nuisance generated from the site. As shown on the layout plan at Drawing A-1 and Plan A-4 of the Paper, the ancillary workshop for scrap metal with heavy machine was located right next to the residential dwelling, even though the applicant claimed that the compaction machine was removed from the site and a noise barrier was erected as mitigation measure, the workshop use was incompatible with the residential dwelling to its immediate west (about 2m away). In this regard, DEP also considered that the applied use would cause environmental nuisance on sensitive receivers in the vicinity of the site, and did not support the application. There was also a local objection against the application from the resident of Lot No. 3174 RP in D.D. 129 who objected to the application on the grounds of the noise and vibration nuisance generated by the compaction of scrap metals on the site by heavy machineries, and dust nuisance from heavy vehicles accessing the site. The commenter claimed that his quiet life had been affected since recycling of metals was introduced to the site two years ago. In this regard, DEP confirmed that two complaints were received and NAN to the owner of the recycling workshop was issued.

94. Members had no question on the application.

Deliberation Session

95. 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 would have adverse environmental impacts on the surrounding areas, and there was no information submitted to demonstrate that the adverse environmental impacts could be mitigated; and
- (b) previous planning permissions granted to the applicant under Applications No. A/YL-HT/685 and 797 were revoked due to non-compliance with approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning applications for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/834 Temporary Open Storage of Containers, Container Repair Workshop and Logistics Yard for a Period of 3 Years in “Undetermined” zone, Lots No. 133 RP(Part), 134(Part), 135 S.A, 135 S.B, 136 RP(Part), 219 RP(Part), 220 RP(Part), 221 RP(Part), 222, 223, 224, 225, 226(Part), 227(Part), 228(Part), 229(Part), 230(Part), 231(Part), 259(Part), 260(Part), 262(Part), 263, 264(Part), 265(Part) and 266(Part) in D.D.124, Lots 1607(Part) and 1611(Part) in D.D.125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/834)

Presentation and Question Sessions

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

[The Vice-Chairman left the meeting temporarily at this point.]

- (a) background to the application;
- (b) the temporary open storage of containers, container repair workshop and logistics yard for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (with the closest one being about 30m away) and the access Road (Tin Ha Road) as well as environmental nuisance was expected. Other government departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment as detailed in paragraph 12 of the Paper. Although DEP did not support the application as there were sensitive receivers in the vicinity of the site (the closest being 30m away) and along the access road (Tin Ha Road) as well as environmental nuisance was expected, there had been no environmental complaint against the site since 2010 and no public comment on this application had been received. Relevant approval conditions restricting the operation hours, and the stacking of containers were recommended to mitigate any potential environmental impacts.

97. Members had no question on the application.

Deliberation Session

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.2.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning 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 stacking of containers within 5m from the periphery of the site, as proposed by the applicant, during the planning approval period;
- (d) the stacking height of containers stored on the site should not exceed 8 units, as proposed by the applicant, during the planning approval period;
- (e) no vehicle was allowed to be parked within one metre of any tree, as proposed by the applicant, during the planning approval period;
- (f) no vehicle queuing was allowed back to public road or no vehicle reversing onto/from the public road was allowed at all times during the planning approval period;
- (g) the existing drainage facilities on-site should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.8.2013;
- (i) the submission of a 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 8.8.2013;

- (j) in relation to (i) above, the implementation of the 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 8.11.2013;
- (k) 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 22.3.2013;
- (l) the implementation of the accepted fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.8.2013;
- (m) 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; and
- (n) if any of the above planning conditions (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.

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

- (a) prior planning permission should have been obtained before continuing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the lots under application were Old Scheduled Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office. No permission had been

given for the proposed use and/or occupation of the Government land (GL) within the site. The act of occupation of GL without Government's prior approval should not be encouraged. Access to the site would require traversing through other private lots and/or GL and his office 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. Furthermore, the applicant had to either exclude the GL portion from the site or apply for a formal approval to the actual occupation of the GL portion. 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;

- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimize the possible environmental impacts on the nearby sensitive receivers;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces should be provided within the site. The land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Director of Fire Services that the installation/maintenance/modification/repair works of fire service installations 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) and forward a copy of the certificate to the Director of Fire Services; and

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including open sheds as rain shelter and for storage purpose) were to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). For 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 site under the BO. The site should be provided with means of escape of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulation (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5m 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 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/309 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in "Village Type Development" zone, Lot 32 RP in D.D. 118 and Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/309)

Presentation and Question Sessions

100. Mr. C.K. Tsang, TP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; 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.

101. Members had no question on the application.

Deliberation Session

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.2.2016, 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 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no open storage at the uncovered areas, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;

- (c) the implementation of landscape proposal as submitted by the applicant within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.11.2013;
- (d) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.8.2013;
- (e) in relation to (d) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.11.2013;
- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.8.2013;
- (g) in relation to (f) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2013;
- (h) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (c), (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the lot within the site was Old Schedule Agricultural Lot held under Block Government Lease under which no structures were allowed to be erected without prior approval from his office. No approval was given for the proposed specified structures as real estate agency and toilet. No permission had been given for the applied use and/or occupation of the Government land (GL) within the site. The act of occupation of GL without Government's prior approval should not be encouraged. A small piece of Government land fell within the limit of Government Land Allocation (GLA) No. TYL 1278 granted to Drainage Services Department (DSD) for "PWP Item 4368DS – Yuen Long South Branch Sewers". The site abutted directly onto Tai Tong Road and access to site would require traversing the aforementioned GLA No. TYL 1278. His office provided no maintenance work for the Government land involved and did not guarantee right-of-way. The lot owner and occupier of Government land would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Furthermore, the applicant had to either exclude the Government land portion from the application site or apply for a formal approval prior to the actual occupation of the Government land 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;
- (c) 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;

- (d) to note the comments of Chief Engineer/Mainland North, DSD that the development should not cause any adverse drainage impact to the adjacent areas. Catchpits should be provided at the turning points along the proposed 225mm u-channels, and the size of the proposed catchpit and the details of the connection with the existing culvert should be shown on the proposed drainage plan. DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside site boundary or outside the applicant's jurisdiction;
- (e) to note the comments of Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Clarification should also be made on whether there was any access that could enable emergency vehicles to reach 30m travelling distance to structures. Should the applicant wish to apply for exemption from the provision of the FSIs as prescribed by his Department, the applicant was required to provide justifications to his Department for consideration;
- (f) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), they were unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works (including containers as temporary buildings) were to be carried out on the application site, the prior approval and consent of the Buildings Authority (BA) should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed

build 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 application site under the BO; and

- (g) to note the comments of 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.

[The Vice-Chairman returned to the meeting at this point.]

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/612 Temporary Warehouse for Storage of Provisions and Ancillary Logistics Centre for a Period of 3 Years in “Industrial (Group D)” zone, Lots 1092 S.A, 1092 S.B ss.7 RP (Part), 1819 (Part), 2008 S.H RP (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/612A)

Presentation and Question Sessions

104. Mr. C.K. Tsang, TP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage of provisions and ancillary logistics centre for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the south and in the vicinity of the site. There were also two environmental complaints concerning the site received in the last 3 years. One of the complaints received in 2009 which was non-substantiated, related to the dumping of construction waste at the site. According to EPD’s inspection, the site was found padlocked and illegal dumping of construction was not observed. The other complaint received in 2012 which was also non-substantiated, related to dust arising from construction activities. During EPD’s inspection, the workers were erecting superstructure of the warehouse with metal. The site entrance was clean and dusty operation was not observed. Other government

departments had no objection to or adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment as detailed in paragraph 12 of the Paper. Although DEP did not support the application as there were sensitive receivers of residential uses to the south (about 20 m away from the site) and in the vicinity of the application site. There had been two environmental complaints concerning the site in the past three years, but the complaints were non-substantiated and there was no local objection received on the environmental aspect concerning the site. Relevant approval conditions restricting the operation hours, prohibiting the use of goods vehicles exceeding 16 tonnes (including container tractor/trailer), and prohibiting workshop activities were recommended to address DEP's concerns.

105. Members had no question on the application.

[Dr. W. K. Yau left the meeting temporarily at this point.]

Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.2.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the 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 goods vehicles exceeding 16 tonnes (including container tractor/trailer), as proposed by the applicant, were allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (d) no dismantling, repairing, cutting, grinding, cleansing and other workshop activities, as proposed by the applicant, should be carried out at the application site at any time during the planning approval period;
- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.8.2013;
- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.11.2013;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.8.2013;
- (h) in relation to (g) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.11.2013;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.8.2013;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2013;

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

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the lots within the site were Old Scheduled Agricultural Lots held under Block Government Lease under which no structures were allowed to be erected without prior approval from his office. Modification of Tenancy (MOT) No. M15954 was issued for erection of structures over Lots 1091 S.A and 1819 in D.D. 121 for agricultural purposes. If structures of other purposes were found on the above lots, his office would consider termination of the MOT as appropriate. The private land of Lot 1092 S.A in D.D. 121 was covered by Short Term Waiver (STW) No. 431 to allow the use of the land for the purposes of Cotton Factory with built-over area (BOA) not exceeding 2,380m² and building height not exceeding 13ft. The site had included a very small portion of Lot 2008 S.H. RP in D.D. 121. This piece of land was covered by STW No. 1806 to allow the use of the land for the purposes of Animal Feeds Production Factory with BOA not exceeding 585m² and height not exceeding 5.18m. The site marginally straddled on the boundary of a Short Term Tenancy No. 754 which allowed the use of the land for the purposes of Cotton Factory. No permission had been given for the occupation of the Government land included into the site. Access to

the site would require traversing through private lots and/or Government land (GL). Besides, his office provided no maintenance work for the GL involved and did not guarantee right-of-way. The lot owners concerned would still need to apply to his office to permit any additional/ excessive structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (c) to note the comments of Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles. In addition, no vehicle queuing and no reverse movement of vehicles on public road were allowed. The land status of the access road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that the access arrangement to the site should be commented and agreed by Transport Department. His department should not be responsible for the maintenance of any access connecting the site and Tong Tai Road. Adequate drainage measures should be provided at the site to prevent surface water running from the site to the nearby public roads and drains;
- (e) 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;
- (f) to note the Chief Town Planner/Urban Design and Landscape, Planning

Department (PlanD) that the unit of measurement of the size of the proposed trees should be specified;

- (g) to note the comments of Chief Engineer/Mainland North, Drainage Services Department on the drainage proposal (Drawing A-4 of the Paper) that the sizes of the proposed catchpits and the details of the connection with the existing public stormwater drain should be shown on the proposed drainage plan. The applicant should check and demonstrate that the hydraulic capacity of the existing public stormwater drain would not be adversely affected by the applied use. The alignment of the proposed 450mm U-channel outside site boundary falls within a footpath. As such, it was preferable to adopt drain pipe instead of the proposed 450mm U-channel. Manhole should be adopted instead of terminal manhole at footpath. The location and details of the proposed hoarding should be shown on the proposed drainage plan. DLO/YL and the relevant lot owners should be consulted as regards all proposed drainage works outside site boundary or outside the applicant's jurisdiction;

- (h) to note the comments of 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 applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his Department, the applicant should provide justifications to his Department for consideration;

- (i) to note the comments of 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 (not being New Territories Exempted Houses) without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works were to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. For UBW erected on leased land, enforcement action might be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively; and

- (j) to note the comments of 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 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 33

Section 16 Application

[Open Meeting]

A/YL-KTS/592 Temporary Market (Flea Market) for a Period of 3 Years in “Village Type Development” zone, Lots 398 (Part), 399 (Part) and 400 in D.D. 109 and Adjoining Government Land, Kam Sheung Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/592)

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

108. The Secretary reported that on 4.2.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for preparation of responses to departmental comments on the application.

109. 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 (Presentation and Question Sessions Only)]

A/YL-KTS/594 Temporary Open Storage of Vehicles and Modification Workshop for Vans and Lorries for a Period of 3 Years in “Residential (Group D)” zone, Lots 1319 (Part) and 1336 S.A (Part) in D.D. 106, Kong Ha Wai, Kam Sheung Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/594)

Presentation and Question Sessions

[Dr. W. K. Yau and Ms. Anita W. T. Ma returned to the meeting at this point.]

110. Mr. C.K. Tsang, TP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of vehicles and modification workshop for vans and lorries for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential structures located to the east and in the vicinity of the site. Other government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from a Yuen Long Councillor and a member of the public. District Officer (Yuen Long), Home Affairs Department also advised that a public comment from a Yuen Long District Councillor which was the same as the public comment was received during the statutory

publication period. The commenters objected to or express concerns on the application as the development would generate many traffic which would adversely affect the surrounding environment and traffic conditions. Besides, the development would cause pollution to the nearby organic farm and dust nuisance would adversely affect air quality; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment as detailed in paragraph 12 of the Paper. Although DEP did not support the application as there were residential structures located to the east (the nearest one about 5m away) and in the vicinity of the site, there was no environmental complaint received by DEP in the past three years. Relevant approval conditions restricting operation hours and paint spraying activities at the open area of the site and prohibiting medium or heavy goods vehicles or container trailers/tractors were recommended to address DEP's concerns. Regarding the two public comments objected to or expressed concerns on the application on the grounds of adverse environmental and traffic impacts on the surrounding areas including the nearby organic farms, the development was subjected to previous approvals and no environmental complaint was received by DEP in the past three years. The organic farms were located more than 50m away from the site and appropriate approval conditions were recommended to minimize the possible nuisance. The applicant was also advised to adopt the environmental mitigation measures as set out in the COP issued by DEP to alleviate any potential impact. As regards the traffic concern, both C for T and C of P had no adverse comment on the application.

111. Members had no question on the application.

Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.2.2016, 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. on 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 paint-spraying activities should be carried out at the open area of the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (f) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (h) the submission of records of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.8.2013;
- (i) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.3.2013;
- (j) the submission of fire service installations proposal within 6 months from

the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.8.2013;

- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2013;
- (l) 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;
- (m) if any of the above planning conditions (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owners of the application site;
- (c) to note the comments of District Lands Officer/Yuen Long that the site comprised Old Scheduled Agriculture Lot held under the Block Government Lease which contains the restriction that no structure was allowed to be erected without prior approval of the Government. No approval had been given to the proposed specified structures as modification workshop, office and warehouses and storage yard. Access to

the site would require traversing through an informal track on Government land (GL). Lands Department (LandsD) provided no maintenance work for the GL involved and did not guarantee right-of-way. Modification of Tenancy (MOT) No. MNT 22953 was issued for erection of structures over Lot Nos. 1277 S.A and 1336 S.A in D.D. 106 for domestic purposes. If structures of else purposed were found on the above lots, LandsD would arrange to terminate the MOT as appropriate. The lot owner still needed to apply to LandsD 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 or fees, as might be imposed by LandsD;

- (d) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that his department should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road as well as Kam Shui Road
- (e) 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;
- (f) to note the comments of Director of Fire Services (D of FS) that fire service installations (FSIs) were anticipated to be 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 FSIs to his department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should be advised that for other storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be

provided as required by occupancy and should be clearly indicate on plans. Layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The good practice guidelines for open storage site in Appendix V of the RNTPC paper should be adhered to and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to D of FS for consideration. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval;

- (g) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person must be appointed to coordinate all building works; and
- (h) to note the comments of 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 measures including prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Besides, prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. In addition, the “Code of Practice on Working near Electricity Supply Lines” established

under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/595 Proposed Temporary Training Centre for Construction Industry for a Period of 3 Years in “Village Type Development” zone, Government Land in D.D.106, Yuen Kong Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/595)

Presentation and Question Sessions

114. Mr. C.K. Tsang, TP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary training centre for construction industry for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; 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.

115. Members had no question on the application.

Deliberation Session

116. Ms. Anita K. F. Lam said that the applicant had already applied for a short term tenancy (STT) to the Lands Department (LandsD) for the applied use. LandsD had approved the STT application. The approval letter would be reviewed upon availability of the planning approval conditions of the subject application.

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.2.2016, 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 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Saturdays (after 1:00 p.m.), Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no noisy activities such as drilling or ground breaking, as proposed by the applicant, should be carried out on the application site during the planning approval period;
- (d) the submission of tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.5.2013;
- (e) in relation to (d) above, the implementation 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 8.8.2013;

- (f) 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 8.5.2013;
- (g) in relation to (f) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.8.2013;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) 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.

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

- (a) Shorter compliance periods were imposed to monitor the progress of compliance. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the applicant had to apply to the LandsD for a Short Term Tenancy (STT). However, there was no guarantee that the STT application would be approved. Such application, if received by LandsD, would be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application was approved, it would be

subject to such terms and conditions, including, amongst others, the payment of rent and administrative fee as might be imposed by LandsD. It was noted that access to the site required traversing private land and government land. LandsD did not guarantee any right of way to the site.

- (c) to note the comments of Director of Environmental Protection (DEP) that appropriate pollution control measures should be adopted to minimize any potential environmental impacts during the minor renovation works of the vacant school. A full set of the “Recommended Pollution Control Clauses for Construction Contracts” was available at his departmental website. Moreover, the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP should be followed;
- (d) to note the comments of Director of Agriculture, Fisheries and Conservation that there were a number of very mature native trees within or adjacent to the site. The applicant should adopt necessary measures during construction/ renovation and operation to preserve and maintain the trees;
- (e) to note the comments of 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 applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. 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 Chief Building Surveyor/New Territories West, Buildings Department that before any new building works were to be carried out on the site, the prior approval and consent of the Building Authority should be obtained, otherwise they were unauthorized building works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. Moreover, the site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the applied use was subject to the issue of a licence, the applicant should be reminded that any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority; and
- (g) to note the comments of 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 plan obtained, if 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 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/659 Temporary Open Storage of Construction Materials with Ancillary Site Office for a Period of 3 Years in “Agriculture” zone, Lots 1864 RP (Part), 1865 (Part), 1866 (Part), 1867 (Part), 1868 (Part), 3047 (Part) and 3048 (Part) in D.D. 111, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/659)

Presentation and Question Sessions

119. Mr. C.K. Tsang, TP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction materials with ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site had high potential for agricultural rehabilitation. Other government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received from a Yuen Long District Councillor, the land owner of Lots 1866, 3047 and 3048 in D.D.111 of the site represented by Yap & Lam Solicitors, Kadoorie Farm & Botanic Garden Corporation

and Designing Hong Kong Limited. The land owner of various lots in D.D. 111 objected to the application as he reserved the right for future use of his lots while Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited objected to the application on the grounds that the development was not in line with the planning intention and was a blight on the environment. The development would also cause adverse impact on a nearby watercourse which was part of the upper section of Kam Tin River connecting to an important bird area, i.e. Deep Bay. Besides and agricultural land should be preserved to safeguard the food supply for Hong Kong. The Yuen Long District Councillor had no strong view on the application provided that the applicant would properly implement the drainage and environmental protection/improvement works and consult the relevant land owners.; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment as detailed in paragraph 12 of the paper. Although DAFC did not support the application from the agricultural point of view as the potential for agricultural rehabilitation of the site was high, however, the applicant claimed that the development was temporary in nature to facilitate the construction works of the XRL project scheduled for completion in 2013/14 with passenger service planned for 2015. The applicant also undertook to reinstate the site, which include removal of hard paving, plating the site with shrubs and grass and demolition of all the structures within the site. Relevant approval conditions requiring the applicant to reinstate the site to a condition which was suitable for agricultural uses was also recommended to address DAFC's concerns. Out of the four public comments received, three public comments including the land owner of the site objected to the application as the development was not in line with the planning intention for preservation of agricultural land and was a blight on the environment, and that it would also cause adverse impact on a nearby watercourse connecting to Deep Bay. The land owner also reserved his right for future use of the site. In this regard, the development on a temporary basis would not frustrate the long term

planning intention of the “AGR” zone and the applicant would be required to reinstate the site for agricultural rehabilitation. Appropriate approval conditions and advisory clause were also recommended to minimize the possible environmental impact and DEP had no adverse comment on the application. Moreover, the applicant was advised to resolve the land issue relating to the development with the concerned land owner of the site. The other commenter had no strong view on the application provided that the applicant would properly implement the drainage and environmental protection/improvement works and consult the relevant land owners.

120. In response to a Member's query regarding the land owner's objection to the application on the ground that the owner reserved the right for future use of the subject site, Mr. Tsang said that the applicant was advised to resolve the land issue relating to the proposed development with the concerned land owner. The Secretary supplemented that under the Ordinance, the applicant had to obtain the consent of or notify the current land owner of the application site in writing if he was not the current land owner. As the applicant was not a current land owner, he had taken reasonable steps to give the necessary owner's consent as set out in the "Town Planning Board Guidelines on Satisfying the 'Owner's Consent/Notification' Requirements under Sections 12A and 16 of the Town Planning Ordinance" by sending notice to the land owners by registered mail. It should be noted that while planning approval was granted by the Committee, the matter on land disputes might affect whether the approved use/development could be implemented. In this regard, an advisory clause was recommended to advise the applicant to resolve the land issues with the concerned land owner.

Deliberation Session

121. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.2.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) the implementation of environmental mitigation measures, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 8.8.2013;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.8.2013;
- (g) in relation to (f) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.11.2013;
- (h) the submission of landscaping proposal including 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 8.8.2013;
- (i) in relation to (h), the implementation of landscaping proposal including 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 8.11.2013;

- (j) the provision of fire extinguisher(s) with a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.3.2013;
- (k) the submission of fire services installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.8.2013;
- (l) in relation to (k) above, the implementation of fire services installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2013;
- (m) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the site, at the applicant's own cost, to a condition which was suitable for agricultural uses with a view to preserving agricultural land to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owners of the site;

- (c) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprised Old Scheduled Agricultural Lots held under Block Government Lease which contains the restriction that no structure was allowed to be erected without prior approval of the Government. No approval had been given for the proposed specified structures as site offices. Access to the site requires traversing through private lot and/or Government land. LandsD provided no maintenance work for the GL involved and did not guarantee right-of-way. The lot owner concerned would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion 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 note the comments of Commissioner for Transport that the site was connected to public road network via a section of 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 responsibility of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that his department was not responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (f) 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 (DEP) to

alleviate any potential environmental nuisance;

- (g) to note the comments of DEP that if there was any change of the circumstances, e.g. change of access road after the completion of the Express Rail Link works, the future application should not be approved;
- (h) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that mitigation treatments such as allowing setback for buffer tree planting should be provided to minimize the potential visual impact of the noise barrier structures that were about 98m and 38m in length (by measurement) along the northern and southern boundaries respectively, as well as the 2.5m high fencing along the site boundary when viewing from outside the site. In this regard, the applicant should review the location of the proposed noise barrier structures to provide sufficient landscape screening;
- (i) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the development should not cause adverse drainage impact to the adjacent areas. Regarding the submitted “Drainage Proposal”, catchpits should be provided at the turning points along the proposed 525mm u-channels. The size of the proposed catchpits and the details of the connection with the existing stream should be shown on the drainage proposal plan. DLO/YL, LandsD and the relevant lot owners should also be consulted as regards all proposed drainage works outside the site boundary or outside the applicant’s jurisdiction;
- (j) to note the comments of 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. Water mains in the vicinity of the site could not provide the

standard fire-fighting flow;

- (k) to note the comments of 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. The requirements and good practice guidelines for open storage site in Appendix V of the RNTPC paper should be adhered to. If the applicant wishes to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications to his department for consideration. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS251) to his department for approval;

- (l) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and

- (m) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site. For the 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 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.

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

Agenda Item 37

Any Other Business

123. In response to a Member's query on whether the local residents would be informed of the decision of the Committee/Board on a planning application, including the planning conditions imposed, the Secretary said that the minutes of Committee/Board meeting would be uploaded to the Town Planning Board website for public information. Also, commenters of a planning application would be informed of the Committee/Board's decision together with an extract of the minutes of meeting for their references. The Secretariat and relevant District Planning Offices would also be prepared to explain the Committee/Board's decisions upon enquiry from concerned villagers and local residents.

124. There being no other business, the meeting closed at 4:15 p.m.