

TOWN PLANNING BOARD

**Minutes of 484th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 15.3.2013**

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

Ms. Janice W.M. Lai

Ms. Christina M. Lee

Mr. 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

Mr. Lincoln L.H. Huang

Mr. H.F. Leung

In Attendance

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

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 483rd RNTPC Meeting held on 1.3.2013

[Open Meeting]

1. The draft minutes of the 483rd RNTPC meeting held on 1.3.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary said that on 1.3.2013, the Committee agreed that the proposed amendments to the approved Peng Chau Outline Zoning Plan (OZP) No. S/I-PC/10 to rezone the northern portion of the former Chi Yan Public School site (the Site) from "Government, Institution or Community" ("G/IC") to "Residential (Group C)4" ("R(C)4") together with the Notes stipulating the development parameters for the "R(C)4" zone and the updated Explanatory Statement were suitable for publication in the gazette for public inspection under section 5 of the Town Planning Ordinance. At the request of Lands Department, the Committee also agreed to include an adjoining piece of government land in the "R(C)4" zone for better utilisation of land resource and requested Planning Department to follow up on the rationalization of the boundary of the "R(C)4" zone accordingly.

3. By making reference to the plans tabled at the meeting, the Secretary reported that Planning Department had studied the inclusion of the piece of government land in question. The piece of Government land was a steep slope with a level difference of about 3m below the Site and had very limited development potential. It was therefore not appropriate to include the whole piece of government land in the "R(C)4" zone. Notwithstanding, a narrow strip of land at the southern part of the aforementioned piece of government land, which had the same level with the Site, was proposed to be included in the "R(C)4" zone. Lands Department had been advised of Planning Department's proposal. Subject to the Committee's agreement to include the narrow strip of land into the "R(C)4" zone, arrangement would be made to publish the amended OZP.

4. The Committee agreed not to include the whole piece of the aforesaid government land in the "R(C)4" zone, and agree to include the narrow strip of Government land having the same level with the Site in the "R(C)4" zone.

Tuen Mun and Yuen Long District

[Prof. Edwin Chan, Ms. Anita Ma and Dr. W.K. Yau arrived to join the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TM/9 Application for Amendment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/29 from "Industrial" to "Commercial (1)", Foo Yik Commercial Building, No. 2 San On Street, Tuen Mun
(RNTPC Paper No. Y/TM/9)

Presentation and Question Sessions

5. Mr. C.C. Lau, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL) and the following applicant's representatives were invited to the meeting at this point:

Ms. Chan Wai Ching

Ms. Chan Wai Sze

Mr. Brian Law

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

Proposal

(a) the applicant proposed to rezone the application site (the site) at Foo Yik

Commercial Building (the subject building) from “Industrial” (“I”) to “Commercial(1)” (“C(1)”) zone on the draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/30, and proposed two amendments to the Notes of the draft Tuen Mun OZP for the “C” zone, including amendment of ‘Social Welfare Facility’ to ‘Social Welfare Facility (not elsewhere specified)’ under Column 1 uses and addition of ‘Social Welfare Facility (involving residential care on land designated “C(1)” only)’ under Column 2 uses;

- (b) on the draft Tuen Mun OZP gazetted on 23.3.2012, opportunity had been taken, in the context of taking on board the recommendations of the “Industrial Area Assessment 2009” and reflecting other approved developments by the Board, to amend the Notes of the “C” zone to include ‘Social Welfare Facility (not elsewhere specified)’ use under Column 1 and the ‘Social Welfare Facility (involving residential care on land designated “C(1)” only)’ use under Column 2. Hence, there was no need to consider amending the Notes of the “C” zone as proposed by the applicant and the Committee was only required to consider whether the site should be rezoned from “I” to “C(1)” zone;

Background

- (c) the site was also zoned “C” on the adopted Tuen Mun Area 12 – Layout Plan (LP) No. L/TM/12/1D. The first version of the LP was prepared in 1967. The occupation permit (OP) of the subject building was issued in September 1981 for commercial use. The site had been zoned “I” since the first Tuen Mun OZP No. LTM/2 gazetted on 29.7.1983. In 1998, the then Notes of the OZP allowed planning application for social welfare facilities. The subject premises was the subject of a previous application No. A/TM/237 for the proposed home for the aged. However, the application was rejected by the Committee on 17.7.1998. In August 2001, the Notes for “I” zone was amended that ‘social welfare facility (excluding those involving residential care)’ in the lowest three floors of an office-industrial building was a Column 2 use requiring planning permission;

- (d) the existing subject building at the site involved a site area of 693.1m² with total gross floor area (GFA) of 6,580m² and 14 storeys (including one storey of basement carpark) in height. The site was currently occupied by a commercial building with residential care home for persons with disability (RCHD) from UG/F to 3/F, shops at LG/F and UG/F and car parks at basement level and offices/clinics for Chinese medicine/religious institutions from 5/F to 12/F (Drawings No. Z-1 to Z-3 of the Paper). The RCHD had a total GFA of 1,372m² and 135 numbers of beds. The existing RCHD was in operation without planning permission. The applicant therefore submitted the application to rezone the site from “I” to “C(1)” so that he could submit s.16 planning application to regularise the existing RCHD in the subject building. The applicant also stated that in 2011 a waiver application was submitted to Lands Department (LandsD) for the change of uses from G/F to 3/F; and that the existing RCHD was admitted by Social Welfare Department (SWD) under the voluntary registration scheme in 2010;
- (e) to the immediate west and southwest of the site was an industrial building namely Tins Centre Industrial Building. To the immediate north and east of the site across San On Street were all industrial buildings currently actively operating (e.g. Western Plaza);

Departmental Comments

- (f) the departmental comments were detailed in paragraph 9 of the Paper and highlighted as follows:
- (i) the District Lands Officer/Tuen Mun, LandsD advised that according to the lease conditions of the site, the site was for non-industrial purposes and the use of the site for RCHD was not permitted;
- (ii) the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) advised that the Building Authority was prepared to tolerate the change of use if SWD sought his

internal advice with adequate information to justify the RCHD had complied with the building safety requirements;

- (iii) the Director of Social Welfare (DSW) advised that approval-in-principle was given to this RCHD in February 2011 under the Pilot Bought Place Scheme for providing RCHD, subject to compliance with relevant conditions including written agreement from relevant government departments to use the subject premises for operating an RCHD. The Licensing Office of Residential Care Homes for Persons with Disabilities (LORCHD) under DSW would conduct assessment and give advice for improvements in compliance with the Buildings Ordinance and the Building (Planning) Regulations;
- (iv) the Commissioner for Transport stated that no information was provided regarding car park and loading/unloading areas inside the building;
- (v) the Director of Environmental Protection (DEP) had no comment on the proposed "C(1)" zone. A rehabilitation centre with residential component might not be considered compatible with such an active industrial area. For the s.16 planning application that the applicant might submit to regularize the existing RCHD, information on fresh air intake points, quantitative noise assessment, and chimney emissions impact etc was required;
- (vi) the Director-General of Trade and Industry had reservation on the rezoning request. The proposed rezoning would induce a further loss of industrial land and could adversely affect industrial development; and
- (vii) the District Officer(Tuen Mun), Home Affairs Department advised that the tenants of the subject building had expressed concerns on the operation of the rehabilitation centre which had caused

inconvenience to their business operation. From his understanding, the Owners' Incorporation of Yick Shiu Industrial Building would raise objection to the rezoning application on the ground of traffic impact.

Public Comments

- (g) during the first three weeks of the statutory publication period, 46 public comments were received with 45 comments objecting the application;
- (h) the Management Office of Foo Yik Commercial Building objected to the application since it would contravene the stipulations of the Deed of Mutual Convent (DMC) for the subject building. The context of the DMC had stipulated that no uses for the purpose of funeral parlour, coffin shop, temple, Buddhist hall, hotel, inn, nursery, boarding house, apartment house, lodging house, bath house and dancing hall, etc or any other similar business were allowed in the subject building;
- (i) the other objections mainly stated that the existing RCHD was not suitable in an area which was currently dominated by existing industrial activities. The existing traffic with heavy and container vehicles in the vicinity would affect emergency vehicles to the RCHD, and traffic noise and air emissions would cause nuisances to the residents in the RCHD. Also, the RCHD sometimes caused environmental nuisances to other tenants within the subject building. Approval of the application would create safety problems affecting other tenants/staffs within the subject building;
- (j) the remaining one comment stated that the applicant should improve the hygiene and management problems of the RCHD;

Planning Department's Views

- (k) PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper, which were summarized as follows:

- (i) only the application for rezoning the site from “I” to “C(1)” on the OZP was required for consideration by the Committee;
- (ii) despite embedded in a broad “I” zone under the small scale OZP, the site was first zoned “C” on the Tuen Mun Area 12 LP in 1980s. The planning intention of the “C” zoning on the LP was to make provision for commercial supports serving the nearby industrial activities in the area and a commercial site was already developed to serve the industrial developments. The proposed “C(1)” zone for the site was therefore in line with the planning intention of the LP and rezoning the site from “I” to “C” reflected the existing development on site. Thus, this amendment would not lead to the loss of industrial land nor result in any adverse traffic and infrastructural impacts on the area;
- (iii) it was the intention of the applicant to make use of the rezoning application to help regularize the existing RCHD. Concerned departments had no in-principle objections to the rezoning application except that DEP and CBS/NTW, BD had raised some technical concerns regarding compatibility of RCHD and compliance with active industrial use with the Buildings Ordinance of the RCHD use. However, consideration of the s.12A rezoning application should be separated from the regularization of the existing RCHD. According to the Tuen Mun OZP for “C” zone, ‘Social Welfare Facility (involving residential care on land designated “C(1)” only)’ was a Column 2 use requiring planning permission from the Board. The applicant was still required to demonstrate the technical acceptability of the existing RCHD including traffic, environmental and drainage aspects, etc in his submission at the s16 planning application stage for consideration by the Board;
- (iv) should the Committee decide to approve the rezoning application, the applicant should be informed that the approval of this s12A

application was mainly to reflect the existing commercial building which was not incompatible with the surrounding area and was in line with the adopted LP. There was no explicit or implicit implication that the RCHD in the subject building which was in breach of the lease of the building would be approved in future s16 planning application as each case would still be assessed on its merits; and

- (v) regarding the public comments, should the Committee agree to this application, it was intended to reflect the existing development of commercial building providing support to the industrial uses in the area. The amendment to the OZP would be published in accordance with the provision of the Town Planning Ordinance and provided a statutory platform for representation/comments to be lodged and considered by the Board. Besides, the DMC was a private contract which was not a material consideration for the Board.

7. The Chairman then invited the applicant's representatives to elaborate on the application. Mr. Brian Law made the following main points:

- (a) the background and history of the planning application as presented by PlanD were agreed. As the operator of the RCHD, the applicant would like to take the first step to regularize the existing RCHD in the subject building which was in actuality a commercial use. The proposed "C" zoning tallied with the zoning under the adopted LP. The applicant understood that after obtaining the Committee's approval on the subject rezoning application, the applicant would still need to apply section 16 application for the RCHD use;
- (b) noting the public concerns received on the RCHD, the applicant would review the operation of the RCHD in order to make it more acceptable to the public; and

- (c) the shortage of RCHD places was acute. Many disabled persons had waited for a long time for a place in government-operated RCHDs but still could not get a place. The applicant would like to provide more RCHD places to serve the disabled persons who could not find a place in government-operated RCHDs;

[Prof. K.C. Chau arrived to join the meeting at this point.]

8. Ms. Chan Wai Ching made the following main points:

- (a) the need to submit a section 16 planning application for the RCHD after obtaining the approval on the subject rezoning application was fully understood;
- (b) the applicant had great enthusiasm in operating the RCHD. The RCHD was one of the first batch RCHDs that successfully applied for SWD's Pilot Bought Place Scheme for Private RCHDs. The processing for a licence for the RCHD was being held up by the non-compliance with the statutory planning requirement. The rezoning application was the first step to regularize the RCHD;
- (c) there were currently about 7,000 disabled persons waiting for RCHDs in Hong Kong. The RCHD could help in easing the problem of long waiting time of at least 7 years and up to 14 years for RCHDs in Hong Kong. She requested the Board to give favourable consideration to the application as an encouragement to the applicant to operate the RCHD; and
- (d) regarding the public comments on the RCHD, the applicant was willing to liaise with the concerned parties in order to understand and address their concerns;

9. Noting that the RCHD only occupied the lowest floors of the subject building, a Member asked whether the proposed "C(1)" zoning would be in conflict with the uses on the remaining floors of the subject building. In response, Mr. C.C. Lau said that the remaining

floors of the subject building were designated for office use according to the approved building plans. The proposed “C(1)” zoning would not be in conflict with the existing uses.

10. A Member asked why the site was zoned “I” despite the site was originally intended for commercial development. Mr. C.C. Lau explained that given the relative large Tuen Mun planning scheme area, the Tuen Mun OZP had to be a small scale plan. The area covering the subject site was zoned “I” under a broad-brush zoning approach such that the subject site was embedded in this broad “I” zone. Indeed the subject commercial building, which existed before the publication of the first Tuen Mun OZP, was an existing building. PlanD had no objection to rezone the subject site to “C(1)” to reflect the existing commercial building on site. In response to the Member’s further query, Mr. C.C. Lau said that according to recent site visits, no industrial use was found in the subject building and major uses in the building included eating places, RCHD, offices and religious use.

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

Deliberation Session

12. The Vice-chairman said that the applicant’s effort in submitting the application as a necessary first step to regularize the RCHD which served the disabled persons was appreciated. There was no reason for him not to support this application.

13. In response to a Member’s query, the Chairman said that if the current rezoning application was approved, the applicant would still need to make a separate section 16 application for the RCHD for the Committee’s consideration. The Member further asked why the RCHD could continue to operate even though it did not comply with the statutory planning requirement. The Chairman said that there was no enforcement power for the Planning Authority under the Tuen Mun OZP.

14. The Secretary added that since the applicant was now applying to SWD for a licence for the RCHD, the compliance of the statutory planning requirement was a pre-requisite for SWD to approve the licence. Under a broad-brush zoning approach, the subject site located within an industrial area was zoned "I" on the OZP. According to the adopted LP which indicated more detailed land uses, development proposals and site details of the area, the subject site was zoned "C". The proposed rezoning from "I" to "C" was only to reflect the existing commercial use at the subject site. Since RCHD, which was regarded as a social welfare facility involving residential care, was neither a Column 1 nor Column 2 use under the Notes for the "C" zone, the applicant proposed to rezone the subject site to "C(1)" under which 'Social Welfare Facility (involving residential care)' would be a Column 2 use that might be permitted on application to the Board. Even if the site was rezoned to "C(1)", the applicant was still required to submit section 16 application for the RCHD and the applicant still needed to fulfil the standards and requirements of concerned departments especially Environmental Protection Department and Transport Department in order to get planning approval for the RCHD. The Board therefore could still have control on the RCHD to ensure that the RCHD would fulfil all the necessary technical requirements through the planning application system. The Chairman added that the applicant indicated that he was willing to complete the necessary statutory planning process to regularize the RCHD.

15. After further deliberation, the Committee decided to agree the application. The proposed amendment to the draft Tuen Mun OZP No. S/TM/30 would be submitted to the Committee for approval prior to gazetting under section 7 of the Town Planning Ordinance.

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

General

[Mr. Wilson W.S. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Mr. Ivan M.K. Chung, District Planning Officer/Sai Kung & Islands (DPO/SKIs), Ms. Jacinta K.C. Woo, District Planning Officer/Shau Tin, Tai Po & North (DPO/STN), Mr. W.S. Lau, District Planning Officer/Tuen Mun and Yuen Long

(DPO/TMYL), and Mrs. Alice K.F. Mak, Senior Town Planner/Metro and Urban Renewal (STP/M&UR), were invited to the meeting at this point.]

Agenda Item 4

[Open Meeting]

Review of Sites Designated “Comprehensive Development Area” on Statutory Plans in the New Territories for the Year 2012/2013
(RNTPC Paper No. 4/13)

16. Mrs. Alice K.F. Mak, STP/M&UR, said that it had been the Town Planning Board (the Board)’s practice to review, on an annual basis, the “Comprehensive Development Area” (“CDA”) zoning for sites that had been designated for more than three years. The review would assist the Committee in considering the rezoning of suitable “CDA” sites to other appropriate zonings, and monitoring the progress of “CDA” developments. With the aid of a PowerPoint presentation, Mrs. Mak presented the results of the latest review on “CDA” sites in the New Territories as detailed in the Paper and made the following main points:

- (a) there were a total of 69 “CDA” sites in the New Territories by the end of March 2013, including 8 sites designated for less than three years. The subject review covered 61 “CDA” sites that had been designated for more than three years. Of the 61 sites, 25 of them had no approved Master Layout Plan (MLP) and the remaining 36 had approved MLP;

“CDA” Sites with No Approved MLP

- (b) among the 25 “CDA” sites with no approved MLP, 21 sites were proposed for retention and four sites were already agreed for rezoning;
- (c) among the 21 sites proposed for retention, proposals for three sites were actively being pursued with MLPs being prepared; the approved MLPs for four sites had lapsed and the applicants were reviewing the development proposals for the sites; the review of land use proposals for six sites were subject to the findings of the on-going or proposed planning studies; and

eight sites were subject to such concerns as traffic, environmental and/or visual impacts which needed to be properly addressed. Detailed justifications for their proposed retention were provided in Appendix I of the Paper;

- (d) four “CDA” sites in Ha Tsuen (NTW 10, 11, 12 and 13) were previously agreed by the Committee to be rezoned. However, the rezoning of four “CDA” sites was held back until completion of the Hung Shui Kiu New Development Area Study (HSK NDA Study) as the sites fell within the study boundary. Details of these sites were given in Appendix II of the Paper;

“CDA” Sites with Approved MLP

- (e) among the 36 “CDA” sites, 28 sites were proposed for retention, four sites had been agreed for rezoning, two sites were proposed for rezoning and two sites had the potential for rezoning;
- (f) the 28 “CDA” sites proposed for retention either had some progress in terms of the processing of lease matters/building plans or were at various stages of building construction and implementation. Retention of the “CDA” designations for these sites was considered necessary to ensure that the development was properly implemented in accordance with the approved MLPs and approval conditions. Detailed justifications for the retention of these sites were provided in Appendix III of the Paper;
- (g) four sites had previously been agreed by the Committee for rezoning. Since the residential developments of the “CDA” sites at Tak Yip Street, Yuen Long New Town (NTW 20), known as the Parcville, and Yoho Town Phase 1 (YL-A1) were completed, the Committee agreed to rezone these “CDA” sites to residential zones to reflect the as-built conditions. As the proposed rezoning was technical in nature, the proposed amendments would be submitted to the Committee for consideration in the next round of OZP amendment. The other two sites at the junction of Fuk Hang Tsuen Road and Lam Tei Main Street, Tuen Mun (NTW 29) and to the east of

Ping Ha Road and north of Castle Peak Road, Ping Shan (NTW 44) would be rezoned to appropriate zonings to reflect the completed residential uses, whereas the zoning of the residual portion of the sites would be reviewed. Proposed amendments to the OZP would be submitted to the Committee for consideration in the next round of OZP amendment. The progress of these four sites were detailed in Appendix IV of the Paper;

- (h) two sites were proposed for rezoning as detailed in Appendix V of the Paper. The main part of the “CDA” site at Castle Peak Road, Hung Shui Kiu, Yuen Long (NTW 22) was covered by an approved scheme for a comprehensive residential development. As the residential development had been completed, it would be appropriate to rezone this portion of the site to reflect the as-built condition. However, the residual private lots in the “CDA” zone, which were fragmented, small and elongated, were not covered by the approved scheme. The zoning(s) for these residual portions would need to be reviewed and worked out. Another “CDA” site to the northeast of Lingnan University Main Campus at Fu Tei, Tuen Mun (NTW 32A) was covered by an approved scheme for comprehensive residential development which was divided into two phases. As Phase I (known as Beneville) had been completed in 2004, it would be appropriate to rezone this portion of the “CDA” site to reflect the as-built condition. As Phase II had not been developed, further review would be conducted so as to maintain control on the future development for this portion of the “CDA” site. Proposed amendments to the corresponding OZPs for the above two sites would be submitted to the Committee for consideration when appropriate;
- (i) two “CDA” sites had been identified with potential for rezoning as detailed in Appendix VI of the Paper. The “CDA” site at Tung Wan and Tung Wan Tsai, Ma Wan Island (NTI 2) was covered by an approved scheme for comprehensive development (known as Park Island). The building works of the Park Island had been substantially completed. The applicant was in the process of liaising with Transport Department regarding the discharge of the approval condition in relation to contingency plan for traffic

arrangement. The site had the potential for rezoning to reflect the residential and commercial uses subject to the full compliance with the approval conditions. Besides, the development of the “CDA” zone in Tung Chung Town Centre (NTI 3) had been completed. All the approval conditions of the approved scheme had been complied with. The “CDA” site had the potential for rezoning to other appropriate zones to reflect its as-built conditions and approved uses when other potential amendments to the OZP were confirmed upon completion of the Tung Chung New Town Extension Study; and

- (j) to sum up, out of the 61 “CDA” sites reviewed, 49 sites were proposed for retention, eight sites had already been agreed for rezoning, two sites were proposed for rezoning and two sites had potential for rezoning;

17. In response to the Vice Chairman’s question on expediting the rezoning of completed “CDA” sites, the Chairman said that the rezoning of completed “CDA” sites would normally wait until the satisfactory compliance of all planning and other related requirements that might take some time after completion of the developments.

18. In response to a Member’s question on different categories of “CDA” sites as shown on the summary table of the PowerPoint, Mrs. Alice Mak explained that the eight sites agreed for rezoning were already agreed by the Committee last year. The Chairman added that the four ‘Sites Already Agreed for Rezoning’ that had not been rezoned was within the boundary of HSK NDA Study and the proposed rezoning would be pending the completion of the HSK NDA Study.

19. A Member asked about the rationale of using ‘designated for more than three years’ as a benchmark for reviewing the “CDA” sites. In response, the Secretary said that the Town Planning Board Guidelines for designation of “CDA” zones and monitoring the progress of “CDA” developments was formulated in 1999. Given “CDA” sites were normally large in site area and developers would need time to prepare for developments at “CDA” sites (particularly as site amalgamation might be involved), the Board therefore agreed using three years as a benchmark and that the “CDA” sites designated for more than 3 years should be reviewed and the review should be conducted on an annual basis for the

consideration of the Board every year. In the review exercise, Planning Department (PlanD) would send questionnaires to developers of the “CDA” sites asking for their views and problems in implementing the “CDA” development. PlanD would then review the progress of the “CDA” sites and for those sites with low or no progress, PlanD would examine ways to facilitate their developments such as to review the zoning boundaries, to explore feasibility of enhancing development intensity as an incentive etc. She continued to say that a total of 16 “CDA” sites were currently covered by various planning studies as detailed in para. 4.2.8 of the Paper, and therefore developments at these sites would usually be pending the completion of these planning studies.

20. In response to a Member’s query, the Secretary said that ‘Sites Already Agreed for Rezoning’ had already been agreed by the Committee for rezoning last year and the progress of rezoning these sites was reported to the Committee at this meeting. For ‘Sites Proposed for Rezoning’, they were proposed to be rezoned in the current review. ‘Sites have Potential for Rezoning’ were identified by PlanD at this review with potential for rezoning, but subject to further study. The progress of rezoning of the latter two categories of “CDA” sites would be reported to the Committee in the annual review of “CDA” sites next year.

21. In response to a Member’s query, Mrs. Alice Mak said that Yoho Town Phase 1 was categorized as ‘Sites Already Agreed for Rezoning’.

22. After deliberation, the Committee decided to :

- (a) note the findings of the review of the sites designated “Comprehensive Development Area” (“CDA”) on statutory plans in the New Territories;
- (b) agree to the retention of the “CDA” designation for the sites mentioned in paragraphs 4.1.1 and 4.2.2 and detailed at Appendices I and III of the Paper;
- (c) note the agreement of the Committee to rezone the sites mentioned in paragraphs 4.1.3 and 4.2.3 and detailed at Appendices II and IV of the Paper;

- (d) agree in-principle to the proposed rezoning of the “CDA” sites in paragraphs 4.2.4 and 4.2.5 and detailed at Appendix V of the Paper; and
- (e) note the sites with potential for rezoning in paragraphs 4.2.6 and 4.2.7 and detailed at Appendix VI of the Paper.

[The Chairman thanked Mr. Wilson W.S. Chan, DPO/TWK, Mr. Ivan M.K. Chung, DPO/SKIs, Ms. Jacinta K.C. Woo, DPO/STN, Mr. W.S. Lau, DPO/TMYL, and Mrs. Alice K.F. Mak, STP/M&UR, for their attendance to answer Members’ enquires. They all left the meeting at this point.]

Sai Kung and Islands District

[Mrs. Margaret W.F. Lam, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Proposed Amendments to the Approved South Lantau Coast

Outline Zoning Plan No. S/SLC/16

(RNTPC Paper No. 5/13)

23. With the aid of a PowerPoint, Mrs. Margaret W.F. Lam, STP/SKIs briefed Members on the proposed amendments to the approved South Lantau Coast Outline Zoning Plan (OZP) as detailed in the Paper and covered the following main points:

Background

- (a) a s.12A application No. Y/SLC/4 to rezone a site to the east of San Shek Wan Village from “Green Belt” (“GB”) to “Residential (Group C)” (“R(C)”) and from “R(C)” to “GB” was considered by the Committee on 4.11.2011. The Committee decided to partially agree to rezone Site A

from “GB” to “R(C)” and Site B from “R(C)” to “GB” (except the long narrow strip of land (about 87m²) between Lot 687 in D.D. 329 (the Lot) and South Lantau Road) (Plan 1 of the Paper). In order to reflect the approved application No. Y/SLC/4, amendments to the approved OZP was necessary;

Proposed Amendments to the OZP

- (b) the proposed rezoning was to adjust the boundary of the “R(C)” zone to tally with the boundary of the Lot which currently straddled “GB” and “R(C)” zones, by rezoning Site A (about 386 m²) from “GB” to “R(C)” and rezoning Site B (about 1,305 m²) from “R(C)” to “GB” (Plan 2 of the Paper). Majority of Site A was partly paved and partly used as a garden on a formed gentle slope. Except some shrubs and planting, there was neither mature tree nor dense vegetation within the area (Plan 5 of the Paper). Having taken into account the site characteristics and the residential use as permitted under the lease, it was considered appropriate to readjust the areas of “R(C)” zone to tally with the boundaries of the Lot. Site B consisted of slopes on Government land to the north and west of the Lot which were covered with dense vegetation and mature trees. Taking into account of the nature conservation, existing site condition, ownership and development potential, rezoning Site B from “R(C)” to “GB” was appropriate as Site B could form part of the wider “GB” zone covering the San Shek Wan area (Plan 6 of the Paper);

Proposed Amendments to the Notes of the OZP

- (c) opportunity was also taken to revise the clause for exemption of gross floor area/plot ratio calculation and clause for inclusion of site coverage calculation in relation to caretaker’s quarters in the Remarks of the Notes for “R(C)” zone;

Revision to the Explanatory Statement (ES) of the OZP

- (d) the ES of the OZP was proposed to be revised, where appropriate, to take into account the proposed amendments as mentioned above and to reflect the latest status and planning circumstances of the OZP;

24. Members had no question to the proposed amendments.
25. After deliberation, the Committee decided to agree that:
- (a) the proposed amendments to the approved South Lantau Coast Outline Zoning Plan (OZP) No. S/SLC/16 as shown on the draft South Lantau Coast OZP No. S/SLC/16A (to be renumbered to S/SLC/17) at Appendix II of the Paper and the draft Notes at Appendix III of the Paper were suitable for exhibition under section 5 of the Town Planning Ordinance; and
 - (b) adopt the revised Explanatory Statement (ES) at Attachment IV of the Paper for the draft South Lantau Coast OZP No. S/SLC/16A (to be renumbered to S/SLC/17) as an expression of the planning intentions and objectives of the Board for the various land use zonings on the Plan and the revised ES would be published together with the draft South Lantau Coast OZP.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/I-TOF/7 Proposed Shop and Services (Ticket Booth) in “Open Space” zone,
Government Land at Public Promenade to the West of Tai O Bus
Terminal, Lantau Island
(RNTPC Paper No. A/DPA/I-TOF/7)

Presentation and Question Sessions

26. Mrs. Margaret W.F. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed shop and services (ticket booth);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 8 of the Paper.;
- (d) four public comments were received on the application during the first three weeks of the statutory publication period. The Green Lantau Association and the Concern Group of the Environment and Development of Tai O had no objection and considered that the proposed ticket booth would facilitate tourism development and its design should be compatible with the surroundings. They were concerned about the hygiene issues that might be caused by the refreshment store provided at the site. An Islands District Council member opined that the application should obtain the consent of the Tai O Rural Committee (TORC) and the design of the proposed ticket booth should seek the consent from the TORC and CEDD. The remaining one public comment submitted by an individual was against the application on the ground that the proposed ticket booth would not be cost-effective and compatible with the surroundings. Another location should be selected as the site was currently used for festival events;
- (e) no local objection was received by the District Officer (Islands); and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. Regarding the public comments, two commenters misinterpreted that the application involved a refreshment store. Based on the submitted application, only a ticket booth was proposed. Three commenters had concerns about the design of the proposed ticket booth and one opposing public comment was against the adverse visual impact of the proposal. The application was supported by the TORC. Concerned departments had neither objection to nor adverse comment on the proposal. Chief Town Planner/Urban Design & Landscape had no in-principle objection to the proposal in urban design and visual impact perspectives provided that the

proposed design should match with the surrounding rural environment and the design theme of the existing public promenade. A relevant approval condition in this respect was recommended should the application be approved.

27. In response a Member's question, Mrs. Margaret Lam said that the proposed location of the ticket booth was convenient to the visitors since it was near the bus terminus and visitors could easily see the time schedule of the ferry services placed at the ticket booth. Besides, the proposed location would not obstruct the pedestrian flow. If placing the ticket booth near the pier which was further away from the bus terminus, it would not be convenient to the visitors.

Deliberation Session

28. 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 15.3.2017, 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 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; and
- (b) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.

29. 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 reminded not to occupy any Government land and carry out any building works on site unless prior approval could be obtained from her office. Failure to comply with this requirement might result in land control actions being taken against the

applicant; and

- (b) to note the comments of the Chief Engineer/Port Works, Civil Engineering and Development Department that the details of the works of the proposed development should be submitted for his agreement before construction.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/130 Proposed Utility Installation for Private Project (A 14m long Drainage Channel) with Excavation of Land and Filling of Land in “Coastal Protection Area” zone, Government Land in D.D.332 close to the intersection of South Lantau Road and Tung Chung Road, Lantau Island

(RNTPC Paper No. A/SLC/130)

Presentation and Question Sessions

30. The Secretary reported that Masterplan Ltd. and Urbis Ltd. were the consultants of the applicant. Mr. Ivan Fu who had current business dealings with both companies, and Ms. Janice Lai who had current business dealings with Urbis Ltd., had declared an interest in this application. As Ms. Lai had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting. The Committee noted that Mr. Fu had tendered apologies for not attending the meeting.

31. Mrs. Margaret W.F. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed utility installation for private project (a 14m long drainage channel) with excavation of land and filling of land;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 8 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment from Designing Hong Kong Limited was received. The commenter expressed concerns that mitigation measures should be done to avoid any impacts on the sensitive environment and the flow would not be contaminated by the artificial channel during operation. Installing a drainage channel preventing flooding to safeguard the community was appreciated. However, it was unclear whether the proposed development was supported by Director of Drainage Services (D of DS) as an essential requirement;
- (e) no local objection/view was received by the District Officer (Islands); and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the paper. Concerns of the public comment on the application were noted. It was considered that the proposed development was not incompatible with surrounding areas and would not create adverse impact on the area. Concerned departments including D of DS and Chief Town Planner/Urban Design & Landscape had no objection to the application.

32. Members had no question on the application.

Deliberation Session

33. 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 15.3.2017, 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) submission and implementation of a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of an assessment of geotechnical feasibility of the proposed development including an outline of further study to the satisfaction of the Director of Civil Engineering and Development or of the TPB; and
- (c) the submission of a temporary traffic management scheme in connection with the proposed works for consideration before commencement of the works to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Islands, Lands Department in respect of obtaining an Excavation Permit from Lands Department before commencement on any works on the Site;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that approval for the tree preservation proposal or pruning proposal for trees located on Government Land outside the Site should be obtained from Lands Department prior to commencement of work. The temporary work area should be indicated on the tree preservation proposal and proper reinstatement should be provided, where appropriate;
- (c) to note the comments of the Director of Environmental Protection in respect of following the statutory requirements of the Environmental Impact Assessment Ordinance; and
- (d) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the proposed drainage works at the Site would traverse across an existing registered man-made slope (Feature No. 13NE-B/F52) to the southeast of the nearby Lot Nos.

724 and 726 in D.D. 332. Stability condition of this slope was unknown. The existing slope might affect or be affected by the proposed works. The applicant should address the effects of the proposed works to the stability of the slope and vice versa. Plan for the proposed works on the Site should be submitted to Buildings Department for approval/consent and to LandsD for permission of works on Government land.

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

Agenda Item 8

Section 16 Application

[Open Meeting]

A/SK-CWBN/25 Proposed 3 Houses (New Territories Exempted Houses - Small Houses) in “Green Belt” zone, Lots No. 416 A1, 416 B, 416 C1, 416 C RP, 416 RP, 417 A RP, 417 A1, 417 A2A, 417 A2 RP and 417 B in D.D. 238 and adjoining Government Land, Ng Fai Tin, Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBN/25)

35. The Secretary reported that on 5.3.2013, 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 to address departmental/public comments.

36. 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 Mrs. Margaret W.F. Lam, STP/SKIs, for her attendance to answer Members' enquires. She left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 9

Section 12A Application

[Open Meeting]

Y/ST/22 Application for Amendment to the Draft Sha Tin Outline Zoning Plan No. S/ST/27 from "Village Type Development" to "Government, Institution or Community (1)", Yan Hau Ancestral Hall, Lots 35, 36 S.A, 36 RP, 38 S.A ss.1, 38 S.A RP, 624, 676, 699 and 832 in DD 176, Wo Liu Hang, Fo Tan, Sha Tin
(RNTPC Paper No. Y/ST/22)

37. The Secretary reported that on 28.2.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow more time for the applicant to prepare planning and technical assessments in response to the public and departmental comments.

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-HH/36 Proposed House (New Territories Exempted House - Small House) in
“Unspecified Use” zone, Government Land in D.D. 283, Hoi Ha
Village, Sai Kung North
(RNTPC Paper No. A/DPA/NE-HH/36)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper and were highlighted below:
 - (i) Director of Agriculture, Fisheries and Conservation (DAFC) noted that the site was densely wooded and the proposed small house would require large extent of vegetation clearance. He had reservation on the application;
 - (ii) Chief Town Planner/Urban Design and Landscape of the Planning Department (CTP/UD&L, PlanD) had strong reservation on the application from landscape planning perspective as the site was located on the densely vegetated slope, to the south of an uphill footpath and formed an integral part of the hillside woodland with mature trees. The proposed development was considered not compatible with the character of the hillside woodland. He also noted that a group of small trees was found within the application

site, and some mature native trees were found at the entrance of the uphill footpath and to the western corner of the site. A group of bamboo was found to the east of the site. The proposed Small House development required considerable site formation works and clearance of existing vegetation that would likely extend the adverse impact beyond the footprint of the proposed house. However, no site formation plan had been provided to demonstrate that there would be no adverse impact to the adjacent trees. Moreover, approval of the application would set an undesirable precedent to attract other similar applications for small house development extending the village towards hillside woodland. The cumulative effect of approving similar applications would result in the general degradation of the environment and cause adverse impacts on landscape resources and landscape character of the area. Besides, as the proposed Small House development fully occupied the application site, therefore landscape mitigation measure was not feasible within the site;

- (iii) Antiquities and Monuments Office (AMO) of Director of Leisure and Cultural Services advised that the proposed construction site, and the possible associated utilities works for the proposed Small House, were in close proximity to the Hoi Ha Trackway, which was a site of archaeological interest. He had reservation about the proposal in the application; and
- (iv) Commissioner for Transport (C for T), in general, had reservation on the subject application. Such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of development outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding the above, C for T noted that the subject

application involved only construction of one Small House and he considered that the subject application could be tolerated unless it was rejected on other grounds;

(d) during the first three weeks of the statutory publication period, 8 public comments were received from Kadoorie Farm & Botanic Garden Corporation, WWF Hong Kong, Designing Hong Kong Ltd., Temple Chamber and members of the public, all objecting to the application. Their major views were summarized as follows :

- (i) the existing village area of Hoi Ha was surrounded by Fung Shui Woodland and secondary woodland of high conservation importance. This piece of woodland was ecologically linked with the Sai Kung Country Park. Any development would cause ecological impacts on this important habitat;
- (ii) it was wrong in law to permit a Septic Tank System close to a watercourse or seasonal stream according to the Practice Guideline ProPECC PN5/93 and contrary to law to permit an application which resulted in the discharge of new effluent within 100 m of Hoi Ha Wan Site of Special Scientific Interest (SSSI) per Section 9(1) of the Water Pollution Control Ordinance and its Technical Memorandum of the Water Pollution Control Ordinance, Cap 358. There were no special exceptions for Small Houses. Loopholes should not be created by errors in applying the law. Environmental Protection Department had given misleading advice on this in the past so expert and comprehensive legal advice was required from the Department of Justice;
- (iii) the applicant had submitted no reports concerning planning studies, environmental impact, traffic (vehicular) impact, traffic (pedestrian) impact, visual impact, landscape impact, tree survey, geotechnical impact assessment, sewerage impact assessment and risk assessment to prove that the development has no adverse impacts;

- (iv) the Board should not permit the planning of the “Unspecified” area to be prejudiced by piecemeal applications. Planning in the public interest required this application to be deferred until the planning intention had been determined. The planning intention must not be perverted by continuing piece meal cases which would change the situation before the planning had been investigated and decided;
 - (v) there needed to be a sustainable layout of infrastructure and development which ensured the health and well being of current and future residents and a quality urban design including appropriate distances between and alignment of properties, quality drainage and waterworks, appropriate street lighting, quality refuse and garbage facilities, public spaces and public amenities, safe and appropriate local network of roads and pavements, and adequate right of way and parking facilities taking into account actual car ownership per household/village house as observed in the area;
 - (vi) the administrator of the Small House Policy, the Lands Department, 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; and
 - (vii) it was necessary to investigate whether the applicant was eligible. There was doubt whether he was a visiting indigenous person or was actually an “inhabitant” as required by the wording of the 1972 Small House Policy. This policy was not built to permit erection of houses on government land for non-inhabitants for sale or rent. Government should not be creating loopholes in the policy;
- (e) no local objection/view was received by the District Officer (Tai Po); and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment as detailed in paragraph 11 of the

Paper which were summarized below:

- (i) the proposed development fell entirely within the 'Village Environ' ('VE') of Hoi Ha Village. According to District Lands Officer/Tai Po's (DLO/TP) record, the total number of outstanding Small House applications for Hoi Ha Village was 18 while the 10-year Small House demand forecast for this village was 84;
- (ii) although the proposed Small House development fell entirely within the 'VE' of Hoi Ha Village and some village houses were located to its west, the application site was located on a densely vegetated slope that formed an integral part of the hillside woodland with mature trees connecting to the Sai Kung West Country Park. A historical footpath lied in close proximity to the site and led up to the upper parts of the hillside woodland. The proposed development was considered not compatible with the rural character of the hillside woodland;
- (iii) although the applicant claimed that the proposal did not involve site formation, and would not involve felling of trees and/or cause damage to branches and roots of trees, DAFC was of the view that the application site was located in densely wooded area, and the proposed Small House would require large extent of vegetation clearance, and he had reservation on the application. CTP/UD&L, PlanD had identified that a group of small trees was found within the application site, and some mature native trees were found at the entrance of the uphill footpath and to the western corner of the site. These trees would either be felled or affected;
- (iv) from landscape planning perspective, CTP/UD&L, PlanD had strong reservation on the application due to the considerable site formation works and the clearance of existing vegetation required which would likely extend the adverse impact beyond the footprint of the proposed house. However, no site formation plan had been

provided to demonstrate no adverse impact to adjacent trees. Moreover, approval of the application would set an undesirable precedent to attract other similar applications for small house development extending the village towards the hillside woodland. The cumulative effect of approving similar applications would result in the general degradation of the environment causing adverse impacts on landscape resources and landscape character of the area;

- (v) from archaeological interest point of view, AMO advised that the proposed construction site and the possible associated utilities works were in close proximity to the Hoi Ha Trackway, which was a site of archaeological interest. He had reservation about the proposal in the application;
- (vi) the application did not comply with the “Interim Criteria” as the proposed development was not compatible with the surrounding natural environment and the applicant failed to demonstrate that the proposal would not cause adverse impact on the landscape character of the area, on the existing trees and vegetation, and on the existing boulder footpath which was of archaeological interest;
- (vii) a number of the public commenters objected to or had adverse views on the proposal mainly on the grounds that it would have environmental and ecological impacts on the natural habitats, woodland and wildlife, water quality, and landscape of the area. On the comments to reject all applications until the Development Permission Area (DPA) plan was replaced by an Outline Zoning Plan (OZP), it should be noted that it was not the intention of the DPA Plan to prohibit development but rather to establish planning control of the area pending the completion of detailed analysis and studies to establish land uses in the course of preparing an OZP. Applications for development in this period could be considered on a case-by-case basis, having regard to the relevant guidelines and departmental comments; and

- (viii) with respect to the public comments on the septic tank /soakaway, Director of Environmental Protection advised that there was no existing or planned public sewer at Hoi Ha area. As long as the "distances from soakaway system" were fulfilled according to Appendix D of the ProPECC PN5/93 and subject to the certification of compliance with ProPECC 5/93 by an Authorised Person (AP) regarding the design and construction of the septic tank & soakaway system during construction, he had no further supplementary comment. On the public comment asking whether the applicant was eligible under the 1972 Small House Policy, it should be noted that DLO/TP had advised that the applicant was an indigenous villager of Hoi Ha as confirmed by the Statutory Declarations made by the Indigenous Inhabitant Representative of Hoi Ha.

40. Members had no question on the application.

Deliberation Session

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

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/339 Renewal of Planning Approval for Temporary Storage of Antique Cars and Household Items for a Period of 3 Years in “Green Belt” zone, Lot 3336 in D.D.91 and Adjoining Government Land, No. 1 Lin Tong Mei Village, Fan Kam Road, Sheung Shui
(RNTPC Paper No. A/NE-KTS/339)

Presentation and Question Sessions

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

- (a) background to the application – the site was subject of a previous planning application No. A/NE-KTS/287 for the same use approved by the Committee on 19.3.2010 for a period of 3 years until 19.3.2013;
- (b) renewal of planning approval for temporary storage of antique cars and household items for a period of 3 years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment indicating ‘no specific comment’ was received from a North District Council member;
- (e) the District Officer (North) received local view from the Chairman of Sheung Shui District Rural Committee who objected to the application on grounds that the application site was located in proximity to residents and the development would affect their tranquil livelihood; Fan Kam Road was

very narrow and road traffic was busy; and it was not suitable for usage of heavy vehicles as this would easily result in accidents; and

- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 12 of the Paper. Regarding the local objection conveyed by the District Officer (North) on traffic grounds and concerning the impact of tranquil livelihood, Commissioner for Transport considered that the application could be tolerated as the application was for similar use as the previously approved application with low traffic demand and the availability of rural access road. Besides, the applied development was considered not incompatible with the surrounding land uses which were predominantly rural in nature with domestic structures, temporary structures, cafe and open storage in the vicinity.

43. Members had no question on the application.

Deliberation Session

44. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 20.3.2013 until 19.3.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing drainage facilities on the application site should be properly maintained and rectified if found inadequate/ineffective at all times during the planning approval period;
- (b) the submission of photographic record on the conditions of the existing drainage facilities on site as previously implemented on the same site under applications No. A/NE-KTS/180, No. A/NE-KTS/246 and No. A/NE-KTS/287 within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.6.2013;

- (c) the submission of tree preservation and landscape proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 19.9.2013;
- (d) in relation to (c) above, the implementation of tree preservation and landscape proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2013;
- (e) the submission of proposals of water supplies for fire fighting and fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.9.2013;
- (f) in relation to (e) above, the implementation of proposals of water supplies for fire fighting and fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.12.2013;
- (g) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (h) if any of the above planning conditions (b), (c), (d), (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note the comments of the Commissioner for Transport that the vehicular access to the application site was via a village track connecting with Fan Kam Road. The unnamed village track was not under his department's

management. The land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access road should also be clarified with the relevant lands and maintenance authorities accordingly;

- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that two trees at the northern boundary were found dead and replacement of these trees was required;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
 - (i) if the existing structures were erected on leased land without approval of his department, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application; and
 - (ii) for unauthorized building work (UBW) erected on leased land, enforcement action might be taken by his department to effect their removal in accordance with his department'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;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the application site was located within the flood pumping gathering ground;
- (e) to note the comments of the 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) in such circumstances, except where building plan was circulated to the Centralized Processing System of BD, the applicant was required to send the relevant layout plans to his department incorporated with the proposed FSIs for approval. In doing so, the applicant should note that:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the locations of the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and
- (iii) detailed fire safety requirements would be formulated upon receipt of formal submission of the aforementioned plans. The applicant would need to subsequently provide such FSIs according to the approved proposal.

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/91 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” zones, Government
Land in D.D. 167, Sai O Village, Sai Kung North
(RNTPC Paper No. A/MOS/91)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited. The key reasons of the objection were summarised below:
 - (i) the planning intention of the “GB” zone was for conservation and to act as buffer between urban setting and natural landscape;
 - (ii) the area was in lack of a plan for sustainable layout of infrastructure and development, including street lighting, drainage and waterworks networks, public amenities, parking facilities, etc., to ensure quality living for current and future residents;
 - (iii) 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;
 - (iv) substandard engineering of road and lack of parking areas and access might result in unsafe and inadequate provisions as well as resulting in disharmony among residents and crimes; and
 - (v) the Director of Land and the Town Planning Board were responsible

for the adverse atmosphere for not ensuring adequate access and parking space before granting planning approval.

- (e) no local objection/view was received by the District Officer (Tai Po); and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 12 of the Paper. Regarding the public comment received, it was considered that the proposed development would not have any significant adverse traffic, environmental, drainage and landscape impacts on the surrounding area as concerned government departments had no objection / adverse comment on the application. It should also be noted that the application was generally in compliance with the TPB Guidelines and Interim Criteria. For the concern on the vehicular access and parking facilities, there was no requirement for provision of such facilities in Small House development.

47. Members had no question on the application.

Deliberation Session

48. 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 15.3.2017, 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North and Chief Engineer/Consultants Management, Drainage Services Department that:

- (i) public stormwater drain was not available for connection in the vicinity of the application site. The applicant was required to provide proper stormwater drainage system to collect all runoff generated within the site or flowing towards the site from the vicinity, and discharge the runoff collected to a proper discharge point. Any proposed drainage works, whether within or outside the site boundary, should be constructed and maintained by the applicant at his own expenses;
- (ii) the applicant / owner of the site was required to rectify the drainage system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising from damage or nuisance caused by failure of the system;
- (iii) public sewer was currently not available for connection in the vicinity of the application site and the Environmental Protection Department (EPD) should be consulted on the disposal of sewage generated from the small house development; and
- (iv) public sewerage system at Sai O was planned to be implemented under the Drainage Services Department's project "Tolo Harbour Sewerage of Unsewered Areas Stage 2". However, the implementation programme would be subject to review at a later stage. Upon completion of the public sewerage system at Sai O, EPD might require the owner to make proper connection from his premises into the public sewer at his own cost. The applicant should note that any underground/at-grade structures including floor tiles, septic tanks, boundary walls and fence, etc, which fell within the land resumption and clearance limits for the proposed sewerage works would likely be removed for the construction of the proposed sewerage works and the affected ground surface would then be reinstated with concrete only after completion of the construction works.

- (b) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that:
 - (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection; and
 - (ii) 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;

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

- (d) to note the Head of Geotechnical Engineering Office of Civil Engineering and Development Department's comments that the applicant was reminded to make necessary submission to District Lands Office/Tai Po, LandsD to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in Practice Note for Authorized Persons No. APP-56 entitled "Exemption Criteria for Site Formation Works associated with Exempted Building Works in the New Territories". If such exemptions were not granted, the applicant should submit site formation plans to the Buildings Department in accordance with provision of the Buildings Ordinance; and

- (e) 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 applicants 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/ST/810 Shop and Services (Real Estate Agency) in “Industrial” zone, Unit 2A,
G/F, Hopeful Factory Centre, 10-16 Wo Shing Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/810)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied shop and services (real estate agency);
- (c) departmental comments – concerned government 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 (Sha Tin); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 11 of the Paper.

51. Members had no question on the application.

Deliberation Session

52. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.3.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 15.9.2013; and
- (b) if the above planning condition (a) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

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

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

Agenda Item 14

Section 16 Application

[Open Meeting]

A/ST/811 Proposed Office in “Industrial” zone, Workshops 6 & 8, 9th Floor,
Shing Chuen Industrial Building, 25-27 Shing Wan Road, Sha Tin
(RNTPC Paper No. A/ST/811)

54. The Secretary reported that the applicant submitted further information on 8.3.2013 to clarify the nature of the application and confirm that there was no intention to use the subject premises for any religious-related activities. At the same time, the applicant also submitted responses to departmental comments. As the further information was only received on 11.3.2013, i.e. 5 days before this meeting, government departments’ comments on the information submitted were still being sought. Planning Department requested the

Committee to defer making a decision on the application for three weeks, i.e. until the next meeting on 5.4.2013 to allow sufficient time for consideration of the further information by concerned departments.

55. After deliberation, the Committee decided to defer a decision on the application. The Committee agreed that the application should be submitted for its consideration at the next meeting, i.e. 5.4.2013.

Agenda Item 15

Section 16 Application

[Open Meeting]

A/ST/812 Shop and Services (Showroom) in “Industrial” zone, Unit B1C
(Portion), G/F, Unison Industrial Centre, 27-31 Au Pui Wan Street, Fo
Tan, Sha Tin
(RNTPC Paper No. A/ST/812)

56. The Secretary reported that on 14.3.2013, the applicant requested the Board to defer making a decision on the application for one month in order to allow sufficient time to liaise with the relevant government departments to address their comments.

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

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/813 Proposed Access Road Ancillary to a Permitted House in “Village Type Development” and “Residential (Group A)” zones, Lots 221 RP (Part), 511 (Part) and 513 RP (Part) in D.D. 187, Hin Tin, Sha Tin (RNTPC Paper No. A/ST/813)

Presentation and Question Sessions

58. The Committee noted that there was a replacement page No. 7 of the Paper which rectified the validity date of the planning permission.

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

- (a) background to the application;
- (b) the proposed access road ancillary to a house (non-New Territories Exempted House) previously approved by the Committee on 2.12.2011 (Application No. A/ST/757);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 8 of the Paper;
- (d) during the first three weeks of the statutory publication period, four public comments objecting to the application were received which were summarized below:
 - (i) the Chairman of the Sha Tin Rural Committee objected to the application on the following grounds:
 - (a) it was difficult to assess the real intended use of the proposed

development. The permitted house under the previous application (No. A/ST/757) was suspected by local villagers to be transformed into a columbarium. The local villagers disliked such facility on fung shui and psychological grounds;

- (b) despite the objections raised by the local residents to the previous application, the Board still approved the application. If the Board approved the subject application, it implied that the Board was facilitating the operation of a columbarium at the house; and
- (c) there would be adverse traffic impact arising from the operation of columbarium to the neighbourhood. In order to minimize any nuisances to the local residents, the Board should reject this application for an access road;
- (ii) a STDC Councillor raised concerns on noise and air impacts caused by the proposed access road. There were also safety concerns on geotechnical and pedestrian circulation and flooding; and
- (iii) another two public comments were submitted by a group of villagers (with 33 signatures) and an individual villager of Hin Tin Village. They objected to the application on grounds that it was not supported by any impact and risk assessments. The proposed access road, which was situated on the tops of steep slopes, was dangerously closed to existing houses at Hin Tin Village.
- (e) no local objection/view was received by the District Officer (Sha Tin); and
- (f) 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. Regarding the public comments concerning the conversion of the proposed house to columbarium use, it should be noted that the previous application was for development of a house instead of a columbarium.

When the application was approved by the Committee, an advisory clause was included to remind the applicant that any change of use would be subject to enforcement. The current application was for an access road to serve a permitted house development instead of a columbarium. Given the limited scale of the proposed access road, it would unlikely create adverse traffic and environmental impacts. Relevant government departments, including Transport Department and Environmental Protection Department, had no objection to the application.

60. In response to a Member's question on any control on the proposed alignment of the access road and its impact on surrounding landuse in particular taking up valuable land for village type development, Mr. Anthony Luk said that the area edged green in Plan A-2 of the Paper showed the land owned by the applicant. Indeed, the application site and the surrounding land were owned by the applicant. Given the area was a sloping area, the proposed alignment could not be a straight alignment on technical consideration. The Chairman noted that the proposed road alignment had avoided felling of trees.

Deliberation Session

61. 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 15.3.2017, 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.

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

- (a) to note the Chief Town Planner/Urban Design and Landscape's comments that:
 - (i) enlargement of the application site to include the compensatory planting was highly recommended. If not, the proposed tree preservation measures and landscape planting outside the application site should be properly implemented and maintained;

and

- (ii) the proposed access road level was found different to the existing level near to the site, construction of the retained wall along the west and south of the site might consider necessary.
- (b) to note the Director of Fire Services' comments that:
- (i) the provision of fire service installations and water supplies for fire fighting to the satisfaction of his department. Emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by the Buildings Department; and
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans.
- (c) to note Chief Engineer/Development (2), Water Supplies Department's comments that:

The site encroached on the dam break flood plan of Lower Shing Mun Reservoir. The applicant should be aware of the need to carry out an assessment on the impact of dam break to the proposed development before implementation.

Agenda Item 17

Section 16 Application

[Open Meeting]

A/NE-HLH/18 Temporary Open Storage of Construction Materials and Containers for a Period of 3 Years in "Agriculture" zone, Lots 171,172,176,177 and 179 in D.D.87, Fanling
(RNTPC Paper No. A/NE-HLH/18A)

63. The Secretary reported that on 7.3.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow sufficient time to respond to further comments raised by Transport Department on 5.3.2013.

64. 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 more months resulting in a total of four months were allowed for preparation of the submission of the further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-HT/6 Renewal of Planning Approval for Temporary Place of Recreation (Barbecue Area, Play Area, Handicraft Making, Refreshment Kiosk and Fishing Ground) for a Period of 3 Years in “Agriculture” zone, Lots 641RP, 648, 651, 653, 654 (part), 655 (part), 656(part), 658-662, 663(part), 666 S.A, 666 S.B and 666 S.C(part) in D.D.76 and Adjoining Government Land, Hok Tau, Fanling
(RNTPC Paper No. A/NE-HT/6)

Presentation and Question Sessions

65. 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 – the site was subject of a previous planning application No. A/NE-HT/5 for the same use approved by the Committee on 9.4.2010 for a period of 3 years until 9.4.2013;

- (b) renewal of planning approval for temporary place of recreation (barbecue area, play area, handicraft making, refreshment kiosk and fishing ground) for a period of 3 years;
- (c) departmental comments – concerned government departments had no objection to 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, a public comment was received from a North District Council member who supported the application to facilitate the concerned villagers;
- (e) District Officer (North) received local views from the Chairman of Fanling District Rural Committee and the Resident Representatives of Hok Tau Wai who raised objection to the application on grounds of environmental hygiene, traffic congestion and water pollution to the stream; and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 11 of the Paper. Regarding the local objection relayed by the District Officer (North) on environmental and traffic grounds, it was noted that no complaint had been received in the last three years. The applicant had complied with all approval conditions related to traffic, drainage, water supplies for fire-fighting, sewage treatment facilities and action plan to prevent flood pumping gathering grounds from being contaminated by fuel or lubrication oil leaks from vehicles and committed to maintain all the above mentioned facilities and adopt good site practices as stated in his letter at Appendix Ic of the Paper. Similar approval conditions and advisory clauses as imposed in the last approved application were recommended to address the local concerns.

66. Members had no question on the application.

Deliberation Session

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 10.4.2013 until 9.4.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the operation hours of the development should be restricted to (i) between 10:00 a.m. and 7:00 p.m. during weekdays; and (ii) between 10:00 a.m. and 10:00 p.m. during weekends and public holidays, as proposed by the applicant, during the planning approval period;
- (b) no medium/heavy goods vehicles were allowed to enter the application site during the planning approval period;
- (c) no passenger vehicles with seating capacity exceeding 24 persons were allowed to enter the application site during the planning approval period;
- (d) all the existing vegetation on the application site should be maintained at all times during the planning approval period to the satisfaction of the Director of Planning or of the TPB;
- (e) the submission of details for proposed traffic management measures for the application site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.10.2013;
- (f) in relation to (e) above, the implementation of traffic management measures for the application site within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.1.2014;
- (g) the submission of drainage proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the

Director of Drainage Services or of the TPB by 9.10.2013;

- (h) in relation to (g) above, the provision of drainage facilities within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.1.2014;
- (i) the submission of proposals for water supplies for fire fighting and fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.10.2013;
- (j) in relation to (i) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.1.2014;
- (k) the submission of tree preservation and landscape proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 9.10.2013;
- (l) in relation to (k) above, the implementation of tree preservation and landscape proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 9.1.2014;
- (m) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without

further notice; and

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

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

- (a) to note the Director of Land's comments that the impermissible temporary structure, shades (portions) and latrine (portion) which unlawfully encroached onto Government land where was outside the application site should be self-demolished/cleared. All portions of Government land which within the application should be excluded and to apply to his office for Short Term Waivers for the regularization of existing structures erected;
- (b) to note the Director of Fire Services' advice that:
 - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed site, fire service installations (FSIs) would need to be installed;
 - (ii) in such circumstances, except where building plan was circulated to the Centralized Processing System of Buildings Department (BD), the tenant was required to send the relevant layout plans to his Department (Address: Planning Group, 9/F, No. 1 Hong Chong Road, Fire Services Headquarters Building, Kowloon) incorporated with the proposed FSIs for approval. In doing so, the applicant should note that:
 - a. the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - b. the locations of the proposed FSIs and the access for emergency

vehicles should be clearly marked on the layout plans; and

- (iii) detailed fire safety requirements would be formulated upon receipt of formal submissions of general building plans. The applicant would need to subsequently provide such FSIs according to the approved proposal;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, BD that:
- (i) if the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject application; and
 - (ii) for unauthorized building works (UBW) erected on leased land, enforcement action might be taken by 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 acceptance of any existing works or UBW on the application site under the BO;
- (d) to note the Chief Engineer/Development(2), Water Supplies Department's comments that:
- (i) there were various existing government mains inside and in the close vicinity of the subject site. The applicant was requested to make all necessary arrangements to avoid conflict with them and take precautionary measures to avoid damage to them during his/her uses/maintenance of the site;
 - (ii) the applicant should make available at all times free access through the footpaths within the site for inspection, operation, maintenance and repair works to the water mains for staff of the Director of

Water Supplies or his/her authorized contractor(s); and

- (iii) the site was located within the flood pumping gathering ground;
- (e) to note the Director of Agriculture, Fisheries and Conservation's comments that good site practices and any measures proposed in the previous application should be adopted to avoid and minimize any potential impacts on the nearby Tan Shan River;
- (f) to note the Chief Town Planner/Urban Design & Landscape, Planning Department's comments that the existing trees along the northern site boundary were missing on the submitted landscape and tree preservation proposals. In addition, some dead trees were found within the site. Replacement of the dead trees was required; and
- (g) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area.

Agenda Items 19, 21 and 22

Section 16 Application

[Open Meeting]

A/NE-LYT/500 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 880 S.A in D.D. 83, Ma Liu Shui San Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/500)

A/NE-LYT/502 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 881 S.A in D.D. 83, Ma Liu Shui San Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/502)

A/NE-LYT/503 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 881 S.B in D.D. 83, Ma Liu Shui San Tsuen,
Fanling
(RNTPC Paper No. A/NE-LYT/503)

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

70. The Secretary reported that on 6.3.2013, the applicants requested the Board to defer making a decision on the applications for two months in order to allow time for preparation of further information to address the Chief Town Planner/Urban Design and Landscape, Planning Department’s technical concerns.

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/501 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 880 S.B in D.D. 83, Ma Liu Shui San Tsuen,
Fanling
(RNTPC Paper No. A/NE-LYT/501)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the respective Papers. 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 and the application site had high potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, three public comments were received. One comment was from Fanling District Rural Committee who objected to the application and indicated that the application was a kind of private developer’s project. As there was limited land for rural development, the Committee hoped that the rural land could be used for Small House development of villagers. The other two comments were from Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited. The former concerned that the application was not in line with the planning intention of “Agriculture” (“AGR”) zone. To safeguard the important public interest in respect of food supply, area of agricultural land in Hong Kong should not be further reduced. The government should take all possible steps to protect Hong Kong’s agricultural land to secure a stable food supply. The latter comment 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; and
 - (ii) inadequate access and parking space provision would cause conflicts amongst villagers/resident. Lands Department, as the administrator of the Small Houses Policy, had to immediately adjust the administration of the Small House Policy for villages connecting

to a public road, and only approved new Small Houses when it was confirmed that adequate access and parking space was available;

- (e) District Officer (North) received local views from the Indigenous Inhabitants Representative (IIR) of Ma Liu Shui San Tusen who raised objection to the application on the ground that the applicant was not the indigenous villager of Ma Liu Shui San Tusen. The proposed Small House development was a cross-village application which was not in line with the principle of Small House Policy and traffic to and from the application site would pass through the existing village roads which were owned by the villagers of Ma Liu Shui San Tusen; and

- (f) 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. Regarding DAFC's objection to the application, it was noted that the application site was located to the east of the "V" zone of Ma Liu Shui San Tsuen and within the 'VE' of the recognized village. The site was vacant and partly covered with grass, with village dwellings located to the west and further north; and approved Small House development to the immediate east. The proposed Small House was not incompatible with the surrounding environment. As regards the public concerns on deviation from the planning intention of "AGR" zone and food security, responses were given above and it was recommended to impose an approval condition on the submission and implementation of landscape proposals to address the possible landscape impacts. As regards the local objection regarding the cross-village application, there was insufficient land in the "V" zone of Ma Liu Shui San Tsuen to meet the future Small Houses demand and the application generally met the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories. Sympathetic consideration could be given to the application. Besides, concerned government departments including District Lands Officer/North and Commissioner for Transport had no objection on the application.

73. In response to a Member's question, Ms. Anita Lam said that an indigenous villager was entitled to apply for a piece of government land within his own village or apply for a free building licence on private land he owned within his own village for building himself a Small House. Such, if approved, would only be once in his lifetime. If there was no available land in his own village for developing his Small House, he could make cross-village application for developing his Small House in another village. If there was no objection to his Small House development from the target village, Lands Department (LandsD) would follow the normal procedure in processing the Small House application.

74. In response to a Member's query, Ms. Anita Lam clarified that for a cross-village application for Small House development, the original and target villages were required to be within the same Heung and that Heung was agreeable to the arrangements, but the applicant needed not have any kinship with the villagers in the target village. She said that not all Heungs were agreeable to cross-village arrangements.

75. In response to a Member's question, Ms. Anita Lam said that the applicant claimed himself as the indigenous villager of Fanling Village of Fanling Heung. Upon receiving his application for Small House grant, LandsD would check his eligibility for Small House grant, including whether he was an indigenous villager, and whether he had already received other benefits which rendered him not eligible. LandsD would not process his application unless his eligibility was confirmed. In response to the Member's further question, the Secretary said that if the Small House application was eventually not approved by LandsD, the planning permission obtained for the Small House development would not automatically cease to have effect. However, under such circumstance the approved planning application for the Small House development could not be implemented and the planning permission would cease to have effect after the validity period of the planning permission.

76. In response to a Member's questions, the Secretary replied that whether or not the application was a cross-village application would not be a material planning consideration. The instant case was an application for Small House development by an indigenous villager. Lands Department would assess the eligibility and status of the applicant as an indigenous villager for Small House grant at the land grant stage after the applicant had successfully sought planning approval. The larger-scale development by developers within "V" zone

would likely not be approved since such kind of development did not meet the planning intention of “V” zone. The Secretary continued to say that not all villages within “V” zone were indigenous villages.

Deliberation Session

77. 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 15.3.2017, 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 proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment / disposal facilities of the proposed development;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department 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 Director of Fire Services' comments that the applicant was reminded to observe 'New Territories Exempted House – 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 permissions were only given to the developments under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permissions from the TPB where required before carrying out the road works.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/83 Proposed Burial Ground (Reprovisioned Permitted Burial Ground) in
"Agriculture" zone, Government land in D.D. 46, near Wo Keng Shan
Road, Tai Tong Wu Village
(RNTPC Paper No. A/NE-MUP/83)

Presentation and Question Sessions

79. The Secretary reported that Civil Engineering and Development Department (CEDD) was the applicant and AECOM Asia Co. Ltd. was the consultant of the applicant. Ms. Janice Lai who had current business dealings with CEDD and AECOM, and Mr. Ivan Fu

who had current business dealings with AECOM, had declared an interest in this application. As Ms. Lai's interest was direct, the Committee agreed that she should leave the meeting temporarily for this item. The Committee noted that Mr. Fu had tendered apologies for not attending the meeting.

[Ms. Janice Lai left the meeting temporarily at this point.]

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

- (a) background to the application;
- (b) the proposed burial ground (reprovisioned permitted burial ground);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Director of Agriculture, Fisheries and Conservation (DAFC) stated that the subject site constituted partially disturbed woodlands. From a nature conservation perspective, designation of Permitted Burial Ground (PBG) in any wooded areas was not desirable as tree felling might be resulted during the construction of new graves and associated access routes. The risk of hill fire might also be increased. Also, based on the submission, it was uncertain if alternative sites had been explored for avoiding encroachment of woodlands. Nevertheless, in case the proposed reprovisioning of PBG at the subject site was considered justified and approved by the Board, granting of new grave by relevant authorities should be carefully considered in order to avoid tree felling. Good site practices during the construction of new graves and appropriate measures to control hill fire should also be implemented;
- (d) during the first three weeks of the statutory publication period, two public comments were received. A member of the North District Council supported the application on consideration of facilitating villagers in need while the Kadoorie Farm & Botanic Garden Corporation (KFBGC)

expressed concern on the potential impacts on the protected plant species *Aquilaris sinensis* by hill fire caused by the burning of joss paper and vegetation clearance by construction of new graves and urged the applicant to consider other options with less potential impacts on woodland;

- (e) District Officer (North) received local views from the Chairman of Sha Tau Kok District Rural Committee, the incumbent North District Council member and two Village Representatives of Tai Tong Wu. They supported the application because the site was originally burial ground for Tai Tong Wu Village which had not been included in the burial ground boundary, and there were many graves and urns as indicated on plan; and
- (f) 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. Although DAFC commented on the impact on tree felling and risk of hill fire, DAFC also opined that if alternative sites had been explored for avoiding encroachment of woodlands and in case the proposed reprovisioning of PBG at the subject site was considered justified and approved by the Board, granting of new grave by relevant authorities should be carefully considered in order to avoid tree felling. Good site practices during the construction of new graves and appropriate measures to control hill fire should also be implemented. Regarding KFBGC's concern on the potential impacts on the protected plant species *Aquilaris sinensis* by hill fire, these protected plant species were outside the application boundary and due to the small number of graves application expected, the disturbance to existing landscape resources could be tolerated. The applicant would be advised that good site practices during the construction of new graves and appropriate measures to control hill fire should be implemented. Besides, Liantang/Heung Yuen Wai Boundary Control Point and Connecting Road project was an important infrastructure project and reprovisioning of the PBG was required to facilitate the said project. The application site had met all criteria set by Civil Engineering and Development Department and agreed by the Indigenous Inhabitant Representatives, and no public objection had been recorded by the

concerned parties. No other alternative site was considered suitable for the subject reprovisioning. Hence, the application was justified on exceptional circumstances.

81. Members had no question on the application.

Deliberation Session

82. In response to a Member's query on the recommended advisory clause (c), Mr. Otto Chan said that according to the tree survey submitted by the applicant, endangered tree species, *Aquilaris sinensis*, were found outside the application site. It was also found that some labels marked "Preserved Tree" were attached to these endangered trees which would make them easy to be identified. To avoid damage of these trees, Chief Town Planner/Urban Design and Landscape of Planning Department therefore advised the applicant to remove the labels.

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 15.3.2017, 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.

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

- (a) to note the comments of the Commissioner for Transport that the local access leading to the site was not under Transport Department's management and the applicant was advised to check the land status of the access with the relevant lands authority;
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that granting of new grave by relevant authorities should be carefully considered in order to avoid tree felling. Good site practices during the construction of new graves and appropriate measures to control hill fire should also be implemented;

- (c) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department that with reference to the submitted photos in the Detailed Vegetation Survey, a number of the *Aquilaris sinensis* outside the application site had been cut down. To avoid further damage of the endangered tree species, the labels marked “Preserved Tree” attached to *Aquilaris sinensis* should be removed; and
- (d) to note the comments of the Director of Food and Environmental Hygiene that his permission was required for the exhumation and removal of any human remains buried, or any urn or other receptacle containing any human remains deposited.

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

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/472 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot No. 261
S.D in D.D. 8, Tai Yeung Che Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/472)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in

paragraph 9 and Appendix IV of the Paper. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site had high potential for rehabilitation of agricultural activities;

- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited which objected to the application mainly because the site located partly within the “Agriculture” zone and there was a lack of a sustainable village layout plan and parking spaces in the area;
- (e) no local objection/view was received by the District Officer (Tai Po); and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Regarding the comments from DAFC about the high potential of the site of rehabilitation for agricultural activities, it was noted that the application was generally in line with the Interim Criteria for Consideration of Application for New Territories Exempted House /Small House in the New Territories in that the proposed Small House fell entirely within the ‘Village Environ’ of Tai Mong Che Village and there was a general shortage of land in meeting the demand for Small House development in the combined “Village Type Development” zone of the Tai Mong Che and Ma Po Mei Villages. Therefore, the land available could not fully meet the future Small House demand. Sympathetic consideration could be given to the application. Regarding the public comment received objecting to the application, Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North and Chief Engineer/Project Management of Drainage Service Department and Chief Engineer/Development(2) of Water Supplies Department had no adverse comment on the application.

86. Members had no question on the application.

Deliberation Session

87. 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 15.3.2017, 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) submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) submission of a Geotechnical Planning Review Report to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB.

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

- (a) the applicant should submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes were proposed to pass to demonstrate that it was both technically and legally feasible to install sewerage pipes from the proposed New Territories Exempted House/Small House to the planned sewerage system via the relevant private lots;

- (b) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that:
- (i) septic tank and soakaway pit system might be permitted to be used as an interim measure for foul effluent disposal before public sewers were available subject to the approval of the Director of Environmental Protection (DEP). Any such permitted septic tank and soakaway pit system should be designed and maintained in accordance with the Environmental Protection Department's ProPECC Practice Note No. 5/93. The septic tank and soakaway pit system should be located at a distance of not less than 30m from any water course and should be properly maintained and desludged at a regular frequency. All sludge thus generated should be carried away and disposed of outside the water gathering grounds;
 - (ii) the proposed septic tank and soakaway system should be within the application site and within the "Village Type Development" ("V") zone; and
 - (iii) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (c) to note the DEP's comments that the proposed house should be connected to the future public sewer when available; the sewerage connection point(s) should be within the application site and within the "V" zone; adequate land should be reserved for the future sewer connection work;
- (d) to note the Chief Engineer/Mainland North and the Chief Engineer/Project Management, Drainage Services Department's (DSD) comments that:

- (i) the village sewerage works in Tai Mong Che Village would be carried out under the project 4332DS, 'Lam Tsuen Valley Sewerage—Stage 2'. The village sewerage works near the Site was scheduled to be started in 2013, for completion in 2016/2017 tentatively subject to the land acquisition progress; and
 - (ii) the proposed Small House was partly outside the "V" zone where no existing public sewerage system connection was available. Public sewers would be laid to the locations near to the proposed development under DSD's current project scheme. From technical point of view, the applicant would need to extend his sewer to the proposed public sewerage system via other private/government land. However the above information was preliminary and would be subject to revision due to actual site situation;
- (e) to note the Chief Highway Engineer/New Territories East, Highways Department's (HyD) comments that the access road from Tai Yeung Che Road to the Site was not maintained by Highways Department;
- (f) to note the Director of Fire Services' comments that 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;
- (g) to note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the Site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the Site, the applicant should carry out the following measures:
- (i) for application site within the preferred working corridor of high

voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary;

- (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structures; and
 - (iii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
- (h) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that:
- (i) the application site was overlooked by steep natural hillside and meets the Alert Criteria requiring a Natural Terrain Hazard Study (NTHS). The applicant was required to undertake a NTHS and to provide suitable mitigation measures, if found necessary, as part of the development. However, this could have significant cost implication and render the development not economically viable; and
 - (ii) to make necessary submissions to the District Lands Officer/Tai Po to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in Practice Notes for Authorized Persons (PNAP) APP56. If such exemption was not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings

Ordinance; and

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

[Prof. Edwin Chan left the meeting at this point.]

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/431 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lots 644 S.N and 646 S.G ss.3, S.H ss.2 & S.M
ss.1 in D.D. 15 and Adjoining Government Land, Shan Liu, Tai Po
(RNTPC Paper No. A/NE-TK/431)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site had high potential for agricultural rehabilitation;

- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation which objected the application on the following grounds:
- (i) the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone;
 - (ii) as the site was located within the water gathering ground (WGG), any effluent/runoff from the proposed development might have the potential to affect the WGG;
 - (iii) some suspected site formation work might have conducted in the village. Any “destroy first, build later” activities should not be tolerated;
 - (iv) the approval of the application would set an undesirable precedent for other similar applications causing cumulative impacts on the area; and
 - (v) there was a lack of sustainable layout plan for infrastructure and amenities, and also a lack of access and parking facilities in the area;
- (e) no local objection/view was received by the District Officer (Tai Po); and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. As regards DAFC’s comments, the site was a piece of abandoned agricultural land sparsely covered with weeds. Chief Town Planner/Urban Design & Landscape of Planning Department had no objection to the application from landscape planning point of view. There were public comments against the proposed development raising concerns on the potential adverse impacts on the “AGR” zone and the WGG.

Sympathetic consideration could be given to the application given that the site was a piece of abandoned agricultural land sparsely covered with weeds; the proposed developments complied with the Interim Criteria for Consideration of Application for New Territories Exempted House /Small House in the New Territories; there were similar approved applications in the vicinity of the site; and concerned government departments had no adverse comment on the application. The concerns of the commenters could be addressed through imposition of approval conditions to minimize the potential adverse impacts on the surrounding area. Regarding the commenters' concern on site formation works in the village, the site was not the subject of any active enforcement cases.

90. Members had no question on the application.

Deliberation Session

91. 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 15.3.2017, 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 occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) to note comments of the Director of Environmental Protection that the construction of the proposed Small House should not be commenced before the completion of the public sewerage system. Upon completion of the sewer, the applicant should connect the proposed Small House to the public sewerage system at his own costs;
- (b) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);
- (c) to note comments of the Chief Engineer/Mainland North, Drainage Services Department that 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/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. The applicant should maintain a clear distance of 3.5m from the top of the embankment of existing/original natural stream course and set back the proposed house accordingly. In case of the flow path/stream course had been filled up, the applicant should clarify how to re-provide and avoid encroaching upon the original flow path;
- (d) to note comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his 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 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 during land grant stage;
- (f) to note comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make necessary submission to the LandsD to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption was not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (g) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/432 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Lot 544 in D.D. 28, Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/432)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Noting that the proposed Small House was located about 80m away from the planned sewerage system and had to cross a number of private lots for making sewerage connection, the Director of Environmental Protection (DEP) did not support the application and raised concerns on the potential water quality impact on the nearby Lung Mei area if connection to the planned sewerage system was not feasible. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view. Although significant adverse impact on existing landscape resources from the proposed scheme was not expected, the subject slope area acted as a significant buffer between two distinctive landscape characters – the dense undisturbed hillside woodland to the north of Pat Sin Leng Country Park, and the village proper to the east and south of the site. If this application was approved, similar developments would be encouraged within the “Green Belt” (“GB”) zone resulting in village developments be extended further towards the edge of dense woodland of the country park and thus inevitably degrading the landscape quality in the area. Should the application be approved, landscape condition was recommended;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation. The commenters objected to the application on the grounds that the proposed development was not in line with the planning intention of the “GB” zone and did not comply with the Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’; the approval of the application would set an undesirable precedent causing cumulative impacts on the area; there was

a lack of sustainable layout plan for infrastructure and amenities; and there was a lack of access and parking facilities in the area;

- (e) no local objection/view was received by the District Officer (Tai Po); and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper, which were summarized as follows:
 - (i) the proposed development was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
 - (ii) according to the District Lands Officer/Tai Po's record, the total number of outstanding Small House applications for Lung Mei, Tai Mei Tuk and Wong Chuk Tsuen was 133 while the 10-year Small House demand forecast for the same villages was 206. Based on the latest estimate by the Planning Department, about 3.91 ha (or equivalent to about 156 Small House sites) of land were available within the “Village Type Development” (“V”) zone of Lung Mei, Tai Mei Tuk and Wong Chuk Tsuen. Therefore, the land available could not fully meet the future Small House demand of about 8.48 ha (or equivalent to about 339 Small House sites);
 - (iii) the site was located on a slope with some fruit trees. The village proper of Lung Mei, Tai Mei Tuk and Wong Chuk Tsuen were located to its south. The area to the north of the site was covered by some graves, native trees and vegetation. The applicant proposed to build the Small House on a raised platform at +27mPD supported by footings at a maximum of 1.7m high. Although the Head of Geotechnical Engineering Office, Civil Engineering and

Development Department had no comment on the proposed development, the site formation works required for construction of the proposed development and its associated raised platform could cause adverse landscape impacts on the subject vegetated slope area which served as a buffer between the natural vegetated hillsides to the north and the village proper to the south. In this regard, the CTP/UD&L of PlanD objected to the application from landscape planning of view and advised that the subject slope area acted as a significant buffer between two distinctive landscape characters – the dense undisturbed hillside woodland to the north of Pat Sin Leng Country Park and the village proper to the east and south of the site. Approval of the application would encourage more village developments extending further towards the edge of dense woodland of the country park and thus inevitably degrading the landscape quality in the area;

- (iv) while there was planned sewerage system at Tai Mei Tuk, the proposed Small House was located about 80m away from the planned sewerage system and had to cross a number of private lots for making sewerage connection. DEP did not support the application and raised concerns on the potential water quality impact on the nearby Lung Mei area if connection to the planned sewerage system was not feasible. There was no information in the submission to demonstrate that the proposed development would have no adverse sewerage impacts on the surrounding area;
- (v) in view of the above, although more than 50% of the proposed Small House footprint fell within the ‘Village Environ’ and there was a general shortage of land in meeting the future Small House demand, the proposed development did not meet the Interim Criteria for Consideration of Application for Small House in New Territories in that the proposed development would cause adverse landscape and sewerage impacts on the surrounding areas. The proposed Small House also did not comply with the TPB-PG No. 10

for development within “GB” zone in that the proposed development and the associated site formation works would affect the existing natural landscape in the subject vegetated slope area which served as buffer area between village development and natural vegetated hillsides. Approval of the application would result in further encroachment onto the Pat Sin Leng natural hillsides to the north of the site;

- (vi) as regards the similar application No. A/NE-TK/204 for development of 37 Small Houses approved by the Committee in 2006, it should be noted that sympathetic consideration was given at that time as planning permissions for Small Houses had previously been granted by the Board in 2000 and the related Small House applications had been approved by Lands Department in 2001; and
- (vii) there were public comments against the application concerning on the adverse impacts on the surrounding areas under “GB” zone.

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 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. The site and its adjoining slopes served as a buffer between the natural vegetated hillsides to the north and the village proper to the south. 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 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.

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/433 Proposed House (Redevelopment) in “Coastal Protection Area” and
“Road” zones, Lots 721 S.A RP (Part), 727 S.C (Part) and 727 S.C ss.1
S.A & RP in D.D. 23 and Adjoining Government Land, Po Sam Pai,
Tai Po
(RNTPC Paper No. A/NE-TK/433)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (redevelopment);
- (c) departmental comments – concerned departments had no objection to or

adverse comment on the application as detailed in paragraph 8 of the Paper;

- (d) during the first three weeks of the statutory publication period, one public comment was received from local villagers. The commenters objected to the application on the grounds that government land in Po Sam Pai should not be granted to non-indigenous villagers; and the approval of the application would set an undesirable precedent for other similar applications causing adverse impacts on the surrounding environment and the nearby mangrove protection areas;
- (e) no local objection/view was received by the District Officer (Tai Po); and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. As regards the public comment received, relevant government departments, including Director of Environmental Protection, Director of Agriculture, Fisheries and Conservation, Chief Engineer/Mainland North of Drainage Services Department, Chief Engineer/Development(2) of Water Supplies Department and Chief Town Planner/Urban Design & Landscape of Planning Department, had no adverse comments on the proposed development. The commenters' concerns could be addressed by imposing approval conditions to minimize the potential adverse impacts on surrounding area. The applicant would also be advised to avoid impacts, in particular physical encroachment and water pollution, to sensitive area adjacent to the site and exercise good site practice during construction.

97. Ms. Anita Lam advised that the subject application involved government land and suggested to revise the advisory clause (a) indicating that the applicant would need to apply to Lands Department (LandsD) for using the government land, and such application would be considered by LandsD acting in the capacity as the private landlord at its sole discretion. There was no guarantee that the application would be approved and in the event that the application was approved, it would be subject to such terms and conditions as the Government would see fit to do so. The Committee agreed to revise the advisory clause (a) accordingly.

Deliberation Session

98. 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 15.3.2017, 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; and
- (c) the provision of fire fighting installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that only a small part of 0.01 ac. building portion of ex-Lot No. 721 S.A issued under Building Licence No. 30/48 was included in the application, and the existing House No. 5 might encroach onto Lot No. 721 S.A RP sub-divided from ex-Lot No. 721 S.A. The applicant had to clarify whether 0.01 ac building land of Lot No. 721 S.A RP would be wholly contributed for the redevelopment. The LandsD would not accept redevelopment application involved part(s) of Lot No. 721 S.A RP unless it was further carved out. Regarding the inclusion of Lot No. 727 S.C (Part), which was an Old Schedule agricultural lot not owned by the applicant, he would only consider giving approval to the rebuilding application on private lots with “building” status which were owned by the applicant. The application site involved government land. The applicant would need to apply to LandsD for using the government land. The application would be considered by LandsD acting in the capacity as the private landlord at its

sole discretion. There was no guarantee that the application would be approved and in the event that the application was approved, it would be subject to such terms and conditions as the Government would see fit to do so;

- (b) to note comments of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid impacts, in particular physical encroachment and water pollution, to sensitive area adjacent to the site and exercise good site practice during the course of construction period;
- (c) to note comments of the Chief Engineer/Mainland North, Drainage Services Department that there was existing public sewerage available for connection in the vicinity of the site. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development. There was no public drain in the vicinity of the site. The applicant/owner was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/ owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems; and
- (d) to note comments of the Chief Engineer/Development(2), Water Supplies Department that there were existing government mains in the close vicinity of the site, the applicant was requested to make all necessary arrangements to avoid conflict with them and take precautionary measures to avoid damage to them during construction works. The cost of diversion of existing water mains would have to borne by the applicant.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/434 Proposed 2 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” and “Green Belt” zones, Lot 653 S.B in D.D. 15 and Adjoining Government Land, Shan Liu, Tai Po
(RNTPC Paper No. A/NE-TK/434)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix V of the Paper. 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;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation which objected the application on the following grounds:
 - (i) the proposed development was not in line with the planning intentions of “Agriculture” (“AGR”) and “Green Belt” (“GB”) zones, and did not comply with the Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’;

- (ii) as the site was located within the water gathering ground (WGG), any effluent/runoff from the proposed development might have the potential to affect the WGG;
 - (iii) some suspected site formation work might have conducted in the village. Any “destroy first, build later” activities should not be tolerated;
 - (iv) approval of the application would set an undesirable precedent for other similar applications causing cumulative impacts on the area; and
 - (v) there was a lack of access and parking facilities in the area.
- (e) no local objection/view was received by the District Officer (Tai Po); and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 13 of the Paper. As regards DAFC’s comments, the site was a piece of abandoned agricultural land sparsely covered with weeds. Chief Town Planner/Urban Design & Landscape of Planning Department had no objection to the application from landscape planning point of view. There were public comments against the proposed development raising concerns on the potential adverse impacts on the “AGR” and “GB” zones and the WGG. Sympathetic consideration could be given to the application given that the site was a piece of abandoned agricultural land sparsely covered with weeds; the proposed developments complied with the Interim Criteria for consideration of application for Small House in the New Territories; there were similar approved applications in the vicinity of the site and concerned government departments had no adverse comment on the application. The commenters’ concerns could be addressed through imposition of approval conditions to minimize the potential adverse impacts on the surrounding area. Regarding the commenters’ concern on site formation works in the village, the site was not the subject of any

active enforcement cases.

101. Members had no question on the application.

Deliberation Session

102. 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 15.3.2017, 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.

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

- (a) to note comments of the Director of Environmental Protection that the construction of the proposed Small Houses should not be commenced before the completion of the public sewerage system. Upon completion of the sewer, 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) to note comments of the Chief Engineer/Mainland North, Drainage Services Department that 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/owners should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. The applicants should maintain a clear distance of 3.5m from the top of the embankment of existing/original natural stream course and set back the proposed houses accordingly. In case of the flow path/stream course had been filled up, the applicants should clarify how to re-provide and avoid encroaching upon the original flow path;

- (c) to note 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;

- (d) to note 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;

- (e) to note 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 satisfies 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

- (f) 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) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[The Chairman thanked Mr. David Y.M. Ng, Ms. Maggie M.Y. Chin, Mr. Otto K.C. Chan and Mr. C.T. Lau, STPs/STN, for their attendance to answer Members' enquires. Mr. Ng, Ms. Chin, Mr. Chan and Mr. Lau 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 and Ms. Bonita K.K. Ho, Senior Town Planners/Sha Tin, Tai Po and North (STPs/TMYL), were invited to the meeting at this point.]

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

104. The Secretary reported that MVA Hong Kong Ltd. was the consultant of the applicant. Mr. Ivan Fu, who had current business dealings with MVA Hong Kong Ltd., had

declared an interest in this application. The Committee noted that Mr. Fu had tendered apologies for not attending the meeting.

105. 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 warehouse (for storage of used and new construction materials and equipments) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to 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, 11 public comments were received, of which 4 objected to the application and 7 supported or had no objection to the application. Out of the 11 comments received, one was submitted by a Village Representative and the others were submitted by the nearby residents or the public. The comments were summarised below:
 - (i) a Village Representative, two local residents and a member of the public objected to the application mainly on grounds that the proposed development would generate adverse traffic, environmental, hygiene and/or drainage impacts; the dumping of construction wastes or land filling activities around the site already caused environmental nuisance and generated flooding problems; the increased traffic in the vicinity would generate safety issues; and the proposed warehouse use should be located in the industrial area instead of a comprehensive development area;
 - (ii) seven local residents supported or had no objection to the application on grounds that the proposed development was

temporary in nature and could develop the existing vacant land into a warehouse with tidy, clean, well established drainage facilities and landscaping treatments and could be set as a good example for the nearby open storage sites; and the proposed development would not affect the long term planning of the site;

- (e) District Officer (Yuen Long) received local views from a resident who raised objection on traffic, environmental and safety grounds; and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 11 of the Paper. Regarding the public objections received, there was no adverse comments/objection from concerned departments including Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection and no significant adverse impacts were anticipated. Also, with the implementation of approval conditions (a) to (e), the potential impact on the surrounding environment would be further reduced. Any non-compliance with the approval condition would result in revocation of the planning permission.

106. Members had no question on the application.

Deliberation Session

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.3.2016, 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. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;

- (c) no dismantling, repairing or other workshop activities, as proposed by the applicant, was allowed on the site at any time during the planning approval period;
- (d) no light goods vehicles (except goods vans), medium or heavy goods vehicle exceeding 3.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, or coach, as proposed by the applicant, was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) a notice should be posted at a prominent location of the site to indicate that no light goods vehicles (except goods vans), medium or heavy goods vehicle, exceeding 3.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance, or coach was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (f) the submission of a 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 15.9.2013;
- (g) in relation to (f) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.12.2013;
- (h) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.9.2013;
- (i) in relation to (h) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.12.2013;
- (j) the submission of a 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 15.9.2013;

- (k) in relation to (j) above, the implementation of the 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 15.12.2013;
- (l) the provision of fencing 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 15.9.2013;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) was not complied with by the above 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 to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with other owner(s) of the site;
- (b) note the District Lands Officer/Yuen Long's comments that the site comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without prior approval of the Government. No approval had been given to the specified structures as warehouses and ancillary

accommodation of fire service installations and equipments; access to the site required traversing through private lot and/or government land (GL). His office provided no maintenance works for the GL involved and did not guarantee right-of-way; and should planning approval be given to the application, the lot owners would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. Such applications would be considered by his department 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 Lands Department;

- (c) adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any possible environmental nuisances;
- (d) note the Commissioner for Transport’s comment that the section of Yung Yuen Road leading to the site was a substandard village tracks and fell outside Transport Department’s (TD) purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. The vehicles access to the site should be limited to light goods vehicles and private cars;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department’s (HyD) comments that the proposed access arrangement of the site from Yung Yuen Road should be commented and approved by TD; adequate drainage measures should be provided at the site access to prevent surface water running from the site to the nearby public roads and drains; and HyD should not be responsible for the maintenance of any vehicular access between the site and Yung Yuen Road;

- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that the applicant's attention was drawn to the following points:
- (i) if the existing structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), they were unauthorized under Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;
 - (ii) before any new building works (including container as temporary buildings) were to be carried out on the 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 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; and
 - (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;
- (g) note the Director of Fire Services' comments on the requirements in formulating fire services installations (FSIs) proposal in Appendix III of the Paper. 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) note the Director of Electrical and Mechanical Services' comment 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 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;
 - (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; and
- (i) note the Chief Engineer/Development (2), Water Supplies Department's comment that the water mains in the vicinity of the site could not provide the standard Pedestal hydrant.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/405 Temporary Open Storage of New Vehicles (Cars, Taxis, Light Goods Vehicles and Light Buses Only) for a Period of 3 Years in “Recreation” and “Village Type Development” zones, Lots 88 RP(Part), 89(Part), 90, 91 RP(Part), 92 RP, 93 to 105, 106(Part), 107(Part), 108, 109, 110(Part), 111, 112(Part), 113(Part), 233(Part), 234(Part), 235(Part), 236(Part), 295(Part), 296, 297, 298 S.A to S.D, 298 RP, 299, 300, 301(Part), 302(Part), 303 to 305, 306(Part), 312(Part), 313(Part), 314(Part), 316(Part), 317(Part), 318 and 319(Part) in D.D. 126 and adjoining Government Land, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/405)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary open storage of new vehicles (cars, taxis, light goods vehicles and light buses only) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a member of the Yuen Long District Council (YLDC) who objected to the application on the grounds that the applied use was not in line with the “Recreation” (“REC”) zone and would frustrate the implementation of the long-term planning intention;

- (e) no local objection/view was received by the District Officer (Yuen Long);
and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. As regards the objecting public comment, there was currently no known recreational proposal on the site. Given the temporary nature of the applied use, the long-term planning intention of the “REC” zone would not be compromised.

110. Members had no question on the application.

Deliberation Session

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.3.2016, 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 9:30 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no repair, car washing or other workshop activities were allowed on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, buses exceeding 16 seats, container vehicles, container tractors and trailers were allowed to be parked on the site at any time during the planning approval period;
- (d) the delivery route to and from the site via Tin Wah Road, as proposed by the applicant, should be adhered to at all times during the planning approval period;
- (e) the existing trees within the site boundary should be maintained at all times

during the approval period;

- (f) the existing drainage facilities on the site should be maintained at all times during the approval period;
- (g) the submission of the condition record of the existing drainage facilities on-site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.9.2013;
- (h) the provision of peripheral fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.9.2013;
- (i) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.9.2013;
- (j) in relation to (i) above, the provision 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 15.12.2013;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owners of the site;
- (b) note the District Lands Officer/Yuen Long's comments that the private land involved in the application comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without prior approval of the Government. No approval was given for the proposed specified structures as guard kiosk. No permission had been given for the 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 required traversing through an informal track on GL. His office did not provide maintenance works for the GL involved nor guarantee right-of-way. The concerned lot owners still needed to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. The applicant had to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by 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) adopt the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (d) note the Commissioner for Transport's comments that sufficient manoeuvring spaces should be provided within the site and no vehicle was allowed to queue back to public road or reverse onto/from public road.

The land status of the road/path/track leading to the site should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (e) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the proposed vehicular access arrangement should be agreed by Transport Department and HyD should not be responsible for the maintenance of any access connecting the site and Tin Wah Road. Adequate drainage measure should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized building works/structures should be removed. All building works were subject to compliance with Buildings Ordinance (BO). Authorized Person had to be appointed to coordinate all building works. The granting of any planning approval should not be construed as an acceptance of any existing building works or unauthorized building works on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
- (g) note the Director of Fire Services' (D of FS) comments that in formulating fire service installations (FSIs) proposal for the proposed structures, the applicant was advised to make reference to the requirements that for other storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures: portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy and the applicant should adhere to the Good Practice Guidelines For Open Storage Sites issued by Fire Services Department. 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, the applicant was required to provide justifications to D of FS for consideration.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/228 Temporary Private Car and Heavy Construction Vehicle Park with Ancillary Vehicle Repair Workshop and Ancillary Site Office for a Period of 3 Years in “Green Belt” and “Residential (Group D)” zones, Lots 2424, 2425, 2426 (Part) and 2427 (Part) in D.D. 130 and Adjoining Government Land, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/228B)

Presentation and Question Sessions

113. To start with, Mr. K.C. Kan, STP/TMYL, made clarification on paragraph 1.4 of the Paper that the description of the unauthorized development as land filling was not correct. The unauthorized development should be workshop use, parking of vehicles and storage use. Mr. K.C. Kan then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied temporary private car and heavy construction vehicle park with ancillary vehicle repair workshop and ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Director of Environmental Protection (DEP)

stated that according to the revised Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites issued by the DEP, he did not support the application because (a) the temporary uses would cause traffic of heavy vehicles; and (b) the site boundary was within 100m from residential buildings, and environmental nuisance was expected. He also noted that the site was within an area where no public sewer was available in the vicinity. In connection with this, the applicant was reminded that all wastewaters from the site should comply with the requirements stipulated in the Water Pollution Control Ordinance. Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. Based on the information submitted and aerial photos taken on 7.5.2005 and 22.12.2006 and 1.11.2010, it was noted that the site, which mostly fell within the "Green Belt" ("GB") zone with only a very small part falling within the "Residential (Group D)" ("R(D)") zone, was vacant grassland in 2005 and had been disturbed since then. The site was located next to Yuen Long Highway and surrounded by mixed rural uses, such as port back-up sites, vehicle parks, scattered village houses, temporary farm structures, etc. Densely wooded areas with trees of significant size could be found towards the north and west of the site. Although the site was currently hard paved with no existing vegetation and the applied uses on the site were unlikely to impose significant adverse impact on the existing landscape resources, the applied uses were considered not compatible with the planning intention, nature and landscape character of the "GB" zone. Moreover, if the application was approved by the Board, it would set an undesirable precedent to encourage more incompatible uses encroaching into the green belt causing further deterioration of its landscape quality and intactness. However, should the application be approved by the Board, in view of the above, landscape conditions requiring the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Board were recommended to be included in the planning permission;

- (d) during the first three weeks of the statutory publication period, 27 public

comments supporting the application were received. A Member of Tuen Mun District Council supported the application without giving any reason. The Chairman and Vice-chairman of Tuen Mun Rural Committee supported the application on the grounds that the site was suitable for the applied uses. The Village Representatives (VRs) of Chung Uk Tsuen, Fuk Hang Tsuen, Lam Tei Tsuen, Leung Tin Tsuen, Nai Wai, Nim Wan Tsuen, So Kwun Wat Tsuen, Siu Hang Tsuen, Sun Fung Wai, Tsing Chuen Wai, Tuen Mun San Hing Tsuen, Tuen Mun San Hui Tsuen, Tuen Mun Tsing Shan Tsuen, Wo Ping San Tsuen, Yeung Siu Hang Tsuen and Yick Yuen Tsuen also supported the application on the grounds that the site was suitable for the applied uses;

- (e) District Officer (Tuen Mun) received local views from the public commenters same as those mentioned in paragraph 96(d) above as well as a Village Representative of Po Tong Ha Tsuen. Their views were the same as the public comments as mentioned in paragraph 96(d) above; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper and were summarized below:
 - (i) the application site was subject to enforcement action against unauthorized vehicle repair workshop. On 4.5.2012, the Committee decided to defer a decision on the application as requested by the Planning Department as the site was subject to planning enforcement action for unauthorized vehicle repair workshop. A Reinstatement Notice (RN) had been served to the concerned parties on 28.1.2013 requiring reinstatement of the site by 28.4.2013. For planning application when a RN had been served, the Board could take into account the expected state of the application site as required in the RN in considering the case;
 - (ii) the planning intention of the “Green Belt” (“GB”) zone was primarily for defining the limits of urban and sub-urban

development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. The “GB” zone also provided a buffer between the Yuen Long Highway and adjoining uses. The planning intention of the “R(D)” zone was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It was also intended for low-rise, low-density residential developments subject to planning permission from the Board. The proposed development comprising vehicle repair workshop was a potential environmental nuisance. Its operation was against the intention and function of the “GB” zone concerned, which was to form a buffer for mitigating environmental impact from the Yuen Long Highway. Moreover, the “R(D)” zoning was not intended for vehicle repair workshop and parking of heavy construction vehicles. The proposed development was not in line with the planning intention of the “GB” and “R(D)” zones. The applicant had not provided strong planning justification for departing from the planning intention, even on a temporary basis;

- (iii) the proposed development did not comply with the criteria of the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that the proposed development was not in line with the presumption against development and would have adverse environmental, drainage and landscape impacts on the surrounding areas. The DEP also did not support the application because the proposed development would cause traffic of heavy vehicles and the site boundary was within 100m from residential building. The nearest residential structure was about 10m to the northeast of the site. The Chief Engineer/Mainland North, Drainage Services Department commented that the submitted drainage proposal was incomplete. The Chief Town Planner/Urban Design

& Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application and commented that the proposed development was not compatible with the nature and landscape character of the area. The submitted landscape proposal had not been accepted by the CTP/UD&L, PlanD. The applicant failed to address the adverse environmental, drainage and landscape impacts; and

- (iv) except Application No. A/TM-LTY Y/160 (which was related to the same “GB” and “R(D)” zones), all similar applications within the same “GB” zone were rejected. Application No. A/TM-LTY Y/160 fell within an area partly zoned “R(D)” (about 50.7%) and partly zoned “GB” (about 49.3%). It was not entirely the same as the current application in that the major concern of Application No. A/TM-LTY Y/160 was related to the storage use and the 2 private car parking spaces were for the landowner’s private parking. The Committee had not approved any vehicle park or vehicle repair workshop in the “GB” zone concerned. The approval of the application would therefore set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect would result in a general degradation of the environment of the area.

114. In response to the Chairman’s question, Mr. K.C. Kan said that the unauthorized development at the application site had been cleared and the Reinstatement Notice was issued requiring the removal of hard-paving and grass the land.

Deliberation Session

115. 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”) and “Residential (Group D)” (“R(D)”) zones. The

proposed development would create adverse environmental impact to the surrounding residential use. 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) as the applicant failed to demonstrate that the potential environmental, drainage and landscape impacts on the surrounding areas generated by the proposed development could be adequately addressed; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” and “R(D)” zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site was the subject of

four previous approved Applications No. A/TM-LTYT/126, 135, 179 and 192 for the same use. The permissions under applications No. A/TM-LTYT/126, 179 and 192 were revoked due to failure in complying with approval conditions;

- (b) the proposed temporary sale of vehicles (private cars and light goods vehicles) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Commissioner for Transport (C for T) advised that there had been public complaints on illegal parking of vehicles on footpath/cycle track near the lot being occupied by an existing car sales company. The proposed use would inevitably attract vehicle ingress/egress across public footpath and cycle track and leave the current illegal parking problem unresolved. As such the applicant should construct a proper run-in and undertake to carry out precaution measures, e.g. erecting fences/bollards etc., to ensure there was no illegal parking on public road including cycle track and footpath. The further information submitted had not addressed his concern on the need to construct a proper run-in/run-out. Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) required the applicant to submit proposal demonstrating that the applicant's proposed vehicular access would not affect the existing drainage channel alongside Castle Peak Road – Hung Shui Kiu section to the satisfaction of his department;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a Village Representative of Chung Uk Tsuen who had no comment on the application as the site was outside the 'Village Environ' of Chung Uk Tsuen;
- (e) no local objection/view was received by the District Officer (Tuen Mun);
and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the

application based on the assessments made in paragraph 11 of the Paper and were summarized below:

- (i) the planning intention of the “Village Type Development” (“V”) zone was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. According to the District Lands Officer/Tuen Mun, there was currently no Small House development proposed at the site. Granting permission on a temporary basis for 3 years would not jeopardize the long-term planning intention of the “V” zone;
- (ii) the development was for sales of vehicles (private cars and light goods vehicles) at the site. The applicant had indicated that there would be no car washing or other workshop activity at the site. It was therefore considered that the proposed development was not incompatible with the immediate surrounding land uses mixed with vehicles repair workshop and residential dwellings;
- (iii) there were 3 revocations of permission for the same temporary development at the site. The permission for Application No. A/TM-LTY Y/126 was revoked due to non-compliance with conditions on fire safety, vehicular access and drainage. The permission for Application No. A/TM-LTY Y/179 was revoked due to non-compliance with condition on submission of FSIs proposal. The permission for Application No. A/TM-LTY Y/192 by the same applicant was revoked due to non-compliance with conditions on implementation of drainage facilities and submission and implementation of proposal demonstrating the vehicular access would not affect the existing drainage channel alongside Castle Peak Road – Hung Shui Kiu, even after a period of 32 months. Although the applicant had not complied with conditions on fire

safety and drainage, the applicant had, in this application, only submitted a drainage proposal. Although the CE/MN, DSD had no further comment on the proposed drains, he still required the applicant to demonstrate that the vehicular access would not adversely affect the existing drainage channel along Castle Peak Road – Hung Shui Kiu. Against this background, it was doubtful that the potential adverse drainage impacts of the development could be duly addressed by way of imposing approval conditions. Under such circumstances, the applicant failed to demonstrate that the proposed development would not cause adverse drainage impacts on the surrounding area;

- (iv) C for T commented that there had been public complaints on illegal parking of vehicles on public footway/cycle track near the site which was occupied by the applicant. He considered that the development would inevitably leave the current illegal parking problem unresolved. C for T required the applicant to provide a proper run-in/run-out and implement measures to ensure no illegal parking of vehicles on public road (including footway and cycle track). The applicant indicated that the illegal parking of vehicles on the footpath and cycle track would be removed and undertook to carry out measures suggested by the Transport Department to erect fencing along the lots boundaries to ensure there was no illegal parking on public road including cycle track and footpath. However, C for T considered that the further information had not addressed his concern on the need to construct a proper run-in/run-out. In this regard, the applicant had not submitted any run-in/run-out proposal. The applicant therefore failed to demonstrate that the proposed development would not generate adverse traffic impacts on the surrounding area; and
- (v) while the development might be tolerated in the interim, the applicant needed to demonstrate that all potential adverse impacts arising from the development could be adequately mitigated. As

such, approval conditions relating to environmental, landscape, drainage, traffic and fire safety aspects were imposed on the four previous planning permissions for the same use at the site. However, three of the previous permissions (Applications No. A/TM-LTYT/126, 179 and 192) were revoked due to failure to comply with approval conditions on vehicular access, fire safety and drainage. The applicant had been advised in the last permission that sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions.

117. Members had no question on the application.

Deliberation Session

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

- (a) the applicant failed to demonstrate that the proposed development would not generate adverse drainage and traffic impacts; and
- (b) the application involved three previously revoked planning permissions due to non-compliance with the approval conditions. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar planning permission for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control mechanism.

Agenda Item 33

Section 16 Application

[Open Meeting]

A/TM-LTY Y/249 Proposed Comprehensive Development (Flat, House, Village Office and Public Open Space) in “Comprehensive Development Area” and “Green Belt” zones, Lots 837 RP, 839 S.A, 841, 1035 RP, 1037 RP, 2527 S.E and 2527 S.F in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/249A)

119. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Company Limited (Henderson) with ADI Limited, MVA Hong Kong Limited and Westwood Hong & Associates Limited as consultants. The following Members had declared interests in this application:

- Mr. Ivan Fu - had current business dealing with Henderson, ADI Limited, MVA Hong Kong Limited and Westwood Hong & Associates Limited
- Ms. Janice Lai - had current business dealing with Henderson and ADI Limited

120. As the case was for deferral, the Committee agreed that Ms. Lai could stay in the meeting. The Committee noted that Mr. Fu had tendered apologies for not attending the meeting.

121. The Secretary reported that on 21.2.2013, the applicant requested the Board to further defer making a decision on the application for one month so as to allow time to fine-tune the development scheme in response to comments of the relevant government departments.

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

applicant. The Committee also agreed to advise the applicant that one more month resulting in a total of three months were allowed for preparation of the submission of the further information, 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-MP/209 Social Welfare Facility (Residential Home for Persons with Disabilities) in “Village Type Development” zone, Lot 2369 S.B ss. 19 in D.D. 104, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/209)

Presentation and Question Sessions

123. 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 applied social welfare facility (residential home for persons with disabilities);
- (c) departmental comments – concerned departments had no objection to or adverse comment on the application as detailed in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, three public comments were received. A resident at Tai Yuen Villa objected to the application on the ground that there had already been four similar residential care homes for the elderly or persons with disabilities in Tai Yuen Villa, which had already accounted for about half of the premises of Tai Yuen Villa. Another public comment made by 6 individuals strongly

objected to the application without giving reason. The third public comment submitted by the Management Office of Tai Yuen Villa with signatures of 271 residents objected/strongly objected to the application mainly on social and noise nuisances, hygiene, insufficient facilities, estate management, security of the residential estate, incompatibility with the predominant residential use grounds;

- (e) District Officer (Yuen Long) received a local objection to the application on the ground that there had already been four similar residential care homes for elderly or persons with disabilities in Tai Yuen Villa, which had already accounted for about half of the premises of Tai Yuen Villa; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. As regards the public comments objecting to the application, the Director of Social Welfare (DSW) had stated that the residential care homes mentioned in the public comment were residential care homes for the elderly (RCHEs). Besides, the inspectors of his Licensing Office of Residential Care Homes for Persons with Disabilities (RCHD) performed the relevant statutory duties and conducted inspections in respect of building safety, fire safety, health care and management of RCHDs so as to ensure that all RCHDs complied with the statutory requirements in staffing, space and layout, building structure, precautionary measures and quality of care, etc. under the Residential Care Homes (Persons with Disabilities) Ordinance. The subject RCHD was required to comply with the relevant licensing requirements. In respect of the public comments on the aspects of social and noise nuisances, hygiene, security of the residential estate, DSW had advised the operator of the subject RCHD to ensure a proper management of the RCHD so as to avoid causing any nuisance to the public. His Department had not received any complaint against the RCHD in this regard. Nevertheless, DSW should continue to monitor the operation of RCHDs and conduct unannounced inspections accordingly. He considered that the development would provide service to persons with disabilities who were in need of residential care. With respect of the

security of the residential estate, Commissioner of Police advised that he had no comment in this context. Nevertheless, he would step up patrol at the concerned location for crime prevention purpose. Besides, the applicant would be advised to liaise with the owners and residents of Tai Yuen Villa to address their concerns.

124. Members had no question on the application.

Deliberation Session

125. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

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

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

- (a) prior planning permission should have been obtained before commencing the development on the site;
- (b) the planning permission was given to the structure under application. It did not condone any other structure which currently occurred on the site but not covered by the application. The applicant should be requested to take immediate action to remove such structure not covered by the permission;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comment that an unauthorized canopy was found erected on the roof-top of the structure. His office might take enforcement action against the unauthorized structure;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that he understood that a certificate of exemption

had been issued by Social Welfare Department to the applicant requiring certain building safety requirements to be fulfilled, including the removal of unauthorized building works (UBWs). The UBWs should not be designated for any approved use under the application. The granting of planning approval should not be construed as an acceptance of any existing building works or unauthorized building works at the site under the Buildings Ordinance;

- (e) to note the Director of Environmental Protection's comments that the area was not provided with public sewerage. Effluent discharge from the proposed premises was subject to control under the Water Pollution Control Ordinance. The applicant was advised to approach his Regional Office (North) in regard of sewage treatment and disposal requirements as effluent discharge from the proposed development was subject to control under the Water Pollution Control Ordinance;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the development should neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas;
- (g) to note the Director of Fire Services' comments 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 stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which was administered by the Buildings Department; and
- (h) to liaise with the owners and residents of Tai Yuen Villa to address their concerns.

Agenda Item 35

Section 16 Application

[Open Meeting]

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

127. The Secretary reported that ADI Limited, Meta 4 Design Forum Limited and Environ Hong Kong Limited were the consultants of the applicant. Mr. Ivan Fu who had current business dealings with these companies, and Ms. Janice Lai who had current business dealings with ADI Limited, had declared an interest in this application. As the case was for deferral, the Committee agreed that Ms. Lai could stay in the meeting. The Committee noted that Mr. Fu had tendered apologies for not attending the meeting.

128. The Secretary reported that on 8.3.2013, the applicant requested the Board to defer making a decision on the application for two months to allow time to prepare responses to comments and the revised technical assessments, including revised Environmental Assessment, Landscape Master Plan and photomontages, to address the departmental comments on the application.

129. 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 more months resulting in a total of six months were allowed for preparation of the submission of the further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary container vehicle park with ancillary office and storage 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 (a residential dwelling was about 65 m away to the southeast) and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one comment was received from a Yuen Long District Council member who objected to the application as it involved long operation hours from 7:00 a.m. to 11:00 p.m. and several planning permissions at the site had been revoked previously;

- (e) no local objection/view was received by the District Officer (Yuen Long);
and

- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. As regards DEP's comments, it was noted that there was no environmental complaint against the site over the past three years. Notwithstanding, to address DEP's concern and mitigate any potential environmental impacts, approval conditions on restriction on the operation hours and workshop activities on-site had been recommended in paragraphs 13.2(c) and (d) of the Paper. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant would also be advised to follow the latest Code of Practice (COP) to minimize the possible environmental impacts on the nearby sensitive receivers. As regards the public comment on the long operation hours and previous revocations at the site, in accordance with the COP issued by DEP, noisy operations should be prohibited from 11:00 p.m. to 7:00 a.m. For this reason, similar planning applications in the vicinity of the site were allowed for operation between 7:00 a.m./8:00a.m. and 11:00 p.m. The proposed daily operation hours of the current application were within the limits of the COP and thus could be tolerated. The application was not related to any workshop and repairing activities and adverse noise impact was not anticipated. Should the applicant fail to comply with the approval conditions, it would result in the revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. The previous revocation cases were due to non-compliance of approval conditions about the submission of drainage impact assessment, implementation of flood mitigation measures and provision of drainage facilities. Under the current application, the applicant had submitted drainage proposal to which Chief Engineer/Mainland North of Drainage Services Department had no objection. Besides, Chief Town Planner/Urban Design & Landscape of

Planning Department and Director of Fire Services considered the submitted landscape and fire service installations proposals acceptable. The current application was submitted by a different applicant for the similar applied use at a smaller site. Nonetheless, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. Moreover, the applicant would be advised that should the applicant fail to comply with the approval condition(s) resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application.

131. Members had no question on the application.

Deliberation Session

132. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.3.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the site boundary to avoid encroachment on the resumption boundary of Contract No. DC/2007/01 - Drainage Improvement Works in Ki Lun Tsuen, Kwu Tung, Ma Tso Lung and Sha Ling as and when required by the Director of Drainage Services;
- (b) a clearance of at least 1.5m from the centerline of the existing water mains at the site should be maintained at all times during the planning approval period;
- (c) 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;
- (d) no cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, was allowed on the site during the planning approval period;

- (e) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.6.2013;
- (f) the implementation of the landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.6.2013;
- (g) the provision of drainage facilities proposed within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.6.2013;
- (h) the provision of fire service installations proposed within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.6.2013;
- (i) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (j) if any of the above planning conditions (e), (f), (g) or (h) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) shorter compliance periods were given to monitor the progress of compliance. Should the applicant fail to comply with the approval

conditions resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;

- (d) note the comments of the District Lands Officer/Yuen Long of Lands Department (LandsD) that the site included Old Scheduled Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his office. No approval was given for the specified structures as office, rest room, meter room, open shed and covered walkway. The site was accessible through an informal track on private lots and/or government land (GL) extended from Kwu Tung Road. His office provided no maintenance works for this track nor guaranteed right-of-way. Part of the GL was temporarily allocated to Drainage Services Department for the project, namely PWP Item No. 4118 CD – Drainage Improvement in Northern New Territories – Package B, Phase I. North-western part of the site fell within proposed “RDS 2000 Northern Link Influence Area”. 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 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;
- (e) note the comments of the Chief Engineer/Mainland North of Drainage Services Department as mentioned at Appendix V of the Paper;
- (f) note the comments of the Commissioner for Transport that the site was connected to an unknown local access road which was not managed by Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (g) comply with the environmental mitigation measures recommended in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” as issued by the Director of Environmental Protection in order to minimize the possible environmental nuisance;
- (h) note the comments of the Director of Agriculture, Fisheries and Conservation that the site was adjacent to a watercourse upstream of the San Tin East Main Drainage Channel where ecological mitigation measures had been implemented. The applicant should be advised to adopt necessary measures to prevent polluting the watercourse during construction and operation of the development;
- (i) note the comments of Chief Engineer/Development (2) of Water Supplies Department (WSD) that the existing water mains would be affected shown on Plan A-2a of the Paper. The applicant should bear the cost of any necessary diversion works affected by the development. In case it was not feasible to divert the affected water mains, a Waterworks Reserve within 1.5m from the centerline of the water mains should be provided to WSD. No structure should be erected over this Waterworks Reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. The water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (j) note the comments of Director of Fire Services (D of FS) that the installation/maintenance/ modification/repair work of fire service installations should be undertaken by an Registered Fire Service Installation Contractor (RFSIC). The RFSIC should after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the D of FS; and

- (k) note the comments of the Chief Building Surveyor/New Territories West of Buildings Department that there was no record of approval by the Building Authority for the structures existing at the site. The applicant was reminded to note his other detailed comments as mentioned at Appendix V of the Paper.

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/286 Renewal of Planning Approval for Temporary Private Swimming Pool for a Period of 3 Years in “Village Type Development” zone, Lot No. 2158 RP in D.D. 104, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/286)

Presentation and Question Sessions

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

- (a) background to the application – the site was subject of a previous planning application No. A/YL-NTH/246 for the same use approved by the Committee on 19.3.2010 for a period of 3 years until 19.3.2013;
- (b) the renewal of planning approval for temporary private swimming pool for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comment on the application as detailed in paragraph 10 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

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

135. Members had no question on the application.

Deliberation Session

136. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years, as proposed by the applicant, from 20.3.2013 to 19.3.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the proposed swimming pool should not be open to members of the public;
- (b) the existing trees within the site should be maintained at all times during the planning approval period;
- (c) the drainage facilities implemented on the site should be maintained at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities within 6 months from the date of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.9.2013;
- (e) if any of the above planning condition (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;
- (f) if the above planning condition (d) 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

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

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that access to the site required traversing through private lot and/or government land (GL). His office 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 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) note the comments of the Director of Environmental Protection to observe the requirements under the Water Pollution Control Ordinance if there was any effluent discharge from the development;
- (d) note the comments of the Director of Food and Environmental Hygiene to obtain a valid swimming pool licence from his department for carrying on any activity/business of swimming pool; and
- (e) note the comments of the Chief Engineer/Development(2), Water Supplies Department that the applicant might need to extend his inside services to the nearest suitable government water mains for connection for provision of water supply to the development. 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.

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/813 Temporary Cargo Handling and Forwarding Facility for a Period of 3 Years in "Open Storage" zone, Lots 632 (Part), 633 (Part), 634, 635, 636 S.B RP (Part) and 637 RP (Part) in D.D. 124; 1996 RP (Part), 1997 (Part), 1998 RP (Part), 1999, 2000, 2001 (Part), 2003, 2004, 2005, 2006, 2007 RP (Part), 2008 RP (Part) and 2009 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/813)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary cargo handling and forwarding facility for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest residential dwelling about 40m away) and along the access roads (Ping Ha Road and Shek Po Road) and environmental nuisance was expected. There were two substantiated environmental complaints against the site received in 2011. One of the complaints was related to light

nuisance while the other one was on noise nuisance due to the operation noise and loudspeaker noise generated by the site. Both complaints were lodged against the northeast portion of the site. DEP's advices were given to the operator(s) and the situations were improved in both complaints;

- (d) during the first three weeks of the statutory publication period, one public comment was received from a group of nearby residents. The commenter objected to 24-hour operation of the site in view of nuisance generated by the very frequent traffic to/from the site;
- (e) no local objection/view was received by the District Officer (Yuen Long); and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. As regards DEP's comments, approval conditions on the restrictions on operation hours had been recommended in paragraphs 13.2 (a) and (b) of the Paper to mitigate any potential environmental impacts. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant would be advised to keep the site in a clean and tidy condition at all times, and to follow 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the possible environmental impacts on the adjacent areas. As regards the public comments received, approval conditions restricting the operation hours of the site to 11:00 p.m. to 7:00 a.m. and no operation on Sundays and public holidays, rather than 24 hours as proposed, had been recommended in paragraphs 13.2 (a) and (b) of the Paper to address the commenter's concern.

139. Members had no question on the application.

Deliberation Session

140. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.3.2016, 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. to 7:00 a.m. was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays was allowed on the site during the planning approval period;
- (c) 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;
- (d) the implementation of drainage facilities proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.9.2013;
- (e) the submission of a 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 15.9.2013;
- (f) in relation to (e) above, the implementation of the 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 15.12.2013;
- (g) the submission of a tree preservation and landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 15.9.2013;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of the planning approval

to the satisfaction of the Director of Planning or of the TPB by 15.12.2013;

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

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

- (a) planning permission should have been obtained before commencing the development on-site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprised Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government, and to apply to him to permit any additional/excessive structures to be erected or regularize any irregularities on-site, and for occupation of the government land (GL) involved. Such application would be considered by the LandsD acting in the capacity of the landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium or fee, as might be imposed by LandsD. Access to the site required traversing through other private lots and/or GL. DLO/YL

provided no maintenance work for the GL involved and did not guarantee right-of-way;

- (e) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his site boundary before commencement of the drainage works;
- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (g) note the comments of the Commissioner for Transport that sufficient manoeuvring space should be provided within the site;
- (h) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (i) note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that the number of existing trees within the site was different to his site record. The applicant was advised to review the site boundary as shown on the tree preservation and landscape proposal. Tree planting opportunity was available along the eastern and western boundaries. Regular tree maintenance programme should be included in the tree preservation proposal;
- (j) note the comments of the Director of Fire Services to submit relevant layout plans incorporated with the proposed FSIs to him for approval.

The fire service installations (FSIs) proposal submitted by the applicant should be provided in accordance with paragraph 4.29 of the “Codes of Practice for Minimum Fire Service Installations and Equipment” and that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and

- (k) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action might be taken by the Building Authority (BA) to effect the removal of unauthorized building works (UBW) erected on the site in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Prior approval and consent of the BA should be obtained before any new building works (including containers and open sheds as temporary buildings) were to be carried out on the site. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The site should be provided with means of obtaining access from a street and emergency vehicular access in accordance with Building (Planning) Regulations (B(P)R) 5 and 41D respectively. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/837 Temporary Logistics Transit Centre with Ancillary Vehicle Parking Facilities for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 838 (Part), 839 (Part), 840 (Part), 845, 846 S.B RP (Part) and 849 S.B RP(Part) in D.D. 125, and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/837)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary logistics transit centre with ancillary vehicle parking facilities 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 (residential dwellings) directly abutting the site and along the access road (Ping Ha Road) and environmental nuisance is expected;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a Yuen Long District Council member. The commenter expressed concerns on the noise and pollution impacts of the development on nearby housing estates;
- (e) no local objection/view was received by the District Officer (Yuen Long);
and

- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. As regards DEP's comments, there had not been any pollution complaint pertaining to the site over the past 3 years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours, stacking height of materials and prohibition of workshop activities, as proposed by the applicant, had been recommended in paragraphs 13.2 (a) to (d) of the Paper. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the possible environmental impacts on the adjacent areas. As regards the public comment received, approval conditions restricting the operation hours, stacking height of materials and prohibition of workshop activities had been recommended in paragraphs 13.2 (a) to (d) of the Paper to address such environmental concerns.

143. Members had no question on the application.

Deliberation Session

144. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.3.2016, 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. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the

site should not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;

- (d) no recycling, cutting, dismantling, cleansing, repairing, compaction and workshop activity, including container repair and vehicle repair, as proposed by the applicant, was allowed on the site during the planning approval period;
- (e) no vehicle queuing was allowed back to public road or no vehicle reversing into/from the public road was allowed at all times during the planning approval period;
- (f) the existing drainage facilities on-site should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.6.2013;
- (h) the submission of a run-in/out proposal with swept path diagrams within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 15.6.2013;
- (i) in relation to (h) above, the implementation of the run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 15.9.2013;
- (j) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 15.6.2013;
- (k) in relation to (j) above, the implementation of the 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 15.9.2013;

- (l) the submission of a 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 15.6.2013;
- (m) in relation to (l) above, the implementation of the landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 15.9.2013;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (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 expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) planning permission should have been obtained before commencing the development on-site;
- (b) the permission was given to the use/development under application. It did not condone to the vehicle repair workshop or any other use/development which might currently exist on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (c) shorter compliance periods were granted in order to monitor the situation of

the site and the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;

- (d) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (e) the site should be kept in a clean and tidy condition at all times;
- (f) note the comments of the District Lands Officer/Yuen Long, Lands Department (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. No approval was given for the proposed specified structures as site office, watchman room, toilet and warehouse. No permission had been given for occupation of government land (GL) within the site. The lot owner was advised to apply to him to permit any addition/excessive structures to be erected or regularize any irregularities on-site. The applicant had to exclude the GL portion from the site or apply to him for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. Ingress/egress of the site abutted directly onto Ping Ha Road. Access to the site required traversing through Government Land Allocation No. TYL 825. The applicant should consult the Chief Engineer/Land Works, Civil Engineering and Development Department for any interface problem. He did not guarantee right-of-way;
- (g) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental

nuisance;

- (h) note the comments of the Commissioner for Transport that sufficient manoeuvring spaces should be provided within the site;
- (i) note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) to construct a run in/out at the access point in accordance with the latest version of HyD's standard drawings H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out. HyD should not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (j) note the comments of the Director of Fire Services that portable hand-operated approved appliances should be provided for 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, as required by occupancy and should be clearly indicated on plans. The applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. The details of the open sheds for logistics use should be provided. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and
- (k) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action might be taken by the Buildings Authority (BA) to effect the removal of unauthorized building

works (UBW) erected on the site in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Prior approval and consent of the BA should be obtained before any new building works were to be carried out on the site, and an Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with 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.

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/838 Proposed Temporary Place of Recreation, Sports or Culture (Fishing Ground) and Ancillary Refreshment Kiosk for a Period of 3 Years in "Coastal Protection Area" zone, Lots No. 215 S.A (Part), 219 S.A ss.1 RP (Part), 219 S.B, 221 (Part), 222 S.A RP (Part), 222 S.A ss.1 (Part), 222 S.B (Part), 224 S.B (Part), 224 S.C (Part) and 224 S.D in D.D.128, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/838)

Presentation and Question Sessions

146. 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 temporary place of recreation, sports or culture (fishing ground) and ancillary refreshment kiosk for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Director of Environmental Protection (DEP) advised that the barbecue spot would involve human chatting, shouting and probably the use of audio amplification system. The barbecue spot would likely cause environmental nuisances to the nearby sensitive receivers. He had reservation to setting up a barbecue spot within the application site from environmental planning perspective. Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the site was occupied by fish ponds and trees, and located in an area of rural landscape character dominated by fish pond, farmland and woodland. When comparing the aerial photographs taken in 2009 (Plan A-3b of the Paper), January 2012 (Plan A-3c of the Paper) and September 2012 (Plan A-3a of the Paper), it was noted that some existing trees and vegetation originally located at the eastern portion of the site were missing and the area was hard paved now. Hence, disturbance to the landscape resources and character was taken place. Although the proposed fishing grounds was not incompatible to the surrounding environment, the excessive hard paved area at the site was incompatible to the rural landscape character of the “Coastal Protection Area” (“CPA”) zone where the site was situated. Based on the above, he had some reservation on the application from landscape planning point of view. Should the application be approved, approval conditions on the submission and implementation of a tree preservation and landscape proposal to the satisfaction of the Director of Planning should be imposed;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Kadoorie Farm & Botanic Garden Corporation (KFBG) and Designing Hong Kong Limited. KFBG objected to the application on the grounds that the storm water run-off might be contaminated and affect the Deep Bay. There was insufficient information on the handling of sewerage from the proposed toilet. The planning intention of the “CPA” zone should be adhered to and the approval of the application would set an undesirable precedent for similar applications which cumulative impacts should be considered. The commenter was

also concerned about the removal of vegetation and suspected site formation at the site might constitute “Destroy First, Build Later” activity and investigation should be carried out. Designing Hong Kong Limited raised objection on the grounds that the proposed development was not in line with the planning intention of “CPA” zone and caused adverse environmental impacts. Vegetation clearance and reforming of pond were suspected and might constitute “Destroy First, Build Later” activity;

- (e) no local objection/view was received by the District Officer (Yuen Long); and
- (f) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. As regards DEP’s concerns on the nuisance caused by the barbecue activities at the site, the applicant had confirmed that no barbecue would be carried out within the application site and the operation hours would be from 9:00 a.m. to 9:00 p.m. Furthermore, no public announcement system would be installed within the site. Approval conditions restricting operation hours and prohibiting barbecue activities and pond filling, as proposed by the applicant, were proposed in paras. 12.2(a) to (d) of the Paper to minimize any potential impacts from the operation and environmental nuisances to the nearby residential dwellings. Although CTP/UD&L had some reservation on the application due to removal of vegetation within the site, he suggested that should the application be approved, approval conditions requiring the applicant to submit and implement landscape proposal and tree preservation should be imposed. Technical concerns raised by departments were also addressed by imposition of conditions as recommended in paragraphs 12.2 (e) to (k) of the Paper. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority. As regards the public comments raising objection on ecological and environmental grounds, Director of Agriculture, Fisheries and Conservation and EPD had

no in-principle objection to the application. Besides, it was noted that part of the site used for an unauthorized recreational use (including barbecue area) was subject to enforcement action. The current application was used for passive recreational purpose which would not undermine the long-term planning intention of the “CPA” zoning.

147. In response to a Member’s question on the approval condition (h) on tree preservation and landscape proposal, Mr. Ernest Fung said that according to the landscape proposal submitted by the applicant, a number of trees would be planted at the application site. The applicant would submit the tree preservation and landscape proposal for compliance of condition (h). Chief Town Planner/Urban Design and Landscape of Planning Department would examine the proposal including the species of the trees to be planted.

Deliberation Session

148. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.3.2016, 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. to 9:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no barbecue activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no public announcement system, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no filling of pond, as proposed by the applicant, was allowed on the site during the planning approval period;
- (e) a clearance of at least 1.5m from the centerline of the existing water mains at the site should be maintained at all times during the planning approval period;

- (f) the submission of a 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 15.9.2013;
- (g) in relation to (f) above, the provision of the drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.12.2013;
- (h) 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 15.9.2013;
- (i) in relation to (h) above, the implementation of a landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.12.2013;
- (j) the submission of a 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 15.9.2013;
- (k) in relation to (j) above, the implementation of a 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 15.12.2013;
- (l) if the above planning condition (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the application

site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the permission was given to temporary place of recreation, sports or culture (fishing ground) and ancillary refreshment kiosk under application. It did not condone to the barbecue spot under application or any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private land within the site comprised both new grant lots and Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government, and to apply to DLO/YL to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion 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. Vehicular access to the site required passing through other private lots to Deep Bay Road, and DLO/YL provided no maintenance work for the Government land involved and did not guarantee right-of-way;
- (d) note the comments of Director of Agriculture, and Fisheries and Conservation that appropriate measures should be adopted to prevent the visitors' activities from encroaching onto or causing disturbance to the

nearby habitats including mudflats/mangroves and wooded areas;

- (e) note comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains would be affected and the developer should bear the cost of any necessary diversion works affected by the proposed development; in case it was not feasible to divert the affected water mains, a 3.0m wide waterworks reserve within 1.5m from the centerline of the water main should be provided to WSD; no structure should be erected over this Waterworks Reserve and such area should not be used for storage or car-parking purposes; and the Water Authority and his officers and contractor, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under which the Water Authority might require or authorize;
- (f) note the comments of the Commissioner for Transport (C for T) that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. The applicant should provide relevant traffic surveys data with breakdown of the vehicle type(s) and estimate the anticipated average and peak trip generation and attraction hourly rate. The number of parking spaces and their dimension should also be indicated on plans for C for T's checking;
- (g) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (h) note the comments of the Director of Fire Services that portable hand-operated approved appliances should be provided for 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, as required by occupancy and should be clearly indicated on layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations (FSIs) were 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, the applicant was required to provide justifications to him for consideration;

- (i) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action might be taken by the Building Authority (BA) to effect the removal of unauthorized building works (UBW) erected on the site in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Formal submission under the BO was required for any proposed new building works, including any temporary structures, and an Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. If new toilets, shelters, office, storage area, reception and rest rooms were proposed, they were considered as temporary buildings subject to control under the Building (Planning) Regulations (B(P)R) Part VII. Prior approval and consent of the BA should be obtained before any new building works were to be carried out on the site. If the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. The site should be provided with means of obtaining access from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D; and
- (j) note the comments of the Director of Leisure, and Cultural Services that the

Antiquities and Monuments Office of the Leisure and Cultural Services Department should be informed immediately in case discovery of antiquities or supposed antiquities in the subject sites.

Agenda Item 41

Section 16 Application

[Open Meeting]

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

150. The Secretary reported that on 1.3.2013, the applicant requested the Board to defer making a decision on the application for two months to allow more time for preparation of additional information to address the comments of the Chief Town Planner/Urban Design & Landscape on the revised Master Layout Plan and landscape treatment of the proposed noise barrier submitted on 18.1.2013.

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

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/245 Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles and Medium Goods Vehicles for a Period of 3 Years in “Residential (Group C)” zone, Lots No. 2847(Part), 2849, 2850 and 2857(Part) in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/245)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary public vehicle park for private cars, light goods vehicles and medium goods vehicles for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comment on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, four public comments were received from four groups of local residents including two lot owners and villagers (including three standard letters representing over 30 To’s indigenous villagers, over 10 Cheng’s indigenous villagers; and over 10 of Mok’s indigenous villagers) objecting the application. The commenters mainly objected to the constant noise nuisances and air pollution from the 24 hours operated public lorry car park uses which were mainly for medium size lorries;
- (e) no local objection/view was received by the District Officer (Yuen Long);
and

- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. As regards the public comments concerning the creation of noise nuisances and air pollution, Director of Environmental Protection had advised that no complaint on this site had been received within the past three years and Commissioner for Transport had no objection to the application. To mitigate any potential noise nuisances and air pollution, appropriate approval conditions were recommended in paragraphs 12.2 (a) to (f) of the Paper.

153. Members had no question on the application.

Deliberation Session

154. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.3.2016, 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 (i.e. no vehicular movement in/out/within the site) between 11:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no repairing, dismantling or other workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the noise mitigation measures, including the internal solid boundary wall implemented under the previous approved Application No. A/YL-LFS/113, should be maintained on the site during the planning approval period;
- (d) no heavy goods vehicle (i.e. exceeding 24 tonnes), including container trailer and tractor, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to be parked/stored on the site during the approval period;

- (e) a notice should be posted at a prominent location of the site to indicate that no heavy goods vehicle (i.e. exceeding 24 tonnes), including container trailers/tractors, as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site during the planning approval period;
- (f) no vehicle without valid license issued under the Road Traffic Ordinance was allowed to be parked/stored on the site during the planning approval period;
- (g) no vehicle queuing was allowed back to public road or no vehicle reversing into/from the public road was allowed at all time during the planning approval period;
- (h) the existing drainage facilities on-site should be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.9.2013;
- (j) 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 15.9.2013;
- (k) in relation to (j) above, the implementation of a 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 15.12.2013;
- (l) 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 15.9.2013;
- (m) in relation to (l) 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 15.12.2013;

- (n) the provision of fencing 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 15.9.2013;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (p) if any of the above planning conditions (i), (j), (k), (l), (m) or (n) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (q) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the comments of the District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, to apply for Short Term Tenancy/Waiver to regularize the irregularities on-site of government land, and that the site was accessible through a track on government land. His office did not provide maintenance works for the track nor guarantee right-of-way;
- (c) follow the latest 'Code of Practice on Handling Environmental Aspects of

Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;

- (d) note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for the maintenance of any access connecting the site and Tin Wah Road;
- (f) note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general layout plans, and for the proposed converted container used as office and guardroom and temporary shelter, portable hand-operated approved appliances should be provided and should be clearly indicated on plans; and
- (g) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as offices or storerooms were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; and formal submission of any proposed new works, including temporary structures for approval under the BO was required; if the site was not abutting on a street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

Agenda Item 43

Section 16 Application

[Open Meeting]

A/YL-KTN/399 Temporary Private Car Park for Medium Goods Vehicles and Storage of Construction Materials for a Period of 3 Years in “Agriculture” zone, Lots 381 RP (Part), 382 RP (Part) and 412 RP (Part) in D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/399)

156. The Secretary reported that on 5.3.2013, the applicant requested the Board to defer making a decision on the application for one month in order to allow sufficient time to address the comments of the Fire Services Department.

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

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/400 Temporary Private Vehicle Park for Light Goods Vehicles for a Period of 3 Years in “Agriculture” zone, Lots 375 S.C RP (Part) and 376 RP (Part) in D.D. 110 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/400)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary private vehicle park for light goods vehicles for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was of high potential for rehabilitation of agricultural activities;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. As regards DAFC’s comments on the potential for rehabilitation of agricultural activities, it was noted that the temporary nature of the development would not jeopardize future rehabilitation of the site for agricultural purposes and the long-term planning intention of the “Agriculture” zone. Besides, the site and its adjoining areas were bounded by a nullah which separated them from the agricultural lots and the residential structure located to the further north.

159. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years until 15.3.2016, 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., 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 vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, 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;
- (f) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;
- (g) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (h) the existing drainage facilities on the site should be maintained at all times during the planning approval period;

- (i) the existing boundary fencing should be maintained at all times during the planning approval period;
- (j) the implementation of the approved tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.9.2013;
- (k) the submission of records of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.9.2013;
- (l) 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 15.9.2013;
- (m) in relation to (l) 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 15.12.2013;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) 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 the above planning conditions (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 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issues relating to the development with the concerned owners of the site;
- (c) note the District Lands Officer/Yuen Long's comments 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. No approval was given for the proposed specified structures as office, shelter with structures and underneath for staff restrooms. No permission had been given for the occupation of the government land (GL) within the application site. The act of occupation of GL without Government's prior approval should not be encouraged. The access route of the site to and from Kam Tai Road would require traversing through a long haul of informal track on open GL and other private lots. Lands Department (LandsD) provided no maintenance works for the GL involved and did not guarantee right-of-way. The lot owner concerned would still need to apply to LandsD 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 prior to the actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (d) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (e) note the Chief Town Planner/Urban Design and Landscape, Planning

Department's (PlanD) comments that the applicant should provide updated photo record on the conditions of all existing trees within the site boundary in accordance with the submitted tree preservation proposal;

- (f) note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. In formulating the FSIs proposal for the proposed structures, the applicant was 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 appliances should be provided as required by occupancy and should be clearly indicated on plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, he was required to provide justifications to his department for consideration;

- (g) note the Commissioner for Transport's comments that the site was connected to the public road network via a section of a local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (h) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was/should not be responsible for the maintenance of the section of Kam Tai Road on the northern side of Kam Tin River nor the existing vehicular access connecting the site and Kam Tai Road;

- (i) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard pedestal hydrant;

- (j) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that the applicant should observe 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 use under the application. Before any new building works (including containers and open sheds as temporary buildings) were to be carried out on the application site, the prior approval and consent of the BD should be obtained. Otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinate for the proposed building works in accordance with the BO. In this connection, the site should provide 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. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on site under the BO. If the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage; and

- (k) note the Director of Electrical and Mechanical Services' comments that the

applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity suppliers was necessary for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by PlanD. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structures. 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 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/401 Temporary Public Vehicle Park (For Private Cars Only) for a Period of 3 Years in “Undetermined” zone, Lots 264 S.B RP, 266 S.A (Part), 266 RP (Part), 267, 268 (Part), 269 S.B ss.2 RP (Part), 269 S.B RP (Part), 270 (Part), 271 (Part), 272 (Part), 277 (Part) and 295 (Part) and Adjoining Government Land in D.D. 103, Ha Ko Po Tsuen, Kam Tin (RNTPC Paper No. A/YL-KTN/401)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary public vehicle park (for private cars only) for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comment on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, 15 public comments were received from Designing Hong Kong Limited and 14 members of the public. Designing Hong Kong Limited objected to the application as there was no evidence that such large car park was needed. The other commenters supported the application as the development would meet the parking demand. It would also improve the environment and avoid illegal parking problem;
- (e) no local objection/view was received by the District Officer (Yuen Long); and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. As regards the public comments received, the temporary development was considered not incompatible with the surrounding land uses and would not frustrate the long-term use of the “Undetermined” zone. Relevant departments including Commissioner for Transport, Director of Environmental Protection and Commissioner of Police also had no adverse comment on the application. The other commenters supported the application.

163. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years until 15.3.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) 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;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (f) the submission of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.9.2013;
- (g) in relation to (f) above, the implementation of landscaping proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.12.2013;
- (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 15.9.2013;

- (i) in relation to (h) 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 15.12.2013;
- (j) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.9.2013;
- (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 15.12.2013;
- (l) the submission of parking layout plan with dimensions within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 15.9.2013;
- (m) in relation to (l) above, the implementation of parking layout plan with dimensions within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 15.12.2013;
- (n) the submission of run-in/out proposal (including improvement or reinstatement works of street furniture/fixture) to/from Kam Tin Road within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 15.9.2013;
- (o) in relation to (n) above, the implementation of run-in/out proposal (including improvement or reinstatement works of street furniture/fixture) to/from Kam Tin Road within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 15.12.2013;

- (p) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (q) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l), (m), (n) or (o) 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
- (r) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the site comprised Old Scheduled Agricultural Lots held under Block Government Lease under which no structure was allowed to be erected without approval from LandsD. 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. The site was accessible through an informal track on GL extended from Kam Tin Road. LandsD provided no maintenance works for this track nor guaranteed 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 regularized any irregularities on the site. The applicant had to either exclude the GL

portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (d) adopt 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 to minimize any possible environmental nuisances;
- (e) note the Commissioner for Transport’s comments that parking space for private car should be 2.5m x 5m. Aisle width should be 0.6m for 1-way and 7.3m for 2-way traffic flow. The applicant was required to improve any road fixture/furniture at the run-in/out which might obscure the sightline of the motorists entering into/exit from the site. Highways Department (HyD) should be consulted if such road improvement work was required. Any road improvement work related to the site should be at the cost of the applicant. The site was connected to the public road network via a section of a local access road which might not be managed by the Transport Department (TD). The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) note the Chief Highway Engineer/New Territories West, HyD’s comments that the applicant should submit the road works layout to TD for comment and agreement regarding the reinstatement of street furniture at the existing run-in/out to be abandoned. The works should be designed and constructed up to the latest guidelines, design manuals and standards at the own cost of the applicant and to the satisfaction of his department and TD;

- (g) note the Director of Fire Services' comments that in consideration 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 FSI to be installed should be clearly marked on the layout plans. In formulating the FSIs proposal for the proposed structures, for open storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, he was required to provide justifications to his department for consideration; and
- (h) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, prior consultation and arrangement with the electricity supplier was necessary or application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the 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. 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 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/661 Proposed Temporary Public Car Park for a Period of 3 Years in
 “Residential (Group D)” zone, Lots 78 S.A (Part), 93 (Part) and 94
 (Part) in D.D. 108, Pat Heung, Yuen Long
 (RNTPC Paper No. A/YL-PH/661)

Presentation and Question Sessions

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

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

167. In response to the Chairman’s question, Ms. Bonita Ho said that the application site was currently occupied by open storage use.

Deliberation Session

168. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.3.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) 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;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out at 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 drainage facilities should be maintained at all times during the planning approval period;
- (g) the submission of records of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.9.2013;
- (h) the implementation of the approved tree preservation proposal within

6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.9.2013;

- (i) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.9.2013;
- (j) in relation to (i) 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 15.12.2013;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the permission was given to the use under application. It did not condone any other use including the open storage of recycling materials which currently exists on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use not covered by the permission;
- (b) resolve any land issue relating to the proposed development with other concerned owner(s) of the application site;

- (c) note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the site comprises Old Scheduled Agricultural Lots held under 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 site office and covered parking area. Access to the site required traversing through private lot and/or government land (GL). LandsD 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 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) note the Commissioner for Transport's comments that the land status of proposed access between the site and Fan Kam Road, and the management and maintenance responsibilities of the access leading to the site from Fan Kam Road should be checked with the relevant lands and maintenance authorities;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for maintenance of any existing vehicular access connecting the site and Fan Kam Road;
- (f) note the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that the applicant should provide updated photo record on the conditions of the existing trees and shrubs within the site boundary;
- (g) adopt the latest "Code of Practice on Handling Environmental Aspects of

Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;

- (h) note the Director of Fire Services’ comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. In formulating FSI proposal for the proposed structures, the applicant should observe the requirements in Appendix IV of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, he was required to provide justification to his department for consideration;

- (i) note the Chief Building Surveyor/New Territories West, Buildings Department’s (BD) comments that there was no record of approval by the Building Authority (BA) for the structures existing at the application site. If the existing structures were erected on leased land without approval of BD (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including open sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of the BA should be obtained. Otherwise, they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. In this connection, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD’s enforcement policy against UBW as and when

necessary. 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

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

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/662 Proposed Temporary Open Storage of Construction Machinery and Second-Hand Private Vehicles and Lorries for a Period of 3 Years in "Residential (Group D)" zone, Lot 55 (Part) in D.D. 108, Ta Shek Wu, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/662)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction machinery and second-hand private vehicles 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) had received a substantiated environmental complaint on the site related to waste aspect in the past three years. He did not support the application as sensitive receivers, i.e. residential structures, were located to the immediate west and north (the nearest one about 3m away) and in the vicinity of the site, and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) objected to the application from the landscape planning perspective. The site was zoned “Residential (Group D)” (“R(D)”) and was located within a rural landscape setting predominated by residential structures, agricultural land, parking lots, warehouses, workshops, a horse riding school, vacant land and some open storage sites which were suspected unauthorized uses. Large woodland zoned “Conservation Area” was located to the further north and south. Based on the aerial photo of 18.9.2012, the site had been paved and formed. Although the proposed use was not incompatible with the surroundings which had been disturbed by open storage uses, many of the similar open storage sites in the adjacent area were suspected unauthorized uses. Approval of the application would encourage similar applications in the “R(D)” zone resulting in further degradation of the existing landscape quality in the area. Should the application be approved, approval conditions requiring the submission and implementation of landscaping and tree preservation proposal were recommended for inclusion in the planning

permission;

- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited which objected to the application as the proposed development did not comply with the planning intention for providing housing for the public. The proposed development would affect the land supply and cause adverse environmental, landscape and traffic impacts. Approval of the application would also set an undesirable precedent. and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper and were summarized below:
 - (i) the site fell within Category 3 areas under the Town Planning Board Guidelines No.13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E). Within Category 3 areas, “existing” and approved open storage and port back-up uses were to be contained and further proliferation of such uses was not acceptable. Applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. Sympathetic consideration might be given if the applicants had demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of three years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions;

- (ii) the proposed development was considered not in line with the planning intention of the “R(D)” zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. There was no strong planning justification for a departure from the planning intention, even on a temporary basis;

- (iii) the proposed development was not compatible with the surrounding land uses comprising residential structures/dwellings, agricultural land and orchards. While there were storage/open storage yards, warehouses, workshops and parking lots in the area, all of them were suspected unauthorized developments (UD) subject to enforcement actions taken by the Planning Authority. Besides, the development was located close to large woodlands zoned “Conservation Area” to its north, west and south;

- (iv) the application did not comply with the TPB PG-No. 13E in that there was no previous approval granted at the site and there were adverse departmental comments and public objection against the application. Three previous applications (No. A/YL-PH/529, 542 and 623) for parking of heavy vehicles or similar open storage uses all submitted by the same applicant were rejected by the Committee or the Board on review on 3.11.2006, 27.7.2007 and 23.12.2011 respectively. There was no major change in planning circumstances that warranted a departure from the Committee’s previous decisions. Moreover, DEP did not support the application as there were residential structures/dwellings located to the immediate west and north (the nearest one about 3m away) and in the vicinity of the site and environmental nuisance was expected. Besides, a substantiated environmental complaint on the site related to waste aspect was received by DEP in the past three years and a public objection against the application was also received during the

statutory publication period. From the landscape point of view, the current application was also not supported as the proposed development would degrade the landscape quality of the area and the site was also adjacent to a natural stream. Though the applicant has indicated the run-off/open channel on the site layout plan, it was yet to be accepted and Chief Engineer/Mainland North of Drainage Services Department had requested the applicant to submit a drainage proposal. The applicant failed to demonstrate that the proposed development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas. Hence, the current application did not warrant sympathetic consideration;

- (v) approval of the application with no previous approval for similar open storage use, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area; and
- (vi) a public objection against the application was received during the statutory publication period as the proposed development did not comply with the planning intention and would affect the land supply and cause adverse environmental, landscape and traffic impacts. Approval of the application would also set an undesirable precedent.

171. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board PG-No. 13E in that no previous approval had been granted at the site and there were adverse departmental comments and public objection against the application. The proposed development was also not compatible with the surrounding land uses comprising residential structures/dwellings, agricultural land and orchards;
- (c) the applicant failed to demonstrate that the proposed development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/663 Proposed Temporary Shop and Services (Real Estate Agency, Metalware Shop and Workshop) for a Period of 3 Years in “Open Storage” zone, Lots 362 S.B RP (Part) and 363 RP (Part) in D.D. 114 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/663)

Presentation and Question Sessions

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

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

174. Members had no question on the application.

Deliberation Session

175. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.3.2016, 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) 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 15.9.2013;

- (c) in relation to (b) 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 15.12.2013;
- (d) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (e) if any of the above planning conditions (b) or (c) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (f) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the lots within the site were Old Scheduled Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from LandsD. No approval had been given to the proposed specified structures as metalware shop and workshop, toilet and real estate agency shop with balcony and staircase. No permission had been given for the proposed use and/or occupation of the government land (GL) within the application site. The act of occupation of GL without Government's prior approval should not be encouraged. The site was accessible through an informal track on GL extended from Kam Tin Road. LandsD provided no maintenance works for this track nor

guarantee right-of-way. The lot owners concerned needed to apply to LandsD 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 prior to the actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fees, as might be imposed by LandsD;

- (c) adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (d) note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the proposed development should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas;
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department’s (BD) comments that if the existing structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works including temporary buildings were to be carried out on the 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 co-ordinator for the proposed building works in accordance with the BO. In this connection, the site should provide with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R)

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

- (f) note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority. Should the applicant wish 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; and

- (g) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for 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 Planning Department. Prior to establishing any structure within the site, the applicant and/or his contractors should also 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 Supplier 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 49

Section 16 Application

[Open Meeting]

A/YL-SK/180 Temporary Open Storage of Waste Plastic for a Period of 3 Years in
"Agriculture" zone, Lots 987 (Part) and 988 (Part) in D.D. 106, Shek
Kong

(RNTPC Paper No. A/YL-SK/180)

177. The Secretary reported that on 8.3.2013, the applicant requested the Board to defer making a decision on the application for two months so as to allow time for addressing the departmental comments on the application.

178. 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 50

Section 16 Application

[Open Meeting]

A/YL-SK/181

Temporary Open Storage of Agricultural Machinery, Agricultural Tools and Processed Soil, Shop and Services (Retail Shop), and Dangerous Goods Godown for a Period of 3 Years in “Industrial (Group D)” zone, Lots 689, 690, 691 and 692 in D.D. 114, and Adjoining Government Land, Lam Kam Road, Sheung Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-SK/181)

179. The Secretary reported that on 28.2.2013, the applicant requested the Board to defer making a decision on the application for two months so as to allow time for addressing the departmental and public comments on the application.

180. 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 51

Section 16 Application

[Open Meeting]

A/YL-SK/182 Temporary Open Storage of Agricultural Machinery, Agricultural Tools and Processed Soil, Shop and Services (Retail Shop), Dangerous Goods Godown and Road Improvement Works for a Period of 3 Years in “Industrial (Group D)” zone, Lot 693 (Part) in D.D. 114, and Adjoining Government Land, Lam Kam Road, Sheung Tsuen, Pat Heung, Yuen Long

(RNTPC Paper No. A/YL-SK/182)

181. The Secretary reported that on 28.2.2013, the applicant requested the Board to defer making a decision on the application for two months so as to allow time for addressing the departmental and public comments on the application.

182. 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 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/310 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” zone, Lot 4888 RP (Part) in D.D. 116, and Adjoining Government Land, Tai Tong, Yuen Long

(RNTPC Paper No. A/YL-TT/310)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comment on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 11 of the Paper.

184. Members had no question on the application.

Deliberation Session

185. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.3.2016, 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 10:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) the provision of fire extinguisher(s) together with a valid fire certificate

(FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.4.2013;

- (c) 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 15.9.2013;
- (d) in relation to (c) 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 15.12.2013;
- (e) if any of the above planning conditions (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;
- (f) if any of the above planning conditions (b), (c) or (d) 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
- (g) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments 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 permission had been given for the proposed use and/or occupation of the government land (GL) within the site. Should the application be approved, the lot owner would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Furthermore, the applicant had to either exclude the GL portion from the

site or apply for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. And there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, access of the site was open onto Tai Tong Road and Sham Chung Road via a short stretch of GL. His office did not provide maintenance works on this access nor guarantees right-of-way;

- (b) note the Chief Highway Engineer/New Territories West, Highways Department's comment that adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains. His Department should not be responsible for maintenance of any access connecting the application site and public road;
- (c) 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) note the Chief Engineer/Mainland North, Drainage Services Department's comment that the development should neither obstruct the overland flow nor adversely affect any existing drainage facilities;
- (e) note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. 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. The applicant was also advised to note that for open storages, open sheds, or

enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. To address the approval condition on the provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his Department for approval. 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) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there was no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures were erected on leased land without approval of BD (not being New Territories Exempted Houses), they were unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works including temporary buildings were to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5 m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (g) note the Director of Electrical and Mechanical Services' comments that the

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

Agenda Item 53

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/632 Temporary Open Storage of Construction Materials and Ceramic Ware for a Period of 3 Years in “Undetermined” zone, Lots 1062 (Part), 1125 (Part), 1127 (Part) and 1128 (Part) in D.D. 119, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/632)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the applied temporary open storage of construction materials and ceramic

ware 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) advised that there was no environmental complaint concerning the site received in the past 3 years. However, in accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he did not support the application as there were sensitive receivers of residential uses to the immediate west and in the vicinity of the site with the nearest being about 5m to its west, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited which objected to the application for reasons that there was no evidence on the urgency to develop the site for open storage use taking into account that there were numerous open facilities nearby, and the proposed development might generate adverse environmental, landscape and traffic impacts.
- (e) no local objection/view was received by the District Officer (Yuen Long); and
- (f) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. As regards DEP’s comments, there was no environmental complaint received in the past three years. To address DEP’s concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours, prohibiting the storage of electronic wastes and used electrical appliances on-site, and the carrying out of workshop activities on-site, restricting the use of goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, and requiring the maintenance of existing boundary fencing were recommended in paragraphs 13.2(a) to (f) of the Paper. Any non-compliance with the approval condition would result in revocation of

the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact and to keep the site clean and tidy at all times. As regards the public comments received, the applied use was not in conflict with the planning intention of the “Undetermined” zone on the Outline Zoning Plan which was generally intended for open storage use but was designated with this zoning mainly due to concerns of the capacity of Kung Um Road. On the traffic aspect, Commissioner for Transport and Commissioner of Police had no adverse comment. The applied use was generally in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) and was considered not incompatible with the immediate surrounding uses comprising similar open storage, warehouse, storage and workshop uses. In order to minimize the potential environmental and landscape impacts generated, relevant approval conditions were recommended in paragraphs 12.4 and 12.5 of the Paper. In this regard, it was considered that the application might be tolerated.

188. Members had no question on the application.

Deliberation Session

189. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.3.2016, 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 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 on public holidays, as proposed by the applicant, was allowed on the application site during the planning approval

period;

- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;
- (d) no repairing, dismantling, maintenance, cleaning and any other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (f) the existing boundary fence on the application site should be maintained at any time during the planning approval period;
- (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 15.9.2013;
- (h) in relation to (g) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.12.2013;
- (i) 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 15.9.2013;
- (j) in relation to (i) 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 15.12.2013;

- (k) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.4.2013;
- (l) 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 15.9.2013;
- (m) in relation to (l) 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 15.12.2013;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

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

- (c) the site should be kept in a clean and tidy condition at all times;
- (d) note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) comments the site comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without prior approval of the Government. No approval had been given to the proposed specified structures as site office and rain shelter. Should the application be approved, the lot owners concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, access to the site required traversing through private lot and/or government land (GL). His office provided no maintenance work for the GL involved and did not guarantee right-of-way;
- (e) note the Commissioner for Transport's comments that the land status of the access road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant management and maintenance authorities accordingly;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (g) follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental

nuisances;

- (h) note the Chief Engineer/Mainland North, Drainage Services Department's comments on the submitted drainage plan (Drawing A-3 of the Paper) that the size of the proposed catchpit, the discharge point and the connection arrangement to the existing drainage system/stream should be shown on plan. Also, DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside the site boundary or the applicant's jurisdiction;
- (i) note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (j) note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. 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 plans. The good practice guidelines for open storage should also be adhered to. In formulating FSIs proposal, the applicant was advised to make reference to the requirements that for enclosed structures with total floor area more than 230m², sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838; sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and FSD Circular Letter 5/2008; fire alarm system should be provided to the entire building in accordance with BS 5839: Part 1: 2002 + A2: 2008 and FSD Circular Letter No. 1/2009. One actuating point and one audio warning device to be located at each hose reel point. The actuation point should include facilities for fire pump start and audio/visual warning device initiation; a modified hose reel system supplied by a 2m³ FS water tank should be provided. There should be sufficient hose reels

to ensure that every part of each building could be reached by length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans; portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans; and sprinkler system should be provided to the entire building in accordance with BS EN 12845: 2003 and FSD Circular Letter 3/2006. The classification of occupancies and capacity of sprinkler tank should be clearly stated. The sprinkler tank, sprinkler pump room, sprinkler inlet and sprinkler control valve group should be clearly marked on plans. For other storages of combustibles, a modified hose reel system supplied by a 2m³ FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans; portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans; and fire alarm system should be provided to the entire building in accordance with BS 5839: Part 1: 2002 + A2: 2008 and FSD Circular Letter No. 1/2009. One actuating point and one audio warning device to be located at each hose reel point. The actuation point should include facilities for fire pump start and audio/visual warning device initiation. 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 structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. 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. 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;

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

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

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

Agenda Item 54

Any Other Business

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