

TOWN PLANNING BOARD

Minutes of 486th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 19.4.2013

Present

Director of Planning
Mr. K.K. Ling

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Dr. C.P. Lau

Ms. Anita W.T. Ma

Dr. W.K. Yau

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. Janice W.M. Lai

Ms. Christina M. Lee

Mr. H.F. Leung

Mr. Chan Fuk Cheung

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

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

Assistant Director/New Territories,
Lands Department
Mr. H. Moyung

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

Secretary

Absent with Apologies

Professor Edwin H.W. Chan

Professor K.C. Chau

Mr. Rock C.N. Chen

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

In Attendance

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

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

Town Planner/Town Planning Board
Mr. Terence Leung

Agenda Item 1

Confirmation of the Draft Minutes of the 485th RNTPC Meeting held on 5.4.2013

[Open Meeting]

1. The Vice-Chairman said that as the Chairman was engaged in other business and therefore was not able to chair the meeting, he would chair the meeting in his stead.
2. The draft minutes of the 485th RNTPC meeting held on 5.4.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

[Dr. C.P. Lau and Mr. H.F. Leung arrived to join the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-TK/13 Application for Amendment to the Approved Ting Kok Outline Zoning Plan No. S/NE-TK/17 from “Conservation Area” to “Village Type Development”, Lot 105 RP in D.D. 26, Shuen Wan Chim Uk, Tai Po
(RNTPC Paper No. Y/NE-TK/13)

Presentation and Question Sessions

4. Ms. Jacinta Woo, District Planning Officer/Shu Tin, Tai Po and North

(DPO/STN), and Mr. C.T. Lau, Senior Town Planner/Shu Tin, Tai Po and North (STP/TP), as representatives of the Planning Department, and Mr. Jim Yun Nam, as representative of the applicants, were invited to the meeting at this point.

5. The Vice-Chairman extended a welcome and explained the procedures of the hearing. Mr. C.T. Lau was then invited to brief Members on the background to the application. With the aid of a Powerpoint presentation, Mr. Lau presented the application as detailed in the Paper and made the following main points:

The Proposed Amendment

- (a) the applicant proposed to rezone the site from “Conservation Area” (“CA”) to “Village Type Development” (“V”) on the approved Ting Kok Outline Zoning Plan No. S/NE-TK/17 for Small House development;
- (b) as the applicants claimed that there was insufficient land within Shuen Wan Chim Uk to meet the Small House demand, they proposed to rezone the site from “CA” to “V” so as to facilitate Small House development by indigenous villagers;

The Application Site

- (c) the site was about 1359m² in size. It was partly covered by a fish pond (about 930m², 70%) and partly paved (about 429m², 30%). It fell within the flood fringe subject to overland flow and inundation during heavy rainfall. It formed part of the Shuen Wan marsh falling within the “CA” zone which was of ecological significance and importance in providing a diversified habitat for various flora and fauna, particularly as a feeding ground for birds;
- (d) the site was located outside the village ‘environs’ (‘VE’) of any recognized villages and was accessible by a local track leading to Ting Kok Road in the east;

Departmental Comments

- (e) the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) had no comment on the rezoning application. However, as the site fell entirely outside the ‘VE’ of Shuen Wan Chim Uk, any Small House application at the site would not be supported. The total number of outstanding Small House applications for Shuen Wan Chan Uk, Lei Uk, Chim Uk and Sha Lan was 68 while the 10-year Small House demand forecast for the same villages was 379;
- (f) the Director of Environmental Protection (DEP) was concerned about the potential water quality impact on the nearby Lung Mei area if connection to the planned sewerage system was not feasible. She did not support the application unless the applicants could (i) resolve the technical and land issues involved in making the connection to the planned sewerage system; (ii) confirm that the construction of the houses should not be commenced before the completion of the planned sewerage system; and (iii) confirm that the houses would be connected to the future public sewer at their own costs;
- (g) the Director of Agriculture, Fisheries and Conservation (DAFC) objected to the application from a nature conservation point of view. The site was part of a large “CA” zone. The subject pond was part of a large wetland ecosystem of marsh, stream course and mangrove which were habitats of birds. The proposed “V” zone for Small House development would encroach upon and affect the integrity of the wetland ecosystem;
- (h) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from a landscape planning point of view. Approval of the application would encourage similar village house developments extending from the existing “V” zone into the “CA” zone and degrade the existing landscape quality of the area;

- (i) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had reservation on the application as the site was a pond falling within a flood fringe which was subject to overland flow and inundation during heavy rainfall;

Public Comments

- (j) during the first three weeks of the statutory public inspection period, 157 public comments against the application were received. They were concerned about the adverse environmental and ecological impacts caused by the proposed development on the “CA” zone and the Shuen Wan marsh area. The site was an abandoned fishpond with records of a few Egrets, Common Kingfishers & Cormorants. For the adjacent marsh, a mixture of mangroves, reeds and open water marshes, Great Egrets, Little Egrets, Intermediate Egrets, Grey Herons, Chinese Pond Herons, Night Herons and some other water birds were recorded. Collared Crows (near threatened) had occasionally visited Shuen Wan area and rested at the marsh and ponds around the site. The planning intention of “CA” zone for the site was still considered appropriate. Any rezoning application would defeat the purpose to safeguard the integrity of the natural environment and to promote conservation in Shuen Wan. The proposed rezoning would cause adverse traffic, environmental, ecological, drainage, water quality, landscape and visual impacts on the surrounding area. Moreover, suspected unauthorized works was found at the site. It was considered that “destroy first, develop later” activities should not be tolerated; and

Planning Department’s (PlanD) Views

- (k) PlanD did not support the application based on the assessment set out in paragraph 11 of the Paper. The site and its surrounding areas formed an integral part of the Shuen Wan marsh which fell within the “CA” zone. Having regard to the existing natural landscape and ecological features of the area, the “CA” zoning was considered appropriate for the site and its surrounding areas. The approval of the subject application would result in

piecemeal extension of the “V” zone and undermine the planning intention and integrity of the “CA” zone. There was no information in the submission to demonstrate that the proposed rezoning would have no adverse ecological, landscape, sewerage and drainage impacts on the surrounding areas. Furthermore, the site fell outside the ‘VE’ of any recognized villages and the applicants failed to provide strong planning justifications in the submission to support the rezoning of the site from “CA” to “V”. Although the land available within the “V” zone could not fully meet the 10-year Small House demand forecast of 379 Small Houses, it was sufficient to accommodate the demand arising from the current outstanding Small House applications of 68 Small Houses. Undeveloped land available within the “V” zone should be developed first before any extension of the “V” zone could be considered.

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

6. The Vice-Chairman then invited the applicant’s representative to elaborate on the application. With the aid of a Powerpoint presentation and a number of plans, Mr. Jim Yun Nam made the following main points:

- (a) no technical assessment reports had been submitted to the Committee for consideration as the villagers could not afford to hire consultants to carry out various impact assessments;
- (b) there was little room for further Small House development in Shuen Wan Chim Uk. The subject site and the surrounding areas was prone to flooding due to a road constructed by the Government. It was hoped that the application site could be rezoned to “V” so as to provide additional land for Small House development;
- (c) the fish pond at the application site was formed some forty years ago. There were abundant conservation areas in Tai Po (such as Fung Yuen). The subject site was very small and insignificant as compared with the conservation areas in Tai Po;

- (d) he had the following responses to the departmental comments in paragraph 9 of the Paper:
- (i) regarding the concern of DEP on the sewage impacts arising from the proposed rezoning, as only four or five Small Houses would be built at the application site, the sewage impacts would be acceptable. There should be enough sewerage capacity in the planned sewerage system to handle the sewage generated from the Small Houses to be built at the application site. If the application was approved, the applicant would hire consultants to follow up on the installation of septic tanks or the connection to the planned sewerage system;
 - (ii) regarding the concern of DAFC on the adverse ecological impacts, as the application site was very small, the proposed rezoning would not have much impacts on the local ecology. The marsh did not come about naturally. It was actually caused by the blockage of a natural stream by the Government. Nevertheless, a large part of the fish pond would remain even if the site was rezoned to “V”. The villagers were supportive of conservation of the environment. They would, as a compensatory measure, rear fish of common species in the fish pond in order to provide a feeding ground for birds, and they would not put up nets at the fish pond to prevent the birds from feeding in the pond. Furthermore, trees and plants would be planted in the vacant areas to attract birds;
 - (iii) sediments would deposit at the bottom of the fish ponds over time, and there was a need to dredge up the sediments which would be used to build bunds. This process was akin to pond filling. It was considered that pond filling at the part of the fish pond closest to the existing “V” zone would have negligible ecological and visual impacts on the fish pond. To further reduce the ecological impacts on the fish pond, building works would only be carried out outside the breeding season for birds;

- (iv) although PlanD claimed that the approval of the application would set an undesirable precedent for similar applications, the situation of Shuen Wan Chim Uk was unique as there was no “Green Belt” (“GB”) or “Agriculture” (“AGR”) zones adjacent to the village, and therefore villagers could not build Small Houses in “GB” or “AGR” zones like the villagers in other villages. It was considered that the approval of the application would not set an undesirable precedent for other similar applications;
- (v) the allegation by a public commenter in paragraph 10.2(f) of the Paper that there was unauthorized works at the site was not justified. The paved area was actually the bund of the fish pond built over 40 years ago. Works or temporary structures at the site were necessary for the operation of the fish pond. Although the area shown in Plan Z-4b of the Paper was located in the “CA” zone, it was in the immediate vicinity of the “V” zone. Any works that was carried out in that area should be regarded as works carried out in an area connected with the “V” zone, rather than in a “CA” zone;
- (vi) although CTP/UD&L, PlanD did not support the application, the application site was at a corner rather than at the centre of the fish pond. As shown in Plan Z-4a, there were existing Small House developments in the vicinity of the application site. As only Small Houses of similar building height would be built at the application site, there would be no adverse visual impacts arising from the proposed rezoning;
- (vii) as there were only a few proposed Small Houses, the traffic impacts would be acceptable. Besides, no matter whether the site was rezoned from “CA”, “GB” or “AGR” zones, the traffic impacts generated by the Small Houses would be the same. It could not be said that the traffic impacts generated by the development at the application site would be greater because of the rezoning under

application. Furthermore, as more and more tourist facilities were going to be developed in Ting Kok, the transport infrastructure would no doubt be improved in the future;

- (viii) as regards the concern of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD), the elevation of the application site was higher than the fish pond, surface run-off would be collected in the fish pond and in Tung Tsz River. Besides, there were only a few Small House developments at the application site. The drainage impacts would be minimal;
- (ix) the applicants were willing to accept the comments and the conditions imposed by the Water Supplies Department and the Fire Services Department; and
- (x) as regards the comments of DLO/TP, LandsD, it should be noted that the 10-year Small House demand forecast for Shuen Wan Chim Uk was 186, the highest among the four villages within the same 'VE'. However, there was no room in the village to build Small Houses.

7. As the applicant's representative had no more points to make and Members had no questions to raise, the Vice-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's representative of the Committee's decision in due course. The Vice-Chairman thanked the representatives of the applicant and PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

8. Members generally considered the applicant had not provided sufficient justifications to support the rezoning and hence the application should not be agreed.

9. After further deliberation, the Committee decided not to agree to the application.

Members then went through the reasons for not supporting the application as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the site and its surrounding areas formed an integral part of the Shuen Wan marsh zoned “Conservation Area” (“CA”) which was of ecological significance and importance in providing a diversified habitat for various flora and fauna, particularly as a feeding ground for birds. Having regard to the existing natural landscape and ecological features of the area, the “CA” zoning was considered appropriate for the site and its surrounding areas. The approval of the application would undermine the planning intention and integrity of the subject “CA” zone; and
- (b) no strong planning justifications and information had been provided in the submission to support the rezoning of the site from “CA” to “Village Type Development” and to demonstrate that the proposed development would have no adverse ecological, landscape, sewerage and drainage impacts on the surrounding areas. The approval of the application would set an undesirable precedent for other similar rezoning applications resulting in adverse cumulative impacts on the area and further encroachment onto the natural environment by village development.

[Dr. W.K. Yau arrived to join the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

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

Presentation and Question Sessions

10. The Secretary reported that the applicant had submitted two plans showing the proposed road widening proposal just before the meeting. The plans were tabled at the meeting for Members’ information.

11. Mr. W.S. Lau, DPO/TMYL, and Mr. C.C. Lau, STP/TM, as representatives of the Planning Department, and the following applicant’s representatives, were invited to the meeting at this point:

Mr. Chan Tat Choi
Mr. Daniel Wei
Ms. Kwok Wai San
Ms. Yip Yuk Ping Rita
Mr. Yuen Sin Kan
Mr. Robin Li
Mr. TY Lau
Mr. Edmond Ng
Mr. Antony Wong
Ms. Choi Lin Fung
Ms. Sik Miu Chai

12. The Vice-Chairman extended a welcome and explained the procedures of the

hearing. Mr. C.C. Lau was then invited to brief Members on the background to the application. With the aid of a Powerpoint presentation, Mr. Lau presented the application as detailed in the Paper and made the following main points:

The Proposed Amendments

- (a) the applicant proposed to rezone the site from “Green Belt” (“GB”) to “Government, Institution or Community” (“G/IC”) to facilitate development of a temple and columbarium. Within the “G/IC” zone, ‘Religious Institution’ was always permitted, and ‘Columbarium’ required planning permission from the Board;
- (b) the site was 3,172m² in size. According to the indicative scheme provided by the applicant, there were a 1-storey temple (GFA of 66m²), two building blocks of 2-storey for columbarium facilities (GFA of 380m²), and a 2-storey block for ancillary office, worship hall and shop (GFA of 128m²) at the site. There would also be a landscape courtyard and a plaza around the temple. A total of 6,000 niches (4,000 single niches and 2,000 double niches) would be provided at the columbarium;
- (c) to address the concern on air pollution, the applicant had confirmed that no burning facility would be provided and no burning of joss paper would be allowed within the subject site. The applicant also confirmed that all religious ceremonies would be held indoor;
- (d) according to the landscape master plan, a total of 110 compensatory trees, mainly large species, would be provided within the site. The landscape area would be about 990m² in size;
- (e) the applicant had proposed to widen the access road to the site (currently about 3 to 4m wide) to 7.5m (i.e. 5.5m access road and a 2m pedestrian pathway with railing) to allow two-way traffic and emergency vehicle services;

- (f) during festivals and their shadow periods (3 Saturdays and Sundays before and after), traffic crowd management measures would be implemented. These measures included a visitor booking system and a shuttle bus service. The shuttle bus would have pick-up/drop-off points at Po Tin Estate and Kin Sang Estate bus terminus. Visitors were not allowed to walk to the columbarium. They would also be denied car parking spaces during the festival periods;
- (g) the applicant had also devised a contingency plan. When the shuttle buses were not available during the festivals and their shadow periods, on-site boarding/alighting area would be allowed. The applicant expected that about 384 visitors per hour would go to the columbarium by private car, taxi or on foot. There would be adequate parking facilities in the nearby public car parks;

The Application Site

- (h) the site was located on a platform at the hillslopes in the north-western fringe of Tuen Mun New Town. Part of the site was located underneath the 400kV overhead power lines. The site was hard-paved and was occupied by three 2-storey building blocks for columbarium and ancestral tablets, two temporary structures for office and storage uses and a Buddha statute with a shelter;
- (i) the columbarium would provide 6,000 niches for storing 8,000 urns, of which 144 niches were already sold and 77 of them were already occupied;

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

Departmental Comments

- (j) the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) commented that the proposed columbarium development contravened the existing lease conditions. It was noted that an agreement

on right-of-way and costing arrangement for widening the access road was signed between the adjoining Kwong Hau Sin Yuen and one of the three landowners of the application site. However, the proposed road widening scheme might require gazettal under the Road (Works, Use and Compensation) Ordinance (Cap. 370) and might attract a lot of public objections. The proposed road widening scheme might also affect the existing slopes and the existing graves on Government land. There was no guarantee that the right-of-way would be granted to the subject lots within the site;

- (k) the Commissioner for Transport (C for T) commented that with regard to the widening of the access road, the gradient of the ramp was too steep and was undesirable for the safe operation of private buses. The proposed footpath/staircase was not barrier-free and could not be assessed by wheelchair users. The proposed columbarium was expected to attract a great amount of traffic and pedestrian flow. The applicant should provide detailed assessment taking into consideration traffic generation rate for similar developments in Tuen Mun and the cumulative effect due to the adjacent Kwong Hau Sin Yuen, and should demonstrate that the proposed development would not cause any adverse traffic impact. He had reservation on the assumption that there would be 3,000 niches in the adjoining Kwong Hau Sin Yuen as the applicant of Kwong Hau Sin Yuen had previously indicated that there would be 8,500 niches in its columbarium. As for the crowd management measures, the non-franchised bus service would need the approval of C for T. There was no guarantee that the proposed bus service would be approved. Furthermore, the assumption that the visitors would not walk to and from the columbarium or that there would be no roadside loading/unloading activities at Hing Fu Street was overly optimistic;
- (l) the Commissioner of Police (District Commander, Tuen Mun) (C of P (DC TMDIST)) was concerned about the effectiveness of the 'visitor booking system' and the potential risk of obstruction by illegal parking caused by visitors during the festival seasons. The site was located at the end of a

cul-de-sac at Hing Fu Street, which did not have sufficient public facilities such as parking spaces and pavements to accommodate the large crowds. The shuttle bus service would not stop worshippers from attending the site by private and public transportation which might cause additional traffic congestion to Hing Fu Street;

- (m) the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from a landscape planning point of view. The subject “GB” zone was a densely wooded hillside which formed a natural green buffer to the nearby village and urban development. However, significant disturbance to the existing landscape resources and character had taken place. Approval of the application would attract similar applications to the area and undermine the intactness of the “GB” zone. Furthermore, the existing trees adjacent to the pedestrian path would likely be affected by the proposed road widening. There was inadequate information to show that the proposed road works would not have adverse landscape impacts;
- (n) the Director of Agriculture, Fisheries and Conservation (DAFC) commented that approval of the application might set an undesirable precedent for unauthorised columbarium developments which might degrade the habitats in this area;
- (o) the Secretary for Food and Health (S for FH) commented that the provision of private columbaria for storage of cremains would need to comply with all statutory and Government requirements. To address local concerns over the proposed development, consideration could be given to requiring the project proponent to implement mitigation measures such as centralising joss paper burning activities in the columbarium and providing greening where possible;
- (p) the Secretary for Home Affairs (S for HA) commented that the applicant, Tin Kwong Lun Yee Limited, was not registered under s.88 of Inland Revenue Ordinance and he was unable to grant policy support to the

planning application with regard to the proposed religious facilities;

- (q) the District Officer (Tuen Mun) reported that local personalities had organised activities to raise objection against the application. He had previously received a letter from LegCo members which requested the Government to enforce illegal structures for suspected columbarium purpose at the site. The letter also stated that the public had strong concerns regarding the nuisances arising from the suspected columbarium, especially the adverse environmental impacts during Ching Ming and Chung Yeung festivals;
- (r) the Director of Electrical and Mechanical Services (DEMS) had no objection in principle to the application subject to the strict compliance with conditions pertaining to electricity supply safety and reliability including prior consultation with the electricity supplier on the design and location of the furnaces which might emit air-borne particles and pollutants and interfere with the operation of the high voltage overhead lines and pylon nearby;
- (s) the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) commented that a Geotechnical Planning Review Report and a submission which included the investigations and studies of existing man-made slopes and retaining walls within or in the vicinity of the site would be required;

Public Comments

- (t) during the first three weeks of the statutory public inspection period, a total of 920 public comments were received. While ten commenters supported the application, 907 commenters objected to the application. The other three commenters either did not give any comment or did not state whether he supported or opposed to the application;
- (u) during the first three weeks of the statutory public inspection period of the

first set of further information, a total of 281 public comments were received. All of them objected to the application;

- (v) during the first three weeks of the statutory public inspection period of the second set of further information, a total of 248 public comments were received. Four commenters were in support of the application, while the other 243 commenters objected to the application. The remaining commenter did not give any comment;
- (w) the adverse commenters mainly objected to the proposal on the grounds that the planning intention of the “GB” zone should be adhered to; the proposed columbarium would set an undesirable precedent for other similar application; the access road was too narrow; adverse traffic, visual, landscape and environmental impacts were anticipated; the columbarium would cause nuisances to adjacent residents; there would be psychological burden and adverse health impacts on nearby residents; illegal development should not be allowed; and the proposed development would affect housing price and endanger public safety;
- (x) the supportive commenters mainly considered that the columbarium would increase the supply of niches and would meet the needs of the aging population in Tuen Mun. They also considered that the columbarium would not lead to adverse environmental impacts;

Planning Department’s (PlanD) Views

- (y) PlanD did not support the application based on the assessment set out in paragraph 10 of the Paper which was summarized below:

Planning Intention of “GB” Zone and Land Use Compatibility

- (i) the intention of the subject broad “GB” zone was 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. While ‘Religious Institution’ (temple) might

not be incompatible with the surrounding land uses, the acceptability of the columbarium would need to be comprehensively assessed taking into account the overall setting and technical concerns;

Landscape Impacts

- (ii) significant disturbance to the existing landscape resources and character had taken place. There was inadequate information to demonstrate the proposed road works would not have adverse landscape impact;

Traffic Impacts

- (iii) the gradient of the proposed access road widening was undesirable for the safe operation of private buses. Major revisions to the road proposal and substantial excavation and site formation works were envisaged. The proposed road widening might require gazettal under the Road (Works Use and Compensation) Ordinance (Cap. 370) and a large number of objections might be attracted during the statutory process. The proposed shuttle bus service required the approval of C for T, and there was no guarantee that the proposed non-franchised bus service would be approved. The implementation of the shuttle bus services might not stop worshippers from attending the site by private and public transport. The proposed contingency plan would depend on the widening of the access road, and it was doubtful whether the road widening proposal could be implemented. There were also concerns on pedestrian safety and illegal parking. The proposed columbarium with 6,000 niches was expected to attract a great amount of traffic and pedestrian flow. C for T considered that a quantitative assessment should be carried out for both traffic and pedestrian flow. He had reservation on the reduced traffic generation rates assumed by the applicant when assessing the cumulative traffic impact;

Nuisances

- (iv) the columbarium would share the access road, i.e. Hing Fu Road,

with Po Tin Estate. To get to the columbarium, visitors might walk through Po Tin Estate and cause nuisance to the residents; and

The Setting of an Undesirable Precedent

- (v) there was an unauthorised columbarium, Kwong Hau Sin Yuen, adjoining the application site. Approval of the application with issues that remained unresolved would set an undesirable precedent.

13. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a Powerpoint presentation, Ms. Yip Yuk Ping Rita made the following main points:

- (a) she was a representative of the applicant and one of the landowners of the application site. Tin Kwong Lun Yee (天罡隆義) was dedicated to Lan Yan Sing Gau (能仁聖教) and was founded by Mr. Yuen Sin Kan in 2007. Lan Yan Sing Gau was a branch of Tibetan Buddhism Vajrayana originated in Taiwan. In 2009, Mr. Yuen Sin Kan and a few associates bought the application site as it was considered that the site was similar to the traditional Tibetan Buddhist temples as it was located on hill slopes and was therefore suitable for the development of a temple; and
- (b) a columbarium could be developed at the application site so as to serve the needs of the public. It was hoped that the Committee could approve the application.

14. With the aid of a Powerpoint presentation, Mr. Chan Tat Choi made the following main points:

- (a) there were three existing houses at the application site. In the 1980s, the site was a residential area. However, the houses had been vacated after the nearby pylon and the high voltage overhead lines were completed. Only wild grass could now be found at the application site and the Government had built a drainage channel alongside the application site. It was considered that the application site should not be regarded as a green

belt area;

- (b) due to the presence of the pylon and the high voltage overhead lines, the site was suitable for use as a religious institution which would attract few visitors;
- (c) the development at the site was of low density. There was ample space for landscaping and the provision of parking spaces and lay-bys. To pay respect to the deceased, significant work on the landscape proposal had been carried out so that the application site would have more greenery; and
- (d) the current rezoning application did not seek the approval of the columbarium development. If the site was rezoned to "G/IC", planning permission would still be required for the proposed columbarium. It was hoped that the applicant would be given the opportunity to submit further information on the columbarium at the s.16 application stage. Approval conditions could also be imposed under a s.16 application to address the outstanding concerns of the government departments and the Committee.

15. With the aid of a Powerpoint presentation, Mr. TY Lau made the following main points:

- (a) the access road connecting Hing Fu Road and the application site was 2 to 4m in width and was a single-lane road for two-way traffic. It was proposed to widen the carriageway to at least 5.5m in width for dual-lane, two-way traffic. A pedestrian pathway of 2m in width with railings would also be provided;
- (b) only one tree would need to be transplanted as a result of the road widening works. No other trees would be affected by the proposal; and
- (c) a large part of the access road would have a gradient of 1:6.7. The portion of the access road closest to Hing Fu Road would have a gradient of 1:30. The proposed gradients were in line with the government standards.

16. With the aid of a Powerpoint presentation, Mr. Edmond Ng said that a tree survey was conducted along the access road and it was found that the trees near the access road were all native species. No trees that were regarded as valuable could be found. As a matter of principle, the trees would be preserved in-situ. Tree felling could be avoided by realigning the access road or by installing tree pits along the pedestrian pathway.

17. With the aid of a Powerpoint presentation, Mr. Robin Li made the following main points:

- (a) to minimize the adverse traffic impacts, a number of traffic management measures would be introduced. The “Visitor Booking System” would be in place during the Chung Yeung and Ching Ming Festivals. The number of visitors would be strictly controlled to no more than 384 persons per hour. To ensure that the “Visitor Booking System” would be implemented successfully, only 2,000 niches would be sold each year. This would mean that there would be no drastic increase in the number of visitors to the columbarium. Furthermore, the relevant government departments would have an opportunity to monitor its implementation. The “Visitor Booking System” was not a new idea. The columbaria at Fat Yuen Ching Shea and Shan Yuan in Tuen Mun and Soka Gakkai International in Ting Kok had also implemented the “Visitor Booking System”;
- (b) a shuttle bus service with the use of mini-buses would also be introduced. The shuttle buses would travel along a circular route. The pick-up/drop-off points would be located at Po Tin Estate and Kin Sang Estate bus terminus. As the shuttle buses would use common lay-bys rather than the lay-bys dedicated to franchised buses, there would be no adverse impacts on the franchised bus services. It should be noted that the columbaria at Yuen Yuen Institute in Tsuen Wan and Soka Gakkai International in Ting Kok also had or intended to have shuttle bus services;
- (c) considering that the distance between the site and Po Tin Estate was about

600m, which was wider than the general catchment area of a MTR station, and there was a steep road linking the site and Po Tin Estate, visitors to the columbarium would unlikely walk from Po Tin Estate to the site;

- (d) a contingency plan had also been devised. If shuttle buses were not available during the festivals and their shadow periods, visitors could go to the columbarium by private car, taxi or on foot. His assessment indicated that there would be adequate parking spaces and other transport facilities to accommodate the traffic and pedestrian flows. The relevant assessment reports and further information had been passed to Transport Department (TD) and they had no comment at that time; and
- (e) the internal transport facilities would also be improved. A road running along the perimeter of the site for one-way traffic was proposed. There would be a total of 77m of loading/unloading spaces. The road would be wide enough so that the loading/unloading activities would not affect the normal traffic flow along the road. The loading/unloading spaces could accommodate 9 shuttle buses or 15 cars/taxis at the same time. Five loading/unloading spaces for persons with disability would also be provided. In comparison, there were only 7 loading/unloading spaces in Cityplaza at Taikoo Shing.

18. Mr. Chan Tat Choi said that the TD and PlanD were concerned that the approval of the application would set an undesirable precedent for Kwong Hau Sin Yuen adjacent to the application site. He noted that Kwong Hau Sin Yuen had submitted a planning application to the Board last year, proposing to develop a columbarium with 8,500 niches. However, there were no assessment reports submitted to justify their proposal. As the planning application for Kwong Hau Sin Yuen was subsequently withdrawn by the applicant, he did not have enough information on the feasibility of their proposal. For assessment purposes, he had compared the development parameters of Kwong Hau Sin Yuen and the subject development. As Kwong Hau Sin Yuen was about one-third of the size of the application site, the number of niches at Kwong Hau Sin Yuen was estimated to be about 3,000 niches, i.e. about one-third of that of the subject columbarium. If the two columbarium developments could co-operate, the subject columbarium could provide surplus

loading/unloading spaces to Kwong Hau Sin Yuen for their use. Therefore, the approval of the application would not create an undesirable precedent for Kwong Hau Sin Yuen.

19. Mr. Chan Tat Choi further said that if the Committee still had concerns on the application after their presentation, the Committee could consider deferring the consideration of the application so that the applicant could submit further information to address the outstanding concerns of the Committee.

20. A Member asked whether the columbarium complied with the relevant restrictions in the lease and the OZP. In response, Mr. W.S. Lau said that the columbarium contravened the lease conditions. Three private lots at the site were subject to building licences for Small House use. An application to LandsD was required for any change of use. Even if the application site was used for a religious institution only without the columbarium development, application to LandsD would still be required. On the statutory planning aspect, the application site fell within the “GB” zone where ‘Religious Institution’ required planning permission from the Board and ‘Columbarium’ was neither a Column 1 nor a Column 2 use. If the site was rezoned to “G/IC”, ‘Religious Institution’ would be a Column 1 use while ‘Columbarium’ would require planning permission from the Board.

21. Noting that the proposed total GFA in the development scheme was 607m² and the total permitted area under the three building licences was much lower, a Member asked whether the applicant intended to develop more buildings or structures. Referring to a table at page 2 of the Paper, Mr. W.S. Lau said that a temple block was proposed to be built with a GFA of about 66m². Mr. Chan Tat Choi said that the GFA of the three existing buildings was 190m², 74m² and 190m² respectively.

22. A Member asked whether the existing houses were built before the first OZP covering the area was published and whether enforcement action had been taken against the columbarium. Mr. W.S. Lau said that the houses were built in the 1960s before the gazettal of the first OZP covering the area. Regarding enforcement action, it should be noted that the application site fell within the Tuen Mun OZP where the Planning Authority did not have enforcement powers against the unauthorized developments within the OZP areas. Within these areas, development control was mainly effected through lease conditions and the Buildings Ordinance.

23. In response to a further question from the same Member, Mr. W.S. Lau said that PlanD was aware of the unauthorized columbarium development after a complaint was received last year. The relevant information had been passed to Lands Department for their investigation and possible lease enforcement action.

24. In response to a question from a Member, Mr. Chan Tat Choi said that the applicant proposed to build a new temple block at the application site.

25. In response to a question from another Member, Mr. W.S. Lau said that the access road leading to the columbarium was a private road.

26. As the applicant's representative had no more points to make and Members had no questions to raise, the Vice-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's representative of the Committee's decision in due course. The Vice-Chairman thanked the representatives of the applicant and PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

27. A Member did not support the application and said that the columbarium development at the application site did not comply with the lease conditions, the Buildings Ordinance and the OZP. The relevant government departments should be asked to carry out enforcement action against the unauthorized development.

28. In response to a question from a Member, the Secretary said that before 1991, the Town Planning Board only prepared OZPs to cover the main urban areas and the new towns of Hong Kong. In 1991, the Town Planning (Amendment) Ordinance 1991 was enacted to extend the statutory planning control to the rural areas. The Board was empowered to designate an area that was not previously included in an OZP as a Development Permission Area (DPA). Only those areas included in a DPA, i.e., the rural areas, were subject to planning enforcement control under the Ordinance. As Tuen Mun was a new town covered by an OZP, the Planning Authority did not have enforcement powers against unauthorized

developments in the areas. Development control in these areas was mainly effected through lease conditions and the Buildings Ordinance. As the subject columbarium contravened the lease conditions, LandsD might take lease enforcement action against the unauthorized development.

29. A Member did not support the application and asked whether there was any plan to review the “GB” zoning of the application site noting that the site was no longer covered with natural vegetation. The Secretary said that PlanD was undertaking a land use review of the sites zoned “GB” but were not covered with natural vegetation throughout Hong Kong to see if there was any opportunity to rezone them to other appropriate uses. However, the “GB” review and the subject application were two different matters. Even if the “GB” site was to be rezoned, it would not necessarily mean that the existing unauthorized developments at the “GB” site would be regularized.

30. A Member referred to Plan Z-3 of the Paper and said that the site should remain as a “GB” site as it was mainly covered with natural vegetation in 2008. Efforts should be made to reinstate the site to its original conditions.

31. In response to a question from another Member, the Secretary said that the zoning on the OZP was broad-brush in nature, and scattered developments such as Small Houses could be found within the “GB” zone. Such developments could be regarded as ‘existing use’ and were tolerated under the OZP. There was also provision for planning application for Small House development under the “GB” zone.

32. Members generally considered that the application should not be agreed. The Secretary said that the Committee should also consider the request of the applicant to defer consideration of the application. Members were generally of the view that there was no strong justification for deferment of the consideration of the application.

33. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons for not supporting the application as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the proposed rezoning was for facilitating a columbarium development

which includes a road widening proposal in the “Green Belt” (“GB”) zone. The applicant had not provided sufficient information in the submission to demonstrate that the proposed road widening was acceptable and implementable and would not have adverse landscape impact;

- (b) the applicant had not provided sufficient information in the submission to demonstrate that the proposed development would not pose adverse vehicular and pedestrian traffic impacts and cause nuisance to the nearby residents during the Ching Ming and Chung Yeung Festivals; and
- (c) approval of the application would set an undesirable precedent for other similar applications within the “GB” zone.

[Mr. Chan Fuk Cheung and Ms. Anita Ma left the meeting at this point.]

[The meeting was adjourned for a short break of 5 minutes and resumed at 4:30p.m.]

Sai Kung and Islands District

[Mr. Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Mr. Alex C.Y. Kiu, Mr. T.C. Cheng, Mrs. Margaret W.F. Lam and Ms. Lisa L.S. Cheng, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 5

[Open Meeting]

Proposed Amendments to the

Approved Ho Chung Outline Zoning Plan No. S/SK-HC/9

(RNTPC Paper No. 6/13)

34. With the aid of a Powerpoint presentation, Mr. Alex Kiu, STP/SK, presented the proposed amendments to the approved Ho Chung Outline Zoning Plan No. S/SK-HC/9 (the

OZP) as detailed in the Paper and covered the following main points:

Background of the Proposed Amendments

- (a) a s.12A planning application No. Y/SK-HC/3 was submitted in 2011 proposing to rezone a site (about 1,022m²) at Nam Pin Wai Road from “Residential (Group C)1” (“R(C)1”) to “Village Type Development” (“V”) to facilitate the processing of Small House developments within the site. On 5.8.2011, the Committee agreed to the s.12A planning application considering that the site was located within the village ‘environs’ (‘VE’) of Ho Chung Village and the proposed rezoning to “V” was compatible with existing Ho Chung Village just across Nam Pin Wai Road. The rezoning would alleviate the problem of shortage of land for Small House development in Ho Chung Village and there would be no insurmountable problems on drainage, landscape, environmental and traffic aspects. The proposed amendment to the OZP was to take forward the decision of the Committee;

The Site and Its Surrounding Areas

- (b) the site was currently vacant and covered by vegetation. It was surrounded by village houses and low-rise and low-density residential developments. The site was served by Nam Pin Wai Road to its north-west. Upon the rezoning of the site from “R(C)1” to “V”, the site could be used for small house developments which were considered compatible with the low-rise, low-density developments in the surroundings;

Other Technical Amendments

- (c) there were currently three “V” zones for the recognised village of Wo Mei. The three zones were separated by Wo Mei Hung Min Road and Mok Tse Che Road. The eastern and southern “V” zones had been partly developed for small houses. However, under the prevailing Small House Policy, Small House applications in the northern “V” zone would not be

considered by Lands Department as it did not encircle the 'VE' of Wo Mei. A technical amendment was therefore proposed to the OZP by including a symbol " " on the plan to indicate that the intention of these three existing "V" zones at Wo Mei was to provide land for small house development for the same village;

- (d) opportunity was taken to revise the exemption clause for plot ratio/site coverage calculation in relation to caretaker's quarters in the Remarks of the Notes for "Comprehensive Development Area", "R(C)", "Residential (Group D)" and "Residential (Group E)" zones;
- (e) the Explanatory Statement of the Ho Chung OZP had been revised to reflect the above amendments and to update the general information of various land use zones where appropriate;

Departmental Consultation and Public Consultation

- (f) the proposed amendments had been circulated to the relevant Government departments for comments, and no major comments had been received; and
- (g) the Sai Kung District Council and Sai Kung Rural Committee would be consulted on the amendments during the exhibition period of the draft OZP No. S/SK-HC/9A (to be renumbered as S/SK-HC/10 upon exhibition) for public inspection under section 5 of the Town Planning Ordinance.

35. Members had no question on the proposed amendments.

36. After deliberation, the Committee decided to :

- (a) agree that the proposed amendments to the approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/9 as shown on the draft OZP No. S/SK-HC/9A (to be renumbered as S/SK-HC/10 upon exhibition) at Appendix II of the Paper and its Notes at Appendix III of the Paper were suitable for exhibition for public inspection under section 5 of the Town

Planning Ordinance; and

- (b) adopt the revised Explanatory Statement (ES) at Appendix IV of the Paper for the draft OZP No. S/SK-HC/9A (to be renumbered as S/SK-HC/10) as an expression of the planning intentions and objectives of the Board for various land use zonings on the Plan and the revised ES would be published together with the draft Plan.

Agenda Item 6

[Open Meeting]

Proposed Amendments to the Approved Clear Water Bay Peninsula North

Outline Zoning Plan No. S/SK-CWBN/4

(RNTPC Paper No. 7/13)

37. With the aid of a powerpoint presentation, Mr. Alex Kiu, STP/SK, presented the proposed amendments to the approved Clear Water Bay Peninsula North Outline Zoning Plan No. S/SK-CWBN/4 (the OZP) as detailed in the Paper and covered the following main points:

Background of the Proposed Amendments

- (a) the Government was committed to expanding land resources in Hong Kong through a multi-pronged approach to build up land reserve with a view to meeting housing, social and economic development needs. The 2013 Policy Address put forward various measures including the review of green belt areas which were devegetated, deserted or formed, and considered suitable for rezoning for residential use. A site at the junction of Pik Sha Road and Clear Water Bay Road zoned “Green Belt” (“GB”) on the OZP had been identified by the Government as having potential for housing development. It was a piece of Government land with a site area of about 0.13 ha;

The Site and Its Surroundings

- (b) a majority part of the proposed housing site was formed, paved and used as a works area for Government projects before the draft Clear Water Bay Peninsula North Development Permission Area Plan No. DPA/SK-CWBN/1 was gazetted on 22.3.2002. The site was currently vacant. There were some trees at the southeastern end of the site. The Director of Leisure and Cultural Services (DLCS) had confirmed that there was no old and valuable tree at the site;
- (c) to its north and northwest were the low-rise (2 to 3 storeys high), low-density residential developments of Pik Sha Road and Silver Cape Road under the “Residential (Group C)” (“R(C)”) zonings. To its southwest across Clear Water Bay Road was also a low-rise, low-density residential development under the “R(C)” zoning. To its east, northeast and southeast was a densely wooded “Conservation Area” zone;
- (d) there was an existing rural-type refuse collection point (RCP) to the immediate north of the site which was managed by the Director of Food and Environmental Hygiene (DFEH). The RCP had been in operation and used by the nearby residents for nearly 30 years;

The Proposed Amendments

- (e) taking into account the issues of land use compatibility with the surrounding environment, air ventilation, environmental, traffic, infrastructural, visual and landscaping impacts arising from the proposed residential development, it was proposed that the site be rezoned from “GB” to “R(C)10” with a maximum plot ratio of 0.6, a maximum site coverage of 30% and a maximum building height of 3 storeys (including carport). It was estimated that two houses or four flats could be built at the site;
- (f) the land allocated to DFEH for the RCP and its access (about 0.01 ha.) was proposed to be rezoned from “GB” to “Government, Institution or Community” (“G/IC”) to reflect the existing use. As no suitable

alternative site could be identified for the relocation of the RCP, DFEH considered it necessary to retain the RCP in-situ. It was DFEH's intention to upgrade the existing RCP after completion of the neighboring "R(C)10" development to cope with the increasing volume of refuse. The upgrading works involved the replacement of the existing stone structure by an aluminium structure with a design and decorative greenery that would match the landscape features in the vicinity. The proposed "G/IC" zoning would facilitate such upgrading works;

- (g) opportunity was also taken to revise the exemption clause for gross floor area/plot ratio calculation in relation to caretaker's quarters in the Remarks of the Notes for "Comprehensive Development Area" and "R(C)" zones;
- (h) the Explanatory Statement of the OZP had also been revised to reflect the latest amendments to the OZP and to update the general information of various land use zones where appropriate;

Departmental Consultation and Public Consultation

- (i) the rezoning proposals had been circulated to the government departments for comments. No objection and no insurmountable problem for the proposed rezoning site had been raised by the government departments consulted; and
- (j) the Sai Kung District Council would be consulted on the amendments during the exhibition period of the draft OZP No. S/SK-CWBN/4A (to be renumbered as S/SK-CWBN/5 upon exhibition) for public inspection under section 5 of the Town Planning Ordinance.

38. Noting that two houses or four flats were estimated to be built at the site, a Member asked whether the number of houses or flats could be increased. In response, Mr. Ivan Chung said that the number of two houses or four flats was only an estimated figure to indicate the possible scale of the proposed development. The photomontages that were shown in the Powerpoint were prepared based on the estimated figure. The actual number

of houses or flats to be built at the site would depend on the future design of the proposed residential development and could only be determined at the detailed design stage. The same Member had some concerns about the rezoning of a “GB” site only for the production of a small number of flats.

39. The Secretary said that the proposed “R(C)10” zone would be restricted to a maximum plot ratio of 0.6, a maximum site coverage of 30% and a maximum building height of 3 storeys (including carport) and there would not be any restriction on the number of houses or flats. The estimated number of houses/flats was only an estimate for assessment of the various impacts generated by the proposed development.

40. After further deliberation, the Committee decided to :

- (a) agree that the proposed amendments to the approved Clear Water Bay Peninsula North Outline Zoning Plan (OZP) No. S/SK-CWBN/4 as shown on the draft OZP No. S/SK-CWBN/4A (to be renumbered as S/SK-CWBN/5 upon exhibition) at Appendix II of the Paper and the draft Notes at Appendix III of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) at Appendix IV of the Paper for the draft OZP No. S/SK-CWBN/4A (to be renumbered as S/SK-CWBN/5) as an expression of the planning intentions and objectives of the Board for various land use zonings on the Plan and the revised ES would be published together with the draft Plan.

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/200 Temporary Agricultural Use (Horticultural Garden) and Eating Place
for a Period of 3 Years in areas shown as ‘Road’, Government Land
(STT No. SX 2715) in DD217, Tai Chung Hau, Sai Kung
(RNTPC Paper No. A/SK-PK/200)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary agricultural use (horticultural garden) and eating place for a period of 3 years;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application from a landscape planning perspective. Although the applicant stated that many mature trees had been planted and would be retained on Site, inadequate information was provided on the conditions of existing trees and to demonstrate that the proposed development as shown on the Master Layout Plan would not conflict with existing trees within the Site;
- (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 (Sai Kung); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper.

However, as the Site might be affected by the road project ‘Hiram’s Highway Improvement Stage 2’ which would likely commence in early 2016, it was suggested that the permission should be valid on a temporary basis for a period of 32 months until 19.12.2015. The concerns of CTP/UD&L, PlanD could be addressed by the imposition of approval conditions on the submission and implementation of a landscape and tree preservation proposal. Since the last planning permission (No. A/SK-PK/174) had been revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance with the approval conditions.

42. Members had no question on the application.

Deliberation Session

43. In response to a question from a Member, Mr. Kiu said that the site was already provided with water supplies for fire-fighting purposes.

44. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 32 months until 19.12.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of landscaping and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.7.2013;
- (b) in relation to (a) above, the implementation of landscaping and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.10.2013;
- (c) the submission of proposals for water supplies for fire-fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.7.2013;

- (d) in relation to (c) above, the provision of water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.10.2013; and
- (e) if any of the above planning conditions (a), (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.

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

- (a) shorter compliance periods for approval conditions were granted in order to closely monitor the situation in compliance of application conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (b) shorter approval period for 32 months until 19.12.2015, instead of 3 years sought, was granted in order to avoid affecting the commencement of the road project “Hiram’s Highway Improvement Stage 2”;
- (c) to note the comments of the District Lands Officer/Sai Kung that the applicant should apply to his office for revision of the relevant tenancy conditions of the Short Term Tenancy (STT) so as to tally with the approved planning scheme if the application was approved by the Board. There was no guarantee that the proposed revisions would be approved by the Government. If such application was approved, it would be subject to such terms and conditions (including payment of fees and additional rent if applicable) as the Government considered appropriate;
- (d) to note the comments from the Director of Fire Services that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed Site,

fire service installations would need to be installed. 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 Fire Services Department incorporated with the proposed fire service installations for approval. The applicant should note that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of the proposed fire service installations and the access for emergency vehicles should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;

- (e) to note the following comments of the Chief Building Surveyor/New Territories East 2 and Rail, BD:
 - (i) to removal of all unauthorized building works/structures;
 - (ii) all building works were subject to compliance with the Buildings Ordinance (BO);
 - (iii) Authorised Person had to be appointed to co-ordinate all building works; and
 - (iv) the granting of the planning approval should not be construed as an acceptance of any unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
- (f) to submit an application for a restaurant license to the Director of Food and Environmental Hygiene for approval.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-PC/5 Comprehensive Residential Development and a Commercial Complex in “Other Specified Uses” annotated “Comprehensive Residential Development Including a Commercial Complex” zone, Lot No. 678 in D.D. Peng Chau, Peng Lei Road, Peng Chau
(RNTPC Paper No. A/I-PC/5)

Presentation and Question Sessions

46. With the aid of a Powerpoint presentation, Mr. T.C. Cheng, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the comprehensive residential development and a commercial complex;
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 8 of the Paper;
- (d) during the first three weeks of the statutory publication period, two public comments were received. One commenter supported the proposed development as it could help resolve the problem of housing shortage provided that the environmental impact assessment was acceptable. Another commenter considered that the peaceful and natural environment of Peng Chau had to be preserved, pollution of air, noise or water had to be avoided, and due protection to the trees, flowers, birds and other precious animals had to be provided before, during and after the construction. He also hoped that the proposed shops would be used fairly for the interest of Peng Chau as a whole and should not be left vacant; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments made in paragraph 10 of the Paper. Regarding the public comments, it should be noted that the proposed development was not a designated project under the Environmental Impact Assessment (EIA) Ordinance. There was no statutory requirement for an EIA submission. Besides, the proposed development was in line with the planning intention and development restrictions of the subject "Other Specified Uses" annotated "Comprehensive Residential Development Including a Commercial Complex" zone. Relevant Government departments had no adverse comments on the application.

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 19.4.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a Landscape Proposal including a Tree Preservation Proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission of sewerage impact assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in planning condition (c) above 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 from the District Lands Officer/Islands, Lands Department that:
 - (i) the Authorized Person (AP) should demonstrate the site coverage calculation during general building plans submission for consideration under the lease conditions;
 - (ii) the building height of each building should be measured individually according to the subject lease conditions. The AP should demonstrate the height of each building during general building plans submission stage;
 - (iii) the AP should observe the requirements under PNAP APP-152 to clearly demonstrate compliance with the Building Separation requirements under Special Condition(5)(g) of the lease in general building plan submission;
 - (iv) the AP should note that the proposed greenery area should comply with the requirements under PNAP APP-152 and that the landscape plan should be considered under separate submission under the lease conditions;
 - (v) under Special Condition No. (2) of New Grant No. 21464 governing the Lot, the developer had to complete the construction of the building(s) within the Lot for occupation on or before 30.6.2017;
 - (b) to note the comments from the Chief Building Surveyor/New Territories East 1& Licensing, Buildings Department (BD) that he reserved his comments for re-submission of building plans in future;
 - (c) to note the comments from the Director of Food and Environmental

Hygiene that:

- (i) there should be a central refuse collection point to store the daily refuse from the 16 residential blocks (each block with 2 storeys in height). The management should collect and convey refuse from each residential block to the central refuse collection point;
 - (ii) the location of the central refuse collection point should be readily accessible by handcart/village vehicle;
 - (iii) the central refuse collection point should be of sufficient size with electrical lighting and water supply. The floor should be laid to fall towards floor drain. The internal surfaces of walls should be surfaced with smooth non-absorbent material or tiles up to a height of not less than 2 metres. Remaining surfaces of walls and ceilings should be limewashed or painted. The junctions between the walls and floors had to be curved (rounded). Pest control preventive measures should be provided inside the central refuse collection point;
 - (iv) the refuse from the two commercial blocks should be disposed by shop owners/shop tenants themselves;
- (d) to note the comments from the Director of Fire Services that:
- (i) emergency vehicular access should be provided in accordance with Section 6, Part D of the Code of Practice for Fire Safety in Buildings which was administered by BD;
 - (ii) detailed fire safety requirements would be formulated upon receipts of formal submission of general building plans; and
- (e) the approval of the application did not imply that any proposal on gross floor area (GFA) concession for the proposed development would be

approved/granted by the Buildings Authority (BA). The applicant should approach the BD direct to obtain the necessary approval. If the GFA concession was not approved/granted by the BA and major changes to the current scheme were required, a fresh planning application to the Board might be required.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/131 Filling of Land (by about 1m high) for Permitted Agricultural Use in
“Coastal Protection Area” zone, Lot 830 R.P. in D.D.316, Pui O Lo
Wai Tsuen, Lantau Island
(RNTPC Paper No. A/SLC/131)

Presentation and Question Sessions

50. With the aid of a Powerpoint presentation, 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 filling of land (by about 1m high) for permitted agricultural use;
- (c) departmental comments – the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) commented that the proposed land filling for agricultural use was permitted under lease. However, construction or erection of any structure or building was not permitted except with the prior approval from him. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that mushroom farm/structure was regarded as ‘Agricultural Use’ and was considered acceptable from an agricultural point of view. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some

reservation on the application. The proposed land filling was considered too close to the adjacent cultivated land with a setback of only 0.3m from the east, south and west of the site. There was insufficient information on the proposed material for the land filling, footing structure and the proposed height of the farm house. There was also insufficient information to demonstrate that there would be no adverse impact on the adjacent cultivated land;

- (d) during the first three weeks of the statutory publication period, 104 public comments were received. They were submitted by local concern groups and green groups, local residents and members of the general public. While a member of the public suggested that filling of land should not be prohibited within “Coastal Protection Area” (“CPA”) zone, the other 103 commenters objected to the application mainly on the grounds that the proposed development was not in line with planning intention of “CPA” zone. The proposed filling of land with a building for mushroom farming would cause environment degradation in Pui O, damage the adjacent areas and result in adverse impacts on drainage and soil. Furthermore, construction of a 2-storey permanent building on wetland for mushroom farming should not be considered as ‘Agricultural Use’. There were already various unauthorized developments, including land filling, within the “Green Belt” and “CPA” zones in some areas on the OZP; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 10 of the Paper. Although the proposed mushroom farm/structure was always permitted within the “CPA” zone, the application had not provided sufficient information on the materials for land filling and whether there would be adverse impacts on the surrounding areas. The approval of the application would set an undesirable precedent for similar applications within the “CPA” zone. The cumulative effect of approving such applications would result in a general degradation of the natural environment of the area.

51. Members had no question on the application.

Deliberation Session

52. A Member did not support the application as insufficient information was submitted on the materials used in the land filling and the need for filling of land to a height of 1m. Another Member shared the same view.

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

- (a) the applicant failed to provide sufficient information in the submission to show the material for land filling, and justify the need for 1m land filling, as well as demonstrate no adverse impact on the surrounding areas; and
- (b) approval of the application would set an undesirable precedent for similar applications within the “Coastal Protection Area” zone and the cumulative effect of approving such applications would lead to a general degradation of the natural environment of the area.

[Dr. Wilton Fok left the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/95 Proposed Flat (Departmental Quarters Units for Customs and Excise Department) in “Government, Institution or Community” zone, Yau Yue Wan Village Road in Tseung Kwan O Area 22, Tseung Kwan O (Site abutting the Fire Services Department Tseung Kwan O Rank and File Married Quarters)
(RNTPC Paper No. A/TKO/95)

54. The Secretary reported that the application was submitted by Hong Kong

Customs and Excise Department (C&ED) represented by, inter alia, Environ Hong Kong Ltd., Meinhardt (C&S) Ltd., J. Roger Preston Ltd. and ACLA Ltd. Mr. Ivan Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd., Meinhardt (C&S) Ltd. and J. Roger Preston Ltd. Ms. Janice Lai had also declared an interest in this item as she had current business dealings with ACLA Ltd. As they had no involvement in the application, the interests of Mr. Fu and Ms. Lai were not direct. Members agreed that they could stay in the meeting.

Presentation and Question Sessions

55. With the aid of a Powerpoint presentation, Ms. Lisa L.S. Cheng, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed flat (departmental quarters units for Customs and Excise Department);
- (c) departmental comments – the Director of Leisure and Cultural Services (DLCS) commented that from a tree preservation point of view, the number of trees to be felled should be reduced to a minimum. If tree felling was unavoidable, full justifications should be provided. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that, compared with the previous application withdrawn by the applicant, the number of trees to be felled had been greatly reduced from 161 to 67. The number of *Aquilaria sinensis* proposed to be felled had also been reduced from 4 to 1. It was noted that, due to site limitations, the compensatory planting proposal could not achieve the recommended requirement of 1:1 as stated in ETWB WBTC No. 3/2006 in terms of quantity and quality;
- (d) during the first three weeks of the statutory publication period, 23 public comments objecting to the proposal were received. They were submitted by a Sai Kung District Council member, a Legislative Council member, representatives of Yau Yue Wan Village, Chairman of Hang Hau Rural

Committee, Chairman of the Fire Services Department Married Staff Quarters Association, and members of the public. They objected to the application for the reasons that the proposed development would cause adverse visual, landscape, fung shui and public security impacts, lead to tree-felling and have adverse impacts on the natural habitats, affect the access to the walking trails and the living environment and health of the existing residents. The proposed development would also further worsen traffic congestion and the shortage of parking spaces. It had failed to address the problem of the shortage of community facilities and open space, and the upgrading of the existing refuse collection facilities in the area. The villagers were also angry that they had not been consulted on the proposal even though they were located less than 100 feet away from the site and questioned why the site might be used for the development of quarters while indigenous villagers were having difficulties finding land for Small House development. They also proposed that the site could be used for public parking, a low-density home for the aged, a park, a community centre or a day care centre; and

(e) the Planning Department (PlanD)'s views –

(i) PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Although the compensatory tree planting proposal could not achieve the ratio of 1:1 as recommended in ETWB WBTC No. 3/2006, DAFC recognized the site limitations and noted that the latest proposal would greatly reduce the impact on existing trees. He also noted that the number of *Aquilaria sinensis*, a protected species, to be felled had been reduced from 4 to 1. DLCS recommended that full justifications should be given if the proposal could not meet the compensatory planting requirements. To further address their concerns, it was recommended that approval conditions on the submission and implementation of tree preservation and landscape proposals be included; and

(ii) as regards the public comments, it should be noted that the proposed

development had minimized adverse impacts on the natural vegetation and landscape, and would not have adverse visual and traffic impacts. Furthermore, it would not affect the provision of community facilities and open space in the area. As regards car parking, an approval condition on the design and provision of car parking spaces and lay-bys had been recommended. In planning for the future public transportation services, the Transport Department would further take the proposed departmental quarters into consideration. Regarding the provision of open space, it should be pointed out that the area was already served by 3 existing playgrounds and sitting-out areas. As for the provision of land for Small House development, no approval of small house had been/would be granted in the resite village. Indigenous villagers of Yau Yue Wan Village could apply to build Small Houses (in private lot only) in other recognized villages of Hang Hau Heung. Regarding the complaint that the Yau Yu Wan villagers were not consulted on the application, according to TPB PG-No. 30, a notice informing the public about the application had been sent to, among others, the Owners' Corporation(s) or other committee(s) of the buildings within 100 feet from the boundary of the application site. Notices on the application had also been published for public consultation. On the concern of public security, it should be noted that the proposed development would be occupied by the staff of C&ED and their families. Finally, fung shui was not a material consideration of the Committee.

56. Members had no question on the application.

Deliberation Session

57. Noting that due to site limitations, the recommended compensatory planting ratio of 1:1 could not be achieved in the compensatory tree planting proposal, a Member asked whether any other landscape proposals such as rooftop greening could be included in the development proposal so as to further enhance the landscape quality of the proposed development. The Secretary said that an approval condition on the submission and

implementation of tree preservation and landscape proposals had been recommended for Members' consideration. If the application was approved, the Chief Town Planner/Urban Design and Landscape, PlanD would be asked to take the Member's suggestion into account when assessing the tree preservation and landscape proposals submitted by the applicant.

58. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.4.2017, 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 quarterly tree monitoring reports, tree preservation and landscape proposal to the satisfaction of Director of Planning or of the TPB;
- (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;
- (c) the design and provision of car parking spaces for residential/visitors, laybys for loading/unloading of good vehicles, private cars/taxi to the satisfaction of the Commissioner for Transport or of the TPB; and
- (d) the implementation of the Sewerage Impact Assessment submitted by the applicant to the satisfaction of the Director of Environmental Protection or of the TPB;

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

- (a) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that:
 - (i) the spot heights for the flat roof of the machine room and the pump & tank room should be indicated;

- (ii) creeper plants proposed on the top of the barrier wall according to Paragraph 5.10.2 of the Planning Statement at Appendix Ia of the Paper should be indicated on the conceptual landscape master plan, compensatory plan and in the list of the proposed plant species;
 - (iii) all the existing trees to be retained should also be shown on the compensatory planting plan;
 - (iv) roof gardens were recommended to break up the excessive hard paving at the roofs of the buildings; and
 - (v) typical details of tree planting/planters on podium should be provided to demonstrate the provision of sufficient soil depth and subsoil drainage for the proposed plantings;
- (b) to note the comments of the Director of Fire Services that the Emergency Vehicular Access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department (BD); and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (c) to note the comments of BD that it was the government policy to implement the quality and sustainable built environment (QBE) requirements (building separation, building setback and greenery coverage) in the lease conditions of new land sale sites or lease modification/land exchange;
- (d) to note the comments of the Commissioner for Transport that to further address the public comments concerning the pick up/drop off by school buses, the original proposed lay-by of 11m (long) x 3.5m (wide) for loading/unloading of good vehicles should be revised to a lay-by of 12m(long) x 3.5m(wide) for mixed uses for unloading/loading of good vehicles and drop off/pick up of passengers (should be mostly school students) for buses (should be mostly school buses) and the applicant

should check the turning of 12m long buses within the development;

- (e) to note the comments of the Director of Water Supplies that the project should not have any adverse effects on the operation and maintenance of water mains within or in the vicinity of the Site and the applicant should liaise with New Territories East Regional Office of Water Supplies Department during the initial planning and design stage for any protection measures to be in place so as not to affect any water mains; and
- (f) to note the comments of Government Property Administrator (GPA) that GPA's endorsement under Accommodation Regulation 511 was required for acquisition proposals in respect of departmental quarters and the proposal to construct government staff quarters at the Site, including the number, size, and grade mix of quarter units to be constructed, the number and space of ancillary areas such as recreational facilities, number of car parking space to be provided, etc., was subject to GPA's endorsement.

[The Vice-Chairman thanked Mr. Ivan M.K. Chung, DPO/SKIs, Mr. Alex C.Y. Kiu, Mr. T.C. Cheng, Mrs. Margaret W.F. Lam and Ms. Lisa L.S. Cheng, STPs/SKIs, for their attendance to answer Members' enquires. Mr. Chung, Mr. Kiu, Mr. Cheng, Mrs. Lam and Ms. Cheng left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/124 Proposed Temporary Warehouse Facilities with Ancillary Car Parking for a Period of 3 Years in “Other Specified Uses” annotated “Port Back-up Uses” zone, Lot 1193 S.A(Part) in D.D.52, Man Kam To Road, Fu Tei Au
(RNTPC Paper No. A/NE-FTA/124)

Presentation and Question Sessions

60. 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 temporary warehouse facilities with ancillary car parking for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) commented that although there was no record of environmental complaint for the application site for the past three years, she did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from a nature conservation point of view. The application site was immediately adjacent to a wooded area which had been occupied by an egret for breeding herons and egrets in recent years. There was no information in the application to demonstrate that the proposed development would not generate adverse ecological impacts on the egret during the construction and operation stages of the temporary development. The applicant should be reminded to adopt good site practice and appropriate measures. Lighting facilities should be installed at

appropriate locations to minimise any glare effects on the egretry;

- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council member stating that he had no comment on the application provided that consultation had been carried out with the nearby residents; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, no environmental complaints concerning the site had been received in the past 3 years. To address the environmental concerns, an approval condition restricting the operation hours had been recommended. In response to DAFC's concerns, the applicant would be reminded to adopt good site practice and appropriate measures to avoid affecting the nearby egretry.

61. Members had no question on the application.

Deliberation Session

62. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.4.2016, 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, should be allowed on the application site during the planning approval period;
- (b) no operation on Sundays and statutory holidays should be allowed on the application site during the planning approval period;
- (c) the submission of tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of

Planning or of the TPB by 19.7.2013;

- (d) in relation to (c) above, the implementation of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.10.2013;
- (e) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.7.2013;
- (f) in relation to (e) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.10.2013;
- (g) the submission of proposal for water supplies for fire fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.7.2013;
- (h) in relation to (g) above, the implementation of proposal for water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.10.2013;
- (i) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

63. 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) shorter compliance period was imposed to monitor the situation on the site;
- (c) 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) to note the District Lands Officer/North, Lands Department's advice that the owners of the lots should be advised to apply to his office for a Short Term Waiver (STW) for the existing / proposed structures. There was no guarantee that STW would be granted to the applicant. If the STW was granted, the grant would be made subject to such terms and conditions to be imposed as the government should deem fit to do so including the payment of STW fee;
- (e) to note the Commissioner for Transport's comments on the following:
 - (i) Man Kam To Road was not managed by his department and land status of the access leading to the site should be checked with the lands authority; and
 - (ii) the management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the Chief Highway Engineer/New Territories East, Highways Department's comments that any access road leading from Man Kam To Road to the application site was not maintained by his department;
- (g) to note the Director of Agriculture, Fisheries and Conservation's comments that the applicant should be reminded to adopt good site practice and

appropriate measures including the provision and maintenance of well-fenced hoarding and landscape plantings along the site boundary with a view to avoiding/minimizing any potential impacts on the egret. Any lighting facilities should also be installed at proper locations in order to minimise any glare impact on the egret;

- (h) to note Director of Fire Service's comments on the following:
 - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the site, fire service installations (FSIs) would need to be installed;
 - (ii) in such circumstance, 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 incorporated with the proposed FSIs for his approval. In preparing the submission, the applicant was advised on the following points:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the location of the proposed FSI 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 submission of general building plans;
- (i) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the site was in an area where no public sewerage connection was available. Environmental Protection Department (DEP) should be consulted regarding the sewerage treatment/disposal facilities for the proposed development;

- (j) 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 captioned application;
 - (ii) before any new building works (including temporary structures as storage) were to be carried out on the application site, prior approval and consent from BD should be obtained, otherwise they were unauthorized building works (UBW). An authorized person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action might be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;
 - (iv) in connection with (ii) above, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations (B(P)R) 5 and 41D respectively; and
 - (v) if the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under B(P)R 19(3) at the building plan submission stage;
- (k) to note the comments of the Chief Town Planner/Urban Design and Landscape of Planning Department's comments that:

- (i) the intention of preserving the existing tree at the southeast boundary should be expressed in the tree preservation and landscape proposal;
 - (ii) the details of tree pits should be submitted;
 - (iii) the proposed tree species should be identified in the proposal; and
 - (iv) details of tree protective measures against stacking objects and potential damage incurred by car parking.
- (l) to note the Chief Engineer/Development(2), Water Supplies Department's comments that:
- (i) the application site fell within the consultation zone of Sheung Shui WTW, which was a potentially hazardous installation; and
 - (ii) the site was located within the flood pumping gathering ground; and
- (m) to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the DEP in order to minimize any possible environmental nuisances.

Agenda Item 12

Section 16 Application

[Open Meeting]

A/NE-TKL/427 Industrial Use (Laundry Workshop) in "Open Storage" zone, Lots 825, 834 and 836 in D.D. 77 and Adjoining Government Land, Ping Che
(RNTPC Paper No. A/NE-TKL/427)

64. The Committee noted that the applicant requested on 27.3.2013 for deferment of

the consideration of the application for two months in order to allow more time for preparation of further information to address Lands Department and Transport Department's concerns. This was the first time that the applicant had requested a deferment of the application.

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

Agenda Item 13

Section 16 Application

[Open Meeting]

A/NE-KTS/341 Place of Recreation, Sports or Culture (Hobby Farm) in "Agriculture" and "Village Type Development" zones, Lots 100, 101 and 103 in D.D. 100, Cheung Lek, Sheung Shui
(RNTPC Paper No. A/NE-KTS/341)

66. The Committee noted that the applicant requested on 11.4.2013 for deferment of the consideration of the application for one month in order to allow more time to prepare further information to address the concerns of Transport Department. This was the first time that the applicant had requested a deferment of the application.

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

be granted unless under very special circumstances.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/466 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” zone, Lot 653 S.B in D.D. 8, Ma Po Mei, Lam Tsuen,
Tai Po
(RNTPC Paper No. A/NE-LT/466A)

68. The Secretary reported that further information to respond to the comments of Environmental Protection Department and Water Supplies Department was received from the applicant at 6:30p.m. on 18.4.2013. As the submitted information was received one day before the meeting, there was not enough time to circulate the further information to the relevant government departments for comments. Since the departmental comments would be relevant to the consideration of the application, Planning Department (PlanD) requested that the consideration of the application be deferred for one month. It should be noted that the application had been deferred once as requested by the applicant.

69. After deliberation, the Committee decided to defer a decision on the application for one month as requested by PlanD. No further deferment would be granted unless under very special circumstances.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/436 Temporary Property Management Office for a Period of 3 Years in
“Village Type Development” zone, Lot 529 RP (Part) in D.D. 26,
Wong Yue Tan, Tai Po
(RNTPC Paper No. A/NE-TK/436)

Presentation and Question Sessions

70. 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 temporary property management office for a period of 3 years;
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication, nine public comments were received. Among them, six public comments were supportive of the application mainly because there was security problems in the village and the property management office would help improve the safety and security of the neighbourhood. The other three public comments objected to the application mainly because the temporary use involved commercial activities and caused adverse traffic and environmental impacts on the surrounding; 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. Regarding the adverse public comments, concerned government departments had no adverse comments on the application and appropriate approval conditions had been recommended to ensure that the surrounding area would not be adversely affected. As for the concerns on commercial activities, the applicant clarified that the proposed temporary property management office would not involve any work relating to a real estate agency and would only be used to manage the residential developments and the vehicular access to the village houses to the northwest of the site.

71. Members had no question on the application.

Deliberation Session

72. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.4.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 12:00 noon, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) 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 19.10.2013;
- (c) in relation to (b) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.1.2014;
- (d) the submission of fire service installations (FSIs) and water supplies for fire fighting proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.10.2013;
- (e) in relation to (d) above, the provision of FSIs and water supplies for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.1.2014;
- (f) if any of 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;
- (g) if any of the above planning conditions (b), (c), (d) or (e) 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

- (h) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note the comment of the District Lands Office/Tai Po, Lands Department that the applicant should apply for Short Term Waiver to regularize the unauthorized structures on private lot;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the subject site should have its own stormwater collection and discharge system to cater for the runoff generated within the subject site as well as overland flow from the surrounding areas. The applicant/owner was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems. There was no existing public sewerage in the vicinity of the site;
- (d) to note the comment of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road from Ting Kok Toad was not maintained by HyD; and
- (e) to note the comments of the Director of Fire Services (D of FS) that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed site, FSIs would be needed. In such circumstances, except where building plan was circulated to the Buildings Department, the applicant was required

to send the relevant layout plans incorporated with the proposed FSIs to the D of FS for approval. In doing so, the applicant should note that:

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

Detailed fire safety requirements would be formulated upon receipt of formal submission of the aforesaid plans.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/533 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Lots 839 S.B ss.2 RP and 839 S.B.ss.5 S.A in D.D.26, Wong Yue Tan, Tai Po
(RNTPC Paper No. A/TP/533)

Presentation and Question Sessions

74. 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 – concerned departments had no objection to or no comment 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 from Kadoorie Farm and Botanic Garden (KFBG) was received. KFBG objected to the application mainly on the ground that the development falling partly within “Green Belt” zone might have negative ecological impacts on the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. Regarding the adverse public comment from KFBG, it should be noted that the site was largely covered with common grasses and weeds, and the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design & Landscape of PlanD had no adverse comment on the application.

75. Members had no question on the application.

Deliberation Session

76. 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 19.4.2017, 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; and
- (b) submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the District Lands Officer/Tai Po’s comments that if and after planning approval had been given by the Board, Lands Department

(LandsD) would process the Small House application. If the Small House application was approved by LandsD acting in the capacity as landlord at its sole discretion, such approval would be subject to the terms and conditions as imposed by LandsD. There was no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto;

- (b) to note the Chief Engineer/Mainland North, Drainage Services Department's (DSD) comments that there was no existing DSD-maintained public drains available for connection in this area. 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 failure of the systems. There was no existing public sewerage available for connection in the vicinity of the Site. Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development;
- (c) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (d) to note the Director of Fire Services' comments that the applicant was reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;

- (e) to note the Chief Highway Engineer/New Territories East, Highways Department's (HyD) comment that the access road from Ting Kok Road to the Site was not maintained by HyD; and

- (f) 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. Base 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 of 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 structure; and

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/815 Shop and Services (Real Estate Agency) in “Industrial” zone, Portion
A1 of Unit 3, G/F, Fo Tan Industrial Centre, 26-28 Au Pui Wan Street,
Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/815)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (real estate agency);
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, one comment was received from a member of the general public who indicated that he had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. However, a temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

79. Members had no question on the application.

Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.4.2016, 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 19.10.2013; 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should

comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining industrial premises by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining premises should not be adversely affected;

- (f) note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application; and
- (g) refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

[The Vice-Chairman thanked Mr. Otto K.C. Chan, Mr. C.T. Lau and Mr. Anthony K.O. Luk, STPs/STN, for their attendance to answer Members' enquires. Messrs. Chan, Lau and Luk left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 18

Section 12A Application

[Open Meeting]

Y/YL-TYST/1 Application for Amendment to the Approved Tong Yan San Tsuen
Outline Zoning Plan No. S/YL-TYST/10 from “Residential
(Group B) 3” to “Other Specified Uses” annotated “Columbarium”, Lot
3971 RP in D.D. 124, Tan Kwai Tsuen, Yuen Long
(RNTPC Paper No. Y/YL-TYST/1)

82. The Secretary reported that the application was submitted by Yat Tak Kwun. One of the consultants was MVA Hong Kong Ltd. Mr. Ivan Fu had declared an interest in this item as he had current business dealings with MVA Hong Kong Ltd. As the applicant had requested to defer consideration of the application, Mr. Fu should be allowed to stay at the meeting.

83. The Secretary then reported that a Hung Shui Kiu resident had submitted a letter to the Board that morning objecting to the application. The letter had been tabled at the meeting for Members’ reference.

84. The Secretary further reported that the application had been deferred once. On 22.3.2013, the applicant requested for deferment of the consideration of the application for an additional two months in order to allow more time to address the comments from Transport Department and Food and Environmental Hygiene Department, as well as to conduct further local consultations/meetings with the local communities.

85. 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 more months, resulting in a total of four 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 19

Section 16 Application

[Open Meeting]

A/YL-PS/406 Proposed Temporary Shop and Services (Real Estate Agency) for a
Period of 3 Years in “Village Type Development” zone, Lot 455 in
D.D. 123, Ng Uk Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/406)

86. The Committee noted that the applicant requested on 2.4.2013 for deferment of the consideration of the application for one month in order to allow time to prepare further information to address the comments of Transport Department. This was the first time that the applicant had requested for a deferment of the application.

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

[Mr. Ivan Fu left the meeting temporarily at this point.]

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/205 Proposed House Development, Minor Relaxation of Building Height Restriction and Filling and Excavation of Land for Site Formation Only (Proposed Amendments to an Approved Scheme) in “Residential (Group D)” zone, Lots 3054 S.A RP, 3098 RP (Part), 3108 (Part), 3109 (Part), 3100 (Part), 3110, 3111, 3112, 3113, 3114, 3115 RP, 3119 RP, 3122 RP, 3123, 3124, 3126, 3131 S.A, 3131 S.B, 3131 S.C, 3131 S.D, 3131 RP, 3132, 3138, 3146, 3147 RP (Part), 3148, 3150 RP, 3156 RP, 3158 RP, 3162, 3163, 3164 S.A, 3164 RP, 3167, 3168, 3171, 3173, 3176, 3177, 3178, 3179, 3180 RP, 3181 RP, 3182 RP, 3189 RP, 3190, 3191, 3192 RP, 3193RP and 3194 RP in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/205C)

88. The Secretary reported that the application was submitted by Capital Chance Ltd. which was a subsidiary of Sun Hung Kai Properties Ltd. TMA Planning and Design Ltd, AECOM Asia Co. Ltd., Environ Hong Kong Ltd. and Urbis Limited were the consultants of the applicant. Mr. Ivan Fu had declared an interest in this item as he had current business dealings with Sun Hung Kai Properties Ltd, TMA Planning and Design Ltd, AECOM Asia Co. Ltd., Environ Hong Kong Ltd. and Urbis Limited. Ms Janice Lai had also declared an interest in this item as she had current business dealings with Sun Hung Kai Properties Ltd, AECOM Asia Co. Ltd. and Urbis Limited. As the interests of Mr. Fu and Ms. Lai were direct and substantial, Members agreed that they should be invited to leave the meeting during the discussion and deliberation of this item.

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

Presentation and Question Sessions

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

- (a) background to the application – the site was subject to a previous planning approval (No. A/YL-MP/193) approved by the Committee on 24.2.2012;
- (b) the proposed house development, minor relaxation of building height restriction and filling and excavation of land for site formation only (proposed amendments to an approved scheme);
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 10 of the Paper. In addition, Mr. Kan reported that the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) had provided additional comments on the application that morning. Mr. Kan referred to a plan and said that DLO/YL, LandsD pointed out in the additional comments that two minor areas in the southeast part of the application site encroached onto the village ‘environ’ (‘VE’) of Ha Chuk Yuen, which was usually reserved for village development by indigenous villagers;
- (d) during the first three weeks of the statutory publication period, 63 public comments were received, including 2 adverse comments and 61 supportive comments. Subsequently, the applicant submitted two sets of further information. A total of 47 public comments were received on the further information, with 9 adverse comments and 38 supportive comments. The public comments were summarized as follows:

Adverse Comments

- (i) some commenters objected to the proposed noise barriers which would cause adverse visual, ventilation, heat and glare impacts, affect micro-climate and would become possible hazards to birds. Kadoorie Farm & Botanic Garden Corporation considered that the proposed development should not put pressure on the Deep Bay wetland system, and that the ecological impacts should be assessed appropriately. Besides the issue of noise barriers, Land Justice League also considered that the proposed development would lead to overloading of traffic

networks and flooding problems;

- (ii) a member of the Yuen Long District Council objected to the application mainly on the grounds of excessive development scale and adverse traffic impact. He considered that issues concerning road widening, walkways, cycling paths, sewage treatment and environmental hygiene should be resolved. He also noted that no prior consultation with the villagers had been carried out and the villagers found the proposed development unacceptable. The San Tin Rural Committee, village representatives of Chuk Yuen Tsuen and the villagers objected to the application for the reasons that there was insufficient land for “Village Type Development” (“V”); there would be adverse visual impact and traffic congestion arising from the proposed development; there were too many developments of the same type in close vicinity; there was insufficient infrastructure; and there was no way to apply for the relaxation of building height restriction for village houses. They suggested that the site be rezoned to “V” and be provided with recreational facilities for the use of the villagers; and

Supportive Comments

- (iii) 98 individuals and 1 company expressed support to the application considering that the proposed development would provide an opportunity to improve the local environment for the benefits of the neighbouring residents, e.g. resolving flooding problem and improving traffic facilities. They considered that the proposed development would also attract commercial activities, create jobs, provide an alternative housing option, and increase housing supply. It would also allow better utilization of abandoned agricultural land, lower the possibility of reclamation, increase the income of the Government, improve hygiene, avoid illegal dumping of garbage and construction waste in the neighbourhood, and help prevent the area from becoming a mosquito and insect breeding ground. The relaxation of building height would allow a more comfortable living environment and better utilization of land resources. As the proposed development was low

density in nature, minor relaxation of building height would not have significant adverse impact; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. Regarding the public comments, relevant government departments had no objection to the application. Relevant approval conditions had been suggested to address their concerns. It should also be noted that the application site fell within the “Residential (Group D)” zone and was not related to any “V” zone on the Outline Zoning Plan.

90. In response to a question from a Member, Mr. Kan referred to a plan and said that according to the additional information provided by LandsD, two minor areas in the southeast part of the application site encroached onto the ‘VE’ of Ha Chuk Yuen. In response to a question from the Secretary, Mr. Kan said that according to the development scheme submitted by the applicant, the concerned area to the north was intended for residential developments, while the other area to the south was intended as a landscaping area. In response to a further question from the Secretary, Mr. H. Moyung said that the applicant should be requested to exclude the concerned areas falling within the ‘VE’ from the application site as the two areas were reserved for Small House development.

Deliberation Session

91. In response to a question from the Vice-Chairman, the Secretary said that the application should be deferred so that the applicant could be asked to clarify the landownership of the concerned areas falling within the ‘VE’ of Ha Chuk Yuen and to consider the exclusion of the concerned areas from the application site in view of the comments of LandsD at the meeting. Members agreed.

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

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

[Mr. Ivan Fu and Ms. Janice Lai returned to join the meeting at this point.]

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/211 Temporary Shop and Services (Real Estate Agency) for a Period of 3
Years in “Open Space” zone, Lot 2871 RP in D.D. 104, Mai Po, Yuen
Long
(RNTPC Paper No. A/YL-MP/211)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – concerned departments had no objection to or no 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 had no objection to the application based on the assessments made in paragraph 12 of the Paper.

94. Members had no question on the application.

Deliberation Session

95. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.4.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 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) the submission of as-built drainage plans and photographs of 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 19.10.2013;
- (c) 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 19.10.2013;
- (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 Director of Fire Services or of the TPB by 19.1.2014;
- (e) the submission of 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 19.10.2013;
- (f) in relation to (e) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 19.1.2014;
- (g) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.10.2013;
- (h) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have

effect and should be revoked immediately without further notice;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) the planning permission was given to the development/use(s) and structures under application. It did not condone any other development/use(s) and structure(s) which currently occurred on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such development/use(s) and remove such structure(s) not covered by the permission;
- (d) to follow the latest Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites issued by the Environmental Protection Department to minimize potential environmental nuisance to the surrounding area;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site under application comprised Old Scheduled Agricultural Lot held under the 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 container office. The site was accessible through an informal track on Government land extended from Castle Peak Road – Mai Po. His Office provided no maintenance works for this track nor guaranteed 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 the LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such term and conditions, including, among others, the payment of premium or fee, as might be imposed by the LandsD;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the application site and the BD was not in a position to offer comments on their suitability for the use related to the application. If the existing structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers as temporary buildings) were to be carried out on the application 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 coordinator 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 application 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;

- (g) to note the comments of the Director of Environmental Protection that regarding sewage disposal aspect, the applicant was reminded that all wastewater from the site should comply with the requirements stipulated in the Water Pollution Control Ordinance.
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant was advised to avoid affecting the pond immediately to the west of the site;
- (i) to note the comments of the Commissioner for Transport that the application site was connected to an unknown local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (j) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the HyD was/should not be responsible for the maintenance of the existing vehicular access connecting the application site and Castle Peak Road – Mai Po.;
- (k) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department at Appendix IV of the Paper;
- (l) to note the comments of the Director of Fire Services at Appendix IV of the Paper; and
- (m) to note the comments of the Director of Electrical and Mechanical Services

that there was an existing high pressure town gas transmission pipeline running along San Tin Highway. For any construction works near town gas transmission pipes, the project proponent/consultant should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of the existing or planned gas pipes routes/gas installations in the vicinity of the proposed work area and the minimum set back distance away from the gas pipelines if any excavation works was required. The project proponent/consultant should also note the requirements of the Electrical and Mechanical Services Department's Code of Practice on Avoiding Danger from Gas Pipes.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/431 Temporary Retail of Second-Hand Private Cars for a Period of 1 Year in "Village Type Development" zone, Lots 125S.C RP(Part), 220RP(Part), 231RP(Part) and 306RP(Part) in D.D. 102 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/431)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary retail of second-hand private cars for a period of 1 year;
- (c) departmental comments – concerned departments had no objection to or no 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; 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. Although the applicant applied for a temporary retail development of second-hand private cars, the development was akin to an open storage of private cars prior for sale. Therefore, the development was not in line with the planning intention of the “Village Type Development” (“V”) zone. The application did not comply with the TPB PG-No. 13E in that the site fell within the Category 4 areas where application for open storage use would normally be rejected except under exceptional circumstances. When approving the previous Application No. A/YL-ST/385 on 29.1.2010, the Committee already advised the same applicant that a shorter approval period of 2 years was granted so as to allow time for the applicant to identify a suitable site for relocation and that no further renewal of planning permission would be allowed unless under very exceptional circumstances. The applicant had not provided information in the submission to demonstrate that he paid effort to identify a suitable site for relocation of the development. There were no exceptional circumstances that warranted sympathetic circulation of the application. The continued permission of open storage yard at the site would set an undesirable precedent and attract similar open storage applications within the “V” zone. The cumulative effect would cause degradation of the rural environment of the area. Since 2008, the Committee had not approved other similar applications within the same “V” zone.

98. Members had no question on the application.

Deliberation Session

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

considered that they were appropriate. The reasons were :

- (a) the planning intention of the “Village Type Development” (“V”) zone was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. The development was not in line with the planning intention of the “V” zone. There was no strong planning justification provided in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development did not comply with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that the site fell within Category 4 areas where application for open storage use would normally be rejected. There were no exceptional circumstances that warranted sympathetic circulation of the application; and
- (c) the approval of the application even on a temporary basis would set an undesirable precedent for similar application within the “V” zone. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/597 Temporary Open Storage of Construction Materials and Water Tower with Ancillary Site Office for a Period of 3 Years in “Agriculture” zone, Lots 1023 (Part), 1024 (Part), 1026 RP (Part) in D.D.113 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/597)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction materials and water tower with ancillary site office for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural point of view. Although the site was a disturbed area currently used for storage purposes, active agricultural activities were still found in the vicinity of the site and there was a high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) commented that although there was no environmental complaint received in the past 3 years, she did not support the application as there were sensitive receivers, i.e. residential dwellings, to the north and west of the site, with the nearest sensitive receiver about 40m away, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, 5 public comments were received. They were submitted by 4 local villagers of Ho Pui Tsuen and a member of the public. They objected to or expressed concerns on the application as the development was not in line with the planning intention and was incompatible with the surrounding rural landscape features. The site also had potential for agricultural rehabilitation. The development would lead to adverse impacts on ecology, landscape, environment, drainage and traffic, and would cause noise nuisance, odour, water and air pollution and fire hazards. The illegal formation works had led to sewage seepage. Besides, no consultation of the villagers had been conducted. Approval of the application would set an undesirable precedent for similar applications in the area; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. Although DAFC did not support the application from an agricultural point of view, the application was generally in line with the TPB PG-No. 13E in that previous planning approvals (No. A/YL-KTS/414 and 494) for similar open storage uses at the site were granted since 2008. Given its temporary nature, the subject development would not frustrate the long-term planning intention of the “Agriculture” (“AGR”) zone. Although DEP did not support the application, no environmental complaint had been received by DEP in the past three years. Nevertheless, relevant approval conditions had been recommended to address DEP's concerns. Since the last planning permission (No. A/YL-KTS/494) was revoked due to non-compliance with the approval condition on the prohibition of parking/storage of medium or heavy goods vehicles at the site, shorter compliance periods were recommended to monitor the situation at the site. As regards the 5 adverse public comments, it should be noted that the development would not frustrate the long-term planning intention of the “AGR” zone. While the environmental concern could be addressed by appropriate approval conditions, the relevant government departments had no adverse comments on the other issues raised by the commenters. It should also be noted that the public had been consulted during the statutory publication period of the planning application.

101. Members had no question on the application.

Deliberation Session

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.4.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 1:00 p.m. and 6:00 p.m. on Saturdays and 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 dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, and no vehicle exceeding 7m long, as proposed by the applicant, were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (f) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.7.2013;
- (g) the implementation of the approved landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.7.2013;
- (h) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.7.2013;
- (i) in relation to (h), the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.10.2013

- (j) the provision of fire extinguisher(s) with a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.5.2013;
- (k) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.7.2013;
- (l) in relation to (k), the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.10.2013;
- (m) if the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

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

- (c) the permission was given to the use under application. It did not condone any other use which currently existed on the site but not covered by the application. The applicant was reminded to take immediate action to discontinue any use not covered by the permission;
- (d) shorter compliance periods were imposed to monitor the situation on the site. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (e) note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the site comprised Government Land (GL) and the subject Old Scheduled Agricultural Lots ("the Lots"). The Lots were held from government under the Block Government Lease with restriction that no structures were allowed to be erected without prior approval of the government. No permission had been given for erection of the structures under the application. For the GL within the site, there was no approval given for the occupation of the GL. The act of occupation of GL without Government's prior approval should not be encouraged. The site was accessible to Kam Ho Road via a track on GL. LandsD provided no maintenance works for this track and did not guarantee right-of-way. The lot owner concerned would need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Furthermore, the applicant had to either exclude the GL portion from the site or apply for 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 approval was approved, it would be subject to such terms and conditions including among others the payment of premium or fee, as might be imposed by LandsD;

- (f) 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 potential environmental nuisances;
- (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 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 should not be responsible for maintenance of the existing vehicular access connecting the site and Kam Ho Road;
- (i) note the Chief Town Planner/Urban Design and Landscape, Planning Department’s comments that the applicant should provide updated photo record on the conditions of all existing trees within the site boundary in accordance with the approved landscape and tree preservation proposal;
- (j) note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the development should not generate adverse drainage impact to the adjacent areas;
- (k) note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of

all unauthorized works in the future;

- (l) note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The requirements and good practice guidelines for open storage site in Appendix V of the Paper should be adhered to. If the applicant wished to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to his department for consideration. To address the condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS251) to his department for approval;

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

- (n) note the Director of Leisure and Cultural Services' comments that the site fell within the Ho Pui Site of Archaeological Interest. The applicant should

notify his office to arrange site inspection if there was any ground excavation involved with the site.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/664 Temporary Open Storage of Excavators, Loaders and Construction Materials for a Period of 3 Years in “Residential (Group D)” zone, Lots 159 (Part), 160 (Part), 162 (Part), 163 (Part) and 164 (Part) in D.D. 108 and Adjoining Government Land, Ta Shek Wu, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/664)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of excavators, loaders and construction materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) commented that although there was no environmental complaint on the site received in the past three years, she did not support the application as there were sensitive receivers, i.e. residential structures/dwellings, located to the east (with the nearest one about 5m away) and in the vicinity of the site, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, four public comments were received from the members of the public. All the commenters objected to the application as the temporary development

involved the use of heavy vehicles and would cause adverse environmental and traffic impacts, noise nuisance and traffic safety problem; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, there was no environmental complaint received in the past three years. To address the concerns of DEP, relevant approval conditions had been recommended. As regards the adverse public comments, while relevant approval conditions had been recommended to address their environmental concerns, the other government departments had no adverse comment on the other issues raised by the commenters.

105. Members had no question on the application.

Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.4.2016, 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. from Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (d) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;

- (e) the existing fencing on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of a record 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 19.10.2013;
- (h) the implementation of the accepted 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 19.10.2013;
- (i) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.5.2013;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.10.2013
- (k) in relation to (j) 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 19.1.2014;
- (l) 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;
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should

cease to have effect and should on the same date be revoked without further notice; and

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application 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, Lands Department's (LandsD) comments that the site comprised Government land (GL) and Old Scheduled Agricultural Lot. The lots were held from government under Block Government Lease with restriction that no structure was allowed to be erected without prior approval from LandsD. No permission had been given for erection of structures under the application. Regarding the GL within the site, approval had not been given to the occupier for occupation of the GL. Two Short Term Waiver (STW) had been offered to the land owners of Lots 163 (Part) and 164 (Part) in D.D. 108 pending their acceptance. Each STW allowed the use of the lots for ancillary use to open storage of excavators and loaders with maximum permitted Built-over Area (BOA) not exceeding 125m² and height not exceeding 3m. In view of the change of BOA as proposed by the applicant, LandsD might review the proposed STWs and the concerned offers if planning approval was given. LandsD was prepared to regularize the unauthorized occupation of GL within the site by way of granting Short Term Tenancy (STT) pursuant to established land administrative procedures should planning approval be given. The proposed STT might be offered to the present occupier by LandsD acting in the capacity as landlord at its sole discretion and the STT

would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. The access route of the site to and from Fan Kam Road would require traversing through a long haul of informal track on open government land and other private lots. LandsD provided no maintenance work for the GL involved and did not guarantee right-of-way. Approval had been given for the erection and maintenance of agricultural structures on Lot 160 in D.D. 108 through Letter of Approval (L of A) No. MT/LM 5217. LandsD would consider terminating the L of A if the relevant structures were found for use other than the approved one;

- (d) note the Commissioner for Transport's comments that the site was connected to the public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for the maintenance of the existing vehicular access connecting the site and Fan Kam Road;
- (f) 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 alleviate any potential environmental nuisance;
- (g) note the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that regarding the tree preservation proposal submitted, the applicant should provide updated photo record on the conditions of the existing trees and shrubs within the site boundary in accordance with the layout plan for consideration;

- (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, or 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 consultation and arrangement with the electricity supplier was necessary. 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;
- (i) note the Director of Fire Services' comments that in preparing the relevant layout plans incorporated with the proposed fire service installations (FSIs), the applicant should observe that the layout plans should be drawn to scale and depicted with dimension and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Besides, the good practice guidelines for open storage site in Appendix V of the Paper should be adhered to. The applicant should also be advised that the installation / maintenance / modification / repair work of FSIs should be undertaken by a 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 for consideration. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed

above, the applicant was required to provide justifications to his department for consideration. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval; and

- (j) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that if the 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 application. Before any new building works (including temporary buildings) were to be carried out on the site, prior approval and consent of Building Authority (BA) should be obtained. Otherwise, they were unauthorized building works (UBW). An Authorized Person should be appointed as the 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. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/635 Renewal of Planning Approval for Temporary “Eating Place (Outside Seating Accommodation of a Licensed Restaurant)” for a Period of 2 Years in “Residential (Group A)” zone, Government Land in front of Shops No. 4-5, G/F, Blocks 1-9, Treasure Court, 8 Ying Fuk Street, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-TYST/635)

Presentation and Question Sessions

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

- (a) background to the application - the site was covered by a valid planning permission under Application No. A/YL-TYST/553, which was approved by the Board on review on 11.5.2012 for a period of 1 year until 11.5.2013;
- (b) the renewal of planning approval for temporary “eating place (outside seating accommodation of a licensed restaurant)” for a period of 2 years;
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication, 22 public comments were received from individuals and residents of the nearby residential developments. The commenters raised objection to the application mainly for the following reasons: (1) impact on pedestrian safety due to the narrowing of the width of the existing footpath outside the restaurant; (2) environmental hygiene problems such as infestation of pests; (3) environmental (e.g. oil and fumes) and noise nuisances; (4) worsening public security; (5) personal safety concerns such as accidents generated by

the serving of food in public area; (6) potential health concerns as smoking would likely be allowed within the outside seating accommodation (OSA); (7) occupation of Government land/public space for private use; (8) the proliferation of similar uses which would aggravate the environmental hygiene of the area; and (9) potential fire hazards. Some commenters pointed out that they had raised similar concerns in the past to relevant departments, including the Food and Environmental Hygiene Department, and indicated that the application should not be given favourable consideration in view of the nuisances and impacts generated by the OSA; and

[Mr. K.K. Ling arrived to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. Regarding the adverse public comments, relevant government departments had been consulted and they had no adverse comments. Considering the applicant's commitment that the operation of the OSA would not commence before formal approvals from the relevant authorities were obtained, it was considered that the temporary OSA could be tolerated. As continuous monitoring of the situation of the temporary OSA was considered necessary, a shorter approval period of 1 year was recommended instead of the 2 years sought. In order to minimize the possible environmental concerns, restrictions on operation hours, as proposed by the applicant, would be imposed under the current application.

109. Members had no question on the application.

Deliberation Session

110. In response to a question from a Member, Ms. Ho said that in accordance with the requirements in the Covering Notes of the OZP, temporary planning permission was required for the proposed OSA even though it was make-shift in nature.

111. After further deliberation, the Committee decided to approve the application on a temporary basis for a further period of 1 year year from 12.5.2013 to 11.5.2014, instead of the period of 2 years sought, 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 10:30 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period; and
- (b) 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.

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

- (a) shorter approval period was allowed to monitor the development on the site;
- (b) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the applicant should at his own cost and to the satisfaction of HyD make good of any damage to the public carriageway, footpaths and other street furniture arising from his works;
- (c) the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection should be followed to minimize any potential environmental nuisances. The applicant was reminded of his obligation to take appropriate measures to minimize oily fume, cooking odour and noise as required by the Air Pollution Control Ordinance and Noise Control Ordinance. Besides, the operator needed to comply with the Water Pollution Control Ordinance for any effluent discharge from the site;
- (d) note the Director of Food and Environmental Hygiene's (DFEH) comments that any food business carrying on at the site should be granted with a

licence issued by the DFEH. The applicant should also prevent creating environmental nuisance affecting the public;

- (e) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant was reminded to provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact on the adjacent areas and the existing drainage facilities; and
- (f) 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.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/289 Temporary Cargo Handling and Forwarding Facility, Warehouse, Container Vehicle Park with Ancillary Office for a Period of 3 Years in "Open Storage" zone, Lots 455(Part), 456(Part) and 457(Part) in D.D. 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/289)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary cargo handling and forwarding facility, warehouse, container

vehicle park with ancillary office for a period of 3 years;

- (c) departmental comments – the Commissioner for Transport (C for T) did not support the application. Ka Lung Road was a sub-standard road primarily providing vehicular access to nearby villages. Its width varied from 5.5m to 7m with no footpath on both sides. It was unsuitable for container vehicle traffic and container vehicle manoeuvring which posed high risk to pedestrians. Transport Department had frequently received complaints from the local residents requesting to ban heavy goods vehicles from using Ka Lung Road. Since the road was rather narrow and there was no footpath on either side of the road, it was considered undesirable for heavy goods vehicles to use this road. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers near the site, with the nearest residential dwelling about 5m to the north of the site. Environmental nuisance was expected. His office had received two substantiated complaints on waste matter in 2010 and 2012;

- (d) during the first three weeks of the statutory publication period, two public comments were received. They objected to the application for the reasons that the development operated till 4 to 5 a.m. and even on public holidays; the development was associated with noise and dust pollution; there was polluted water flowing from the container vehicle park; it was a ‘destroy first, build later’ case; and Ka Lung Road was a non-standard village road without footpath which was not suitable for container vehicle, and therefore the movement of container vehicle poses high risk to the pedestrian; 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. Although the uses under application might not be in conflict with the planning intention of the “Open Storage” (“OS”) zone, it was specified in the Explanatory Statement of the Ngau Tam Mei Outline Zoning Plan that development proposals for specified open storage uses which might cause environmental nuisance, safety hazards or transport problems had to clearly demonstrate that they would have no adverse environmental, drainage,

traffic and other impacts on the surrounding areas. In this regard, the applicant had not submitted any assessments to demonstrate the development would not result in adverse environmental and traffic impacts on the surrounding areas, and DEP and C for T did not support the application. The site was also related to an enforcement case for an unauthorized development (UD) involving unauthorised parking of container vehicles. Enforcement Notice was issued to the concerned parties requiring the discontinuation of the UD. If the requirement of the statutory notice was not complied with upon the expiry of the notice, prosecution action would be taken against the notice recipients.

114. Members had no question on the application.

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 temporary cargo handling and forwarding facility, warehouse, container vehicle park with ancillary office was not in line with the Town Planning Board Guidelines No. 13E for Application for Temporary Open Storage and Port Back-up Uses in that there were adverse departmental comments from environmental and traffic safety points of views and objections from local residents; and
- (b) there was no technical assessment in the submission to demonstrate that the development would not have adverse environmental and traffic safety impacts on the surrounding areas.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/290 Proposed Temporary Real Estate Office for a Period of 3 Years in “Residential (Group D)” zone, Lots 1563(Part), 1564(Part) and 1565(Part) in D.D.104, Sheung Chuk Yuen, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/290)

Presentation and Question Sessions

116. 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 real estate office for a period of 3 years;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that based on the comparison between the site photo of 8.3.2013 and the aerial photo of 19.1.2012, the site had been cleared and the original trees and vegetation cover had been removed. Although a landscape proposal was submitted to mitigate the adverse landscape impact due to the proposed development, noticeable disturbance to the existing landscape resources had been caused. Therefore, he had reservation on the application from a landscape planning perspective;
- (d) during the first three weeks of the statutory publication period, one public comment was received from San Tin Rural Committee supporting the application was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments made in paragraph 11 of the Paper. Although CTP/UD&L, PlanD had reservation on the application, the site fell within a “Residential (Group D)” zone which was intended for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. Relevant approval conditions had been recommended to address his concerns.

117. Members had no question on the application.

Deliberation Session

118. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.4.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the 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 19.10.2013;
- (c) in relation to (b) 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 19.1.2014;
- (d) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.10.2013;
- (e) in relation to (d) above, the implementation of the revised drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by

19.1.2014;

- (f) 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 19.10.2013;
- (g) in relation to (f) 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 19.1.2014;
- (h) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

119. 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 District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural lots under the Block Government Lease. No approval had been given to the proposed specified structures as toilet, conference room and real estate agency. Modification of Tenancy (MOT) No. 19821 was issued for erection of structures over Lot Nos. 1563, 1564 and 1565 in D.D. 104 for domestic and agricultural purposes. If structures of else purpose were found on the above lots, his office would arrange to terminate the MOT as appropriate. The site was accessible through an informal track on Government land extended from Chuk Yau Road. His office provided no

maintenance works for the track nor guarantees right-of-way. The applicant was advised to apply to his office to permit the any additional/excessive structures to be erected or regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity of the landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (c) note the comments of the Director of Fire Services that in formulating fire service installations (FSIs) proposal for the development, the applicant was advised to make reference that for other storages, open sheds or enclosed structures with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to the structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The locations of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as mentioned above, the applicant was required to provide justifications to his department for consideration;

- (d) note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site and his department was not in a position to offer comments on their suitability for the use related to the application. If the existing structures were erected on leased land without approval of the BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An

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

- (e) note the comments of Director of Electrical and Mechanical Services to approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/808 Temporary Logistics Centre and Ancillary Tyre Repair Workshop for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3305 RP (Part), 3306 (Part), 3307 RP, 3310 S.A RP (Part), 3310 S.B (Part), 3311 RP, 3312 S.A (Part), 3312 S.B, 3313 (Part) and 3314 (Part) in D.D. 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/808)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary logistics centre and ancillary tyre repair workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) commented that although there was no substantiated environmental complaint on the site within the last three years, she did not support the application as there were sensitive uses in the vicinity of the site (the closest residential dwelling about 65m away) and the access road (Ping Ha Road) and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment from a Yuen Long District Council (YLDC) member was received. He objected to the application in view of the repeated revocations of the previous planning permission, which reflected the applicant’s insincerity in complying with the Board’s approval conditions; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. To address DEP's concern and mitigate any potential environmental impacts, relevant approval conditions had been recommended. As regards the adverse public comment against the application, it should be noted that as compared with the previous applications, the current application was submitted by a different applicant. The current applicant had submitted all technical proposals required which were accepted by relevant departments. Nevertheless, noting the unsatisfactory record of repeated revocations due to non-compliance with approval conditions at the site, a shorter approval period of 1 year, instead of the 3 years sought, and shorter compliance periods of 3 months for implementation of works were recommended to monitor the situation at the site.

121. Members had no question on the application.

Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 19.4.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 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 operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair and workshop activity, other than tyre repair, was allowed on the site at any time during the planning approval period;
- (d) no vehicle queuing was allowed back to public road or vehicle reversing

onto/from the public road was allowed at all times during the planning approval period;

- (e) no material was allowed to be stored/dumped within 1m of any tree on the site, as proposed by the applicant, during the planning approval period;
- (f) the drainage facilities implemented on the site should be maintained 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 19.7.2013;
- (h) the implementation of the accepted run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.7.2013;
- (i) the implementation of the accepted landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.7.2013;
- (j) the implementation of the accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.7.2013;
- (k) 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;
- (l) if any of the above planning conditions (g), (h), (i) or (j) 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

- (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.

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

- (a) prior planning permission should have been obtained before continuing the development on-site;
- (b) shorter compliance periods were granted in order to monitor the situation of the site and fulfillment of approval conditions. Sympathetic consideration might not be given by the Board to any application for extension of time for compliance with approval conditions, and also any further planning application should the applicant fail to comply with the approval condition(s) resulting in the revocation of the planning permission;
- (c) the permission was given to the use/development under application. It did not condone 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;
- (d) the site should be kept in a clean and tidy condition at all time;
- (e) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (f) note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office. The site abutted directly onto Ping Ha Road. Access to the site required traversing through Government Land Allocation No. TYL-825 granted to the Chief Engineer/Land Works, Civil Engineering and Development Department for "Ping Ha Road

Improvement – Remaining Works”. His office did not guarantee right-of-way. Application for Short Term Waiver (STW) to regularize the irregularities on site had been received and was being processed by his Office. Should planning approval be given to the application, his Office would continue to process the STW application. Such application would be considered by Lands Department (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;

- (g) follow the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ issued by the Director of Environmental Protection to minimize 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 the run-in/out at the access point at Ping Ha Road in accordance with the latest version of HyD’s Standard Drawing No. H1113 and H1114, or H5115 and H5116, to match with the existing pavement condition; and ensure that no surface water would run out from the site to the nearby public roads/drains through the access; and
- (j) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application; before any new building works (including temporary buildings) were to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they were unauthorized building works (UBW); an Authorized Person should be

appointed as the co-ordinator for the proposed building works in accordance with the BO; for the UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary; the granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under BO; the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; if the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; detailed comments on the proposal, including the provision of an emergency vehicular access under B(P)R 41D, would be made at the formal building plan submission stage.

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-HT/824

Land Filling (by 1.2m) for Permitted Agricultural Use and Excavation of Land (by 0.525m) for Provision of Surface U-channel in "Coastal Protection Area" zone, Lots 219 S.B(Part), 221(Part), 222 S.A ss.1(Part), 222 S.A RP(Part), 222 S.B (Part), 222 RP(Part), 228(Part), 233(Part), 234, 235(Part), 236(Part), 237, 238, 239(Part) and 245(Part) in D.D.128 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/824)

124. The Secretary reported that the application had been deferred once. On 8.4.2013, the applicant requested for deferment of the consideration of the application for two months in order to allow more time to respond to PlanD's enquiry on the application.

125. 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, and no further deferment would be granted unless under very special circumstances.

Agenda Item 30

Section 16 Application

[Open Meeting]

A/YL-HT/831 Proposed Temporary Open Storage of Containers and Container Tractors for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 71, 72 (Part), 140 (Part), 141 (Part), 142 (Part), 143 (Part), 144 (Part), 145, 148 (Part), 149 (Part), 150 (Part) , 151, 152 (Part), 153 (Part), 157 (Part) and 158 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/831)

126. The Secretary reported that the application had been deferred once. On 10.4.2013, the applicant requested for deferment of the consideration of the application for one month in order to allow more time for the applicant to further address the comments of Environmental Protection Department.

127. 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, 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 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/249 Proposed Temporary Shop and Services (Convenience Store) for a
Period of 3 Years in “Residential (Group D)” zone, Lot 20 RP (Part) in
D.D.128, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/249)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (convenience store) for a period of 3 years;
- (c) departmental comments –concerned departments had no objection to or no comment on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment from Deep Bay Grove Management Office was received. The commenter objected to the application on the grounds of traffic and noise impacts generated by the development; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Regarding the public comment, the Director of Environmental Protection considered that the small scale development would not cause significant adverse environmental impacts and Commissioner for Transport had no adverse comments on the application.

129. Members had no question on the application.

Deliberation Session

130. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.4.2016, 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 10:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no vehicle queuing was allowed back to the public road and no vehicle reversing into/from the public road was allowed at all times during the planning approval period;
- (c) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Chief Highways Engineer /New Territories West, Highways Department or of the TPB by 19.10.2013;
- (d) in relation to (c) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Chief Highways Engineer /New Territories West, Highways Department or of the TPB by 19.1.2014;
- (e) 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 19.10.2013;
- (f) in relation to (e) 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 19.1.2014;
- (g) 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 19.10.2013;

- (h) in relation to (g) 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 19.1.2014;
- (i) 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 19.10.2013;
- (j) in relation to (i) 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 19.1.2014;
- (k) if the above planning condition (a) or (b) 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;
- (l) if any of the above planning conditions (c), (d), (e), (f), (g), (h), (i) or (j) 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
- (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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the comments of the Chief Town Planner/Urban Design and

Landscape that the proposed tree preservation proposal should be subject to the health condition of existing tree and according to the proposed layout plan (Fig 3), there was insufficient space for tree planting in between the proposed toilets and site boundary at the west of the site;

- (c) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land under application was part of an Old Scheduled agricultural lot held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval from the Government, and to apply to him to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by 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. The application site was accessible through an informal track on Government land (GL) extended from Deep Bay Road. He provided no maintenance works for the GL nor guaranteed right-of-way. Part of GL was temporarily allocated to Drainage Services Department for the project, namely “Yuen Long and Kam Tin Sewerage and Sewage Disposal (part) – Lau Fau Shan Trunk Sewerage”.
- (d) note the comments of the Commissioner for Transport that sufficient manoeuvring spaces should be provided within the subject site. The land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) note the comments of the Chief Highways Engineer/New Territories West that the proposed access arrangement of the application site from Ping Ha Road should be commented and approved by the Commissioner for Transport (C for T); if the proposed run-in was agreed by C for T, the applicant should construct a run-in /out at the access point at the road near

Ping Ha Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the adjacent pavement; adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public road and drains; and Highways Department should not be responsible for the maintenance of any access connecting the application site and Ping Ha Road; and

- (f) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that formal submission under the Buildings Ordinance was required for any proposed new works, including any temporary structures. The site should be provided with means of obtaining access thereto from a street under Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access should be provided under B(P)R 41D. If the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/250 Temporary Open Storage of Marble, Construction Material, Small-scale Construction Machinery and Tools, Construction/Road Safety Goods and Components with 4 Loading/Unloading Spaces for a Period of 3 Years in “Recreation” and “Residential (Group E)” zones, Lots 2219 RP (Part) and 2226 (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/250)

Presentation and Question Sessions

132. Mr. Ernest C.M. Fung, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of marble, construction material, small-scale construction machinery and tools, construction/road safety goods and components with 4 loading/unloading spaces for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses (residential dwellings) in the vicinity of the site (the closest being about 3m away) and along the access road (Deep Bay Road), and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter raised concern mainly on the safety aspect of the temporary structures of 4m in height erected at the site and the potential noise nuisance and hygienic problems generated by the development. He also commented that the proposal for fire services installations was not submitted by the applicant and urged the Government to monitor the operation hours of the site to minimize the adverse impacts caused by the development to the surrounding areas; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary open storage could be tolerated for a period of 1 year. A cautious approach was adopted by the Committee on 20.1.2012 in approving the last application (A/YL-LFS/232) for similar use by imposing a shorter approval period of 1 year and tighter restrictions on the operation hours. Although there was no further environmental complaint lodged against the development since the last approval, in view of the existence of residential dwellings in the immediate vicinity and the unsatisfactory record of revocations of planning approval at the site, a cautious approach should continue to be adopted. To address DEP's and the public commenter's concerns, relevant approval conditions had been

recommended for the consideration of the Committee.

133. Members had no question on the application.

Deliberation Session

134. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 19.4.2014, instead of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. to 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle exceeding 24 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle, was allowed to enter, park or operate at the site during the planning approval period;
- (d) no vehicle over 10m long, including container vehicle/trailer/tractor, was allowed to enter, park or operate at the site during the planning approval period;
- (e) no vehicle queuing was allowed back to public road or vehicle reversing onto/from the public road was allowed at all times during the planning approval period;
- (f) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (g) no cutting, dismantling, cleansing, melting, repairing, compaction and

workshop activity was allowed on the site during the planning approval period;

- (h) the existing drainage facilities on site should be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.7.2013;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.5.2013;
- (k) the submission and implementation of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.10.2013;
- (l) the submission and implementation of a 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 19.10.2013;
- (m) the removal of the excessive structures on the site, as proposed by the applicant, within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 19.7.2013;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (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.

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

- (a) the permission was given to the proposed temporary open storage of marble, construction materials, small-scale construction machinery and tools, construction/road safety goods and components. It did not condone to any other use/development not covered by the application;
- (b) note that a shorter approval period of 1 year, shorter operation hours, no operation on Sundays and public holidays and correspondingly shorter compliance periods were granted in order to monitor the situation on site;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) the site should be kept in a clean and tidy condition at all time;
- (e) note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval of the Government, and to apply to him for occupation of the Government land (GL) involved, and to permit structures to be erected or regularize any irregularities on site. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. He did not

guarantee right-of-way through the local track from the site to Deep Bay Road on GL and other private land or provide maintenance works for the GL involved;

- (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 spaces 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 at the site entrance to prevent surface water running from the site to the nearby public roads and drains;
- (i) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that a discrepancy of a total number of existing trees within the site was found between the submitted tree plan of the current application and his site inspection record from compliance with the implementation of previous application No. A/YL-LFS/232. All information provided in the landscape and tree preservation proposal (i.e. existing tree numbers) should be clear and adequate;
- (j) note the comments of the Director of Fire Services in Appendix V of the Paper and to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. The applicant should also adhere to the 'Good Practice for Open Storage' at Appendix VI of the Paper. Should the applicant wish to apply

for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and

- (k) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that prior approval and consent of the Building Authority should be obtained before any new building works, including any temporary structures, were to be carried out on the site. Otherwise, they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). Enforcement action might be taken by the BA to effect the removal of 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 BO.

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

Agenda Item 33

Any Other Business

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/635-3 Application for Extension of Time for Compliance with a Planning Condition - Temporary Building Materials and Automotive Parts Storage Yard and Ancillary Staff Canteen for a Period of 3 Years in "Agriculture" Zone, Lots 1832 RP (Part) and 1861 (Part) and adjoining Government Land in D.D. 111, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/635-3)

Presentation and Question Sessions

136. The Secretary reported that application No. A/YL-PH/635 was approved by the Committee for temporary building materials and automotive parts storage yard and ancillary staff canteen for a period of 3 years up to 20.1.2015 subject to approval conditions. The deadline for compliance with approval condition (f) on the implementation of drainage facilities was 20.4.2013. An application for extension of time for compliance with approval condition (f) was received on 15.4.2013. As the application for extension of time was only received 5 days before the deadline for compliance with approval condition (f), the application would not be processed as there was insufficient time to obtain the comments of Drainage Services Department.

137. After deliberation, the Committee agreed that the application for extension of time for compliance with an approval condition could not be considered as the comments of Drainage Services Department on the application had not yet been obtained. There was insufficient information to enable the Committee to make a decision on the application.

138. There being no other business, the meeting closed at 6:30 p.m.