

TOWN PLANNING BOARD

Minutes of 492nd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 19.7.2013

Present

Director of Planning
Mr. K.K. Ling

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Dr. C.P. Lau

Dr. W.K. Yau

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. Janice W.M. Lai

Ms. Christina M. Lee

Mr. H.F. Leung

Mr. F.C. Chan

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

Assistant Director (Environmental Assessment) (Atg.),
Environmental Protection Department
Mr. H.M. Wong

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

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

Secretary

Absent with Apologies

Professor Edwin H.W. Chan

Professor K.C. Chau

Mr. Rock C.N. Chen

Dr. Wilton W.T. Fok

Ms. Anita W.T. Ma

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. K.K. Lee

Agenda Item 1

Confirmation of the Draft Minutes of the 491st RNTPC Meeting held on 5.7.2013

[Open Meeting]

1. The draft minutes of the 491st RNTPC meeting held on 5.7.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

[Mr. C.T. Lau, Senior Town Planner/Shap Tin, Tai Po and North (STP/STN), was invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-SSH/2 Application for Amendment to the Approved Shap Sz Heung Outline Zoning Plan No. S/NE-SSH/9, To rezone the application site from “Conservation Area” to “Village Type Development”, Lot 951 (Part) in D.D. 209, Kei Ling Ha Lo Wai, Shap Sz Heung, Sai Kung North
(RNTPC Paper No. Y/NE-SSH/2)

Presentation and Question Sessions

3. Mr. C.T. Lau, Senior Town Planner/Shap Tin, Tai Po and North (STP/STN), and

Mr. Cheng Pui Kan, the representative of the applicant, were invited to the meeting at this point. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. C.T. Lau, STP/STN, to brief Members on the background of the application.

4. Mr. C.T. Lau then presented the application with the aid of a PowerPoint and covered the following aspects as detailed in the Paper :

The Proposal

- (a) the applicant proposed to amend the approved Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/9 by rezoning the application site from “Conservation Area” (“CA”) to “Village Type Development” (“V”) to facilitate a proposed house development on Lot 951 in D.D. 209, which had an area of about 63 m²;
- (b) a major portion (about 97% or 61 m²) of the subject lot fell within “CA” zone while the remaining portion (about 3% or 2 m²) fell within the “V” zone;

[Mr. H.M. Wong arrived to join the meeting at this point.]

- (c) the proposed house on the lot would be of 2 storeys in height, 63 m² in covered area and 126 m² in total gross floor area;
- (d) the site was located within the village ‘environs’ (‘VE’) of Kai Ling Ha Lo Wai;
- (e) a similar rezoning application (Application No. Y/NE-SSH/1) was approved by the Committee on 9.11.2012 on consideration that the site had building entitlement and according to the Notes of the OZP, there was no provision for house development within the “CA” zone. Rezoning of the site to “V” was the only means to allow the development of the house as permitted under lease;

- (f) the justifications put forth by the applicant in support of the application were detailed in paragraph 2 of the Paper. The subject lot was acquired through public auction in 1967, which specified that the land was for private residential purposes only. The land owner had the obligation to build the house under the lease. The development proposal was compatible with the surrounding areas and rural character and would not adversely affect the environment. A similar rezoning proposal was approved by the Committee in 2012;

Departmental Comments

- (g) the departmental comments were detailed in paragraph 8 of the Paper. The Director of Environmental Protection (DEP) had reservation on the proposed rezoning of “CA” to “V” as the application site was wholly located within “CA” zone next to “Coastal Protection Area” (“CPA”) and “Site of Special Scientific Interest” (“SSSI”) zones at Kei Ling Ha, and there was no existing public sewer. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from the tree preservation perspectives as there were a number of native trees of moderate size and fair conditions within and in close proximity to the site, which was currently zoned “CA”. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) objected to the application as the proposed development involving site formation works would cause adverse impact on the existing landscape resources and affect the adjacent mature woodland vegetation in the “CA” zone. Other Government departments, including the District Lands Officer/Tai Po of Lands Department (DLO/TP of LandsD), had no adverse comment on the application;

Public Comments

- (h) nineteen public comments raising objection to the application were received during the first three weeks of the statutory publication period of the application. The Indigenous Inhabitant Representative (IIR) and

residents of Kei Ling Ha Lo Wai and three members of the public objected to the application mainly on the grounds of adverse ecological, landscape, environmental, water quality, safety, parking and *fung shui* impacts; the proposal development was not in line with the planning intention of the “CA” zone; the site was relatively close to the “CPA” and “SSSI” zones; and the approval of the application would set an undesirable precedent. The World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanical Garden Corporation and Designing Hong Kong Limited objected to the application on similar grounds; and

Planning Department (PlanD)’s views

- (i) PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. The site was located on the periphery of the “V” zone of Kei Ling Ha Lo Wai. According to the DLO/TP of LandsD, the site had a building entitlement for one residential building of not more than 2 storeys or 25 feet (7.62m). There was however no provision for house development within the “CA” zone under the OZP. Rezoning of the site to “V” was the only means to facilitate the development of a house at the site under the lease. A similar rezoning application (No. Y/NE-SSH/1) at the adjoining site was approved by the Committee on 9.11.2012 on consideration of the unique planning circumstances and the need to respect the development right of the applicant. The current application was generally similar to the approved Application No. Y/NE-SSH/1 in terms of building entitlement, overall site conditions and surrounding environment. In view of the special circumstances, it should warrant similar sympathetic consideration as given under Application No. Y/NE-SSH/1.

5. The Chairman then invited the applicant’s representative to elaborate on the application. Mr. Cheng Pui Kan made the following main points with the aid of a PowerPoint :

- (a) the subject lot was legally permitted for house development under the lease. However, when the first OZP was gazetted, the lease conditions of the lot

were neglected and the site was zoned "CA". As the OZP was a small-scale plan and the land use zoning was broad-brush in nature, the zoning boundaries would not be able to clearly reflect the development right of each individual lot;

- (b) Application No. Y/NE-SSH/1 of similar background at the adjoining lot was approved by the Committee on 9.11.2012. The two building lots (i.e. Lot 950 (the site of Application No. Y/NE-SSH/1) and Lot 951 (the site of the current application)) were the only two lots in Kei Ling Ha Lo Wai that were not reflected in a development zone on the OZP. As the rezoning of Lot 950 had been approved, the current application should be equally treated. In view of the special circumstances, the approval of the two applications would not become undesirable precedents;
- (c) similar to Application No. Y/NE-SSH/1, LandsD stressed that it was the obligation of the applicant to develop the subject lot according to the New Grant by applying for rezoning. LandsD would not give favourable consideration to the applicant's in-situ land exchange application even if the rezoning application was rejected as the applicant was not an indigenous villager. The development right of the land owner should be respected; and
- (d) the proposed house on the site was compatible with the surrounding village houses in the "V" zone and the rural character. Should the application be approved by the Committee, proper drainage and sewage facilities would be provided for the proposed development, and there would be no adverse environmental impact. As the site was served by an existing rural track connecting to Sai Sha Road where various transport facilities could be found, it would not require parking space and there was no adverse traffic impact. The extent of site formation would be carefully designed to minimize impact on the trees in the vicinity.

6. As there was no question from Members, the Chairman informed the representatives of the applicant and PlanD that the hearing procedures for the application had

been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representative and PlanD's representative for attending the hearing. They all left the meeting at this point.

Deliberation Session

7. After deliberation, the Committee decided to agree to the application by rezoning the application site from "CA" to "V". The Chief Executive in Council would be requested to refer the approved Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/9 to the Town Planning Board for amendment. The proposed amendment to the approved Shap Sz Heung OZP No. S/NE-SSH/9 would be submitted to the Committee for consideration prior to gazetting under section 5 of the Town Planning Ordinance.

Sai Kung and Islands District

[Mr. T.C. Cheng, Mrs. Margaret W.F. Lam and Mrs. Alice K.F. Mak, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-CLK/7 Renewal of Planning Approval for "Interim Golf Course (9-hole) with Ancillary Clubhouse Facilities" for a Period of 2 Years in "Commercial" zone, 20 Sky City Road East, Hong Kong International Airport (Chek Lap Kok Lot No. 1 RP & Ext. (Part))
(RNTPC Paper No. A/I-CLK/7)

8. The Secretary reported that the application was submitted by the Airport Authority. Dr. C.P. Lau and Ms. Janice W.M. Lai had declared interests in this item as they had current business dealings with the Airport Authority. As the interests of Dr. Lau and

Ms. Lai were direct, the Committee agreed that they should leave the meeting temporarily during the discussion and deliberation of this item.

[Dr. C.P. Lau and Ms. Janice W.M. Lai left the meeting temporarily at this point.]

Presentation and Question Sessions

9. Mr. T.C. Cheng, STP/SKIs, presented the application with the aid of a PowerPoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for “interim golf course (9-hole) with ancillary clubhouse facilities” under Application No. A/I-CLK/2, which would be valid until 15.8.2013, for a period of 2 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, six public comments were received. Three comments from the general public supported the application mainly for reasons that Hong Kong was lack of public golf course facilities; the golf course served the Tung Chung residents as well as residents from other districts; and the golf course provided greenery to the area and helped reduce heat island effect. Three comments from Asia World-Expo Management Limited, Lantau Development Alliance and Islands Youth Association objected to the application mainly on the grounds that the application was not in line with the Government policy of speeding up the development of the airport north commercial district; the golf course only served a small number of persons and could not promote the local district and the overall development of Lantau as a whole; and opportunity should be taken to develop the site into commercial uses including hotel and retail facilities. No local

objection/view was received by the District Officer (Islands); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to allowing the temporary use for a further period of two years based on the assessments as detailed in paragraph 11 of the Paper. Regarding the public comments that the site should be developed for commercial uses, the applicant stated in the submission that the planning for development of the North Commercial District (NCD) of the airport was scheduled for completion by end of 2013, with initial design scheduled for completion by 2014 and commencement of development not later than mid-2015. The tenancy of the golf course could be terminated for the NCD development. The temporary approval of the application for two years would not jeopardize the planned commercial uses of the site.

10. Members had no question on the application.

Deliberation Session

11. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 2 years from 16.8.2013 until 15.8.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

- the existing vegetation within the application site as indicated in the landscape proposal in the previously approved Landscape Master Plan should be maintained at all times during the planning approval period.

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

- (a) to note the comments of the District Lands Officer/Islands, Lands Department (LandsD) that the development at the application site should in compliance with the latest Master Layout Plan and General Building Plans approved by LandsD;

- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that application should be made to the Water Authority for fresh water supply to the application site and that fresh water from Government mains should not be used for watering plant nurseries or landscape features purposes except with the written consent of the Water Authority. Consent to use fresh water from the mains for such purposes might be given on concessionary basis if an alternative supply was impracticable and evidence to that effect was offered to and accepted by the Water Authority. Such permission would be withdrawn if the Water Authority considered necessary;
- (c) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department that the applicant/lot owner should continue to operate and maintain a sewerage and drainage system at the application site to his satisfaction;
- (d) to note the comments of the Director of Fire Services (D of FS) that the fire service installations (FSI) should be maintained in an efficient working order at all times and that the maintenance of FSI should be undertaken by an Registered Fire Service Installation Contractor (RFSIC). The RFSIC should after the completion of the maintenance work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the D of FS; and
- (e) to note the comments of the Director-General of Civil Aviation that the previously approved facilities related to lighting and floodlighting systems within the application site should be maintained at all times during the planning approval period.

Agenda Item 5

Section 16 Application

[Open Meeting]

A/I-NEL/4

Proposed Temporary Concrete Batching Plant for a Period of 3 Years
in “Undetermined” zone, Lot No. 30 (Part) in D.D. 362 Lantau,
Tsing Chau Wan, Lantau Island
(RNTPC Paper No. A/I-NEL/4)

13. The Secretary reported that Mr. Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd., one of the consultants of the applicant. Mr. H.F. Leung had also declared an interest in this item as RHL Surveyors Ltd., one of the consultants of the applicant, had made donation to the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong, in which Mr. Leung was working. As the item was for deferral of consideration of the application, the Committee agreed that Mr. Fu and Mr. Leung could stay in the meeting.

14. The Secretary also reported that on 28.6.2013, the applicant’s representative requested the Board to defer making a decision on the application for two months in order to allow time for addressing departmental comments on the application.

15. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCTC/43 Eating Place in “Open Space” zone, G/F, No. 1 Wong Nai Uk Village,
Lot No. 2420 in D.D. 3, Tung Chung, Lantau Island
(RNTPC Paper No. A/I-TCTC/43)

Presentation and Question Sessions

16. Mrs. Margaret W.F. Lam, STP/SKIs, presented the application with the aid of a PowerPoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the eating place;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Islands); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of two years based on the assessments as set out in paragraph 10 of the Papers. The application premises was located at a site which fell within the study area of the on-going Planning and Engineering Study on the Remaining Development in Tung Chung (the Tung Chung Study) to be completed in 2015. In order not to frustrate the intention of the “O” zone and the on-going Tung Chung Study, a temporary approval of two years was recommended.

17. Members had no question on the application.

Deliberation Session

18. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 19.7.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation, between 11:00 p.m. to 7:00 a.m. daily, as proposed by the applicant, was allowed on the application premises during the planning approval period;
- (b) the submission of fire service installations and water supplies for firefighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.1.2014;
- (c) in relation to (b) above, the implementation of fire service installations and water supplies for firefighting proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2014;
- (d) the design of a sewerage and drainage system for the application premises at the applicant's own cost within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.1.2014;
- (e) in relation to (d) above, the construction and maintenance the sewerage and drainage system for the application premises at the applicant's own cost within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.4.2014;
- (f) the submission of noise mitigation measures proposal within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 19.1.2014;

- (g) in relation to (f) above, the implementation of noise mitigation measures proposal within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 19.4.2014;
- (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 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.

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

- (a) prior planning permission should have been obtained before continuing the applied use at the application premises;
- (b) a temporary planning approval for 2 years up to 19.7.2015 was granted so as to ensure that the development would not conflict with the planning intention for the “Open Space” zone;
- (c) to resolve any land issue relating to the development with other concerned owner(s) of the application premises;
- (d) to note comments of the Director of Environmental Protection that existing sewer connection was available along Tung Chung Road North. Water Pollution Control Ordinance license should be obtained prior to operation. The best practices as stipulated in the Environmental Protection Department’s website should be implemented;
- (e) to note comments of the Chief Building Surveyor/New Territories East 1 & Licensing Unit, Building Department that if the proposed use under application was subject to the issue of a licence, the applicant should be

reminded that any existing structures on the application premises intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the Licensing Authority;

- (f) to note comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans or referral from the relevant authority;
- (g) to note comments of the Chief Engineer/Hong Kong and Islands, Drainage Services Department that foul water generated from the eating place should be controlled properly by the lot owner to avoid flowing into the nearby surface u-channels creating odour, hygiene and pollution nuisance; and
- (h) to note comments of the Director of Electrical and Mechanical Services that the electricity supplier should be approached 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 premises. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application premises, the following measures should be carried out :
 - (i) prior to establishing any structure within the application premises, the electricity supplier should be liaised with and, if necessary, the electricity supplier should be asked to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure;
 - (ii) 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

- (iii) given that there might be town gas pipes in the application premises, the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes" should be observed for reference.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/29 Proposed Utility Installation for Private Project (Underground Storm Water Drain) in "Open Space" zone, Government Land in D.D. 243, Pik Sha Road, Sai Kung
(RNTPC Paper No. A/SK-CWBN/29A)

Presentation and Question Sessions

20. Mrs. Alice K.F. Mak, STP/SKIs, presented the application with the aid of a PowerPoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed utility installation for private project (underground storm water drain);

[Dr. C.P. Lau and Ms. Janice W.M. Lai returned to the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited expressing concerns on the application and considering that there was insufficient

information to illustrate the water quality, control of expedient connections, and the risk of pollution of the waters at Silverstrand and the local public bathing beaches. 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 as detailed in paragraph 11 of the Paper. As regards the public comment concerning the possible water quality impact, the Director of Environmental Protection considered that there should be no water pollution concern as the proposed storm water drain was designed for the exclusive collection of storm water. The Director of Leisure, and Cultural Services, the Chief Engineer/Mainland South and the Chief Engineer/Sewerage Projects of Drainage Services Department also had no adverse comment on the application.

21. Members had no question on the application.

Deliberation Session

22. 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 19.7.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the submission and implementation of a landscape proposal, including tree preservation proposal, to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Sai Kung, Lands Department that the applicant should apply to him for a licence/approval to occupy the application site and the parcel of Government land (GL)

between the application site and Lot No. 1588 in D.D. 243 for laying the proposed storm water drain. However, there was no guarantee that the Government would grant the licence/approval or any right to the purchaser for the occupation of the application site and the concerned GL. If licence/approval was granted, it would be subject to payment of a fee and administrative fee and other terms and conditions as he considers appropriate; and

- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt good site practice and avoid adverse impact on the surrounding coastal and marine environment, particularly during construction.

[The Chairman thanked Mr. T.C. Cheng, Mrs. Margaret W.F. Lam and Mrs. Alice K.F. Mak, STPs/SKIs, for their attendance to answer Members' enquires. Mr. Cheng, Mrs. Lam and Mrs. Mak left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/820 Proposed School (Kindergarten) in "Residential (Group B)" zone,
Podium Level, Pictorial Garden Phase II, 23 On King Street, Sha Tin
(RNTPC Paper No. A/ST/820A)

- 24. The Secretary drew Members' attention that there was a replacement page (p.8)

for the Paper, which had been tabled at the meeting, to clarify the proposed validity period of the planning permission.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed school (kindergarten);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 371 valid public comments were received, of which 199 objected to the application, 161 supported the application and 11 indicated no comment. The objecting views were mainly on adverse traffic impact, lack of lay-by facilities for school buses, noise nuisance from the kindergarten, fire risk, breach of the Deed of Mutual Covenant and security problem in relation to the entry to the development by non-residents, and the already adequate provision of kindergarten places in the vicinity. On the other hand, the supporting views were mainly related to the inadequate school places for kindergarten and nursery in Sha Tin, the insignificant environmental and traffic impacts from the kindergarten, the planning of the kindergarten at the outset, the improvement to the aging population and social structure of the area with more young couples moved in and more business opportunities generated, and the renown of the kindergarten operator. No local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the

Paper. Regarding the objecting views on the traffic, environmental, fire safety and security aspects from the public, the proposed kindergarten located on the podium level was fully enclosed with provision of air-conditioning and there were separate entrances for the kindergarten and the residential blocks. Concerned departments had no adverse comments from fire safety and environmental aspects. The applicant would be advised to liaise with the Owners Committee and the relevant management company in addressing the residents' concerns on the access arrangement. The applicant would also be required to provide car parking, loading and unloading facilities in accordance with the Hong Kong Planning Standards and Guidelines to the satisfaction of Commissioner for Transport before operation of the kindergarten. Moreover, the operation of the kindergarten would need to comply with the Education Ordinance and Education Regulations and the relevant licensing requirements.

26. Members had no question on the application.

Deliberation Session

27. 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 19.7.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the provision of car parking, loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB before the operation of the proposed use.

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

- (a) the approval of the application did not imply any compliance with the Buildings Ordinance (BO) and Regulations. The applicant should appoint Authorized Person/Registered Structural Engineer to submit building plans

to the Buildings Department to demonstrate compliance with the BO;

- (b) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that the proposed use should comply with the requirements under the BO;
- (c) to note that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans or referral from licensing authority; and
- (d) to liaise with the Owners Committee and the Management Company of Pictorial Garden Phase II in addressing their concerns on the access arrangement.

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/821 Proposed Shop and Services in “Industrial” zone,
Workshop A5 and A8 of A, LG/F, Valiant Industrial Centre,
Nos. 2-12 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/821)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, ten public comments were received objecting to the application on the grounds of non-compliance of fire safety requirements and rejection of previous applications for the same use. No local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications on a temporary basis for a period of three years based on the assessments as set out in paragraph 11 of the Papers. In order not to jeopardize 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, a temporary approval of three years was recommended. As regards the public comments concerning fire safety and rejection of previous applications for the same use, approval condition requiring fire safety measures would be imposed and the current application was different from the two previously rejected applications in terms of floor area.

30. Members had no question on the application.

Deliberation Session

31. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.7.2016, 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 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 19.1.2014; 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.

32. 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) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining industrial premises by fire barriers with Fire Resisting Rating of 120 minutes, and the means of escape of the existing premises should not be adversely affected. Building safety requirements would be formulated upon receipt of food premises licence application, where appropriate;
- (f) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely

separated from the industrial portion should be available for the area under application. If licence for food premises was required, it could only be licensed as food factory; and

- (g) to 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 Chairman thanked Mr. Anthony K.O. Luk, STP/STN, for his attendance to answer Members’ enquiries. Mr. Luk left the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/453 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” zone, Lot 1065 S.A in D.D. 7 and Adjoining
Government Land, Wai Tau, Tai Po
(RNTPC Paper No. A/NE-KLH/453)

Presentation and Question Sessions

33. 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);

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

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper and were highlighted below :
- (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from nature conservation point of view as the site was located at the edge of a wooded area which connected to the Wai Tau Fung Shui Woodland nearby and the proposed development might require tree felling and affect the integrity of the woodland habitat in the area; and
 - (ii) the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) objected to the application from the landscape planning point of view as there was one mature *Litchi chinensis* (荔枝) tree of good form and significant size located within the site which would very likely require felling under the proposal. The construction of the proposed Small House would unavoidably affect approximately half of the tree crowns including the underground roots of two mature trees located in close proximity to the site. Significant adverse impact to landscape resources was highly anticipated, and the approval of the application would set an undesirable precedent attracting similar applications to the area which was very close to the Fung Shui Woodland and sensitive to development, thus further deteriorating the landscape quality of the surrounding areas;
- (d) during the first three weeks of the statutory publication period, one public comment against the application was received from Designing Hong Kong raising concern on the potential adverse impact on the “Agriculture” (“AGR”) zone as well as traffic, parking and road safety of the area. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper. The proposed Small House was not in line with the planning intention of the

“AGR” zone. Both DAFC and CTP/UD&L of PlanD did not support the application as the site was located at the edge of a well wooded area and the proposed development would have adverse impact on the existing mature trees within and in the vicinity of the site.

34. Members had no question on the application.

Deliberation Session

35. After deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 12.1 of the Paper and considered that it was appropriate. The reason was :

- the proposed development did not comply with the Interim Criteria for Consideration of Applications for New Territories Exempted House/Small House in the New Territories in that the proposed development would involve tree felling and cause adverse landscape impact on the surrounding area. There was no information in the submission to demonstrate that the proposed development would not have adverse impact on the existing landscape resources within the application site as well as the woodland in the vicinity.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/442 Proposed Temporary Shop and Services (Real Estate Agency) for a
Period of 3 Years in “Recreation” zone, Lot 1366 in D.D. 17 and
Adjoining Government Land, Ting Kok Road, Tai Po
(RNTPC Paper No. A/NE-TK/442)

Presentation and Question Sessions

36. 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 temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and the Village Representatives of Lo Tsz Tin objecting to the application on the grounds that the site was zoned “Recreation” (“REC”) and should be reserved for recreational activities to serve the public; and the container-converted structure used for commercial use would affect *fung shui* of the village. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 11 of the Paper. Regarding the public comments against the application on land use and *fung shui* grounds, the temporary nature of the development would not jeopardize the long-term use of the site for recreational development. Concerned departments also had no adverse comments on the application and appropriate approval conditions were recommended to ensure that the surrounding area would not be adversely affected.

37. Members had no question on the application.

Deliberation Session

38. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.7.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the proposed development should maintain a clearance of 3.5m from the top of the embankment of the existing natural stream course during the planning approval period;
- (b) 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;
- (c) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.1.2014;
- (d) in relation to (c) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.4.2014;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.1.2014;
- (f) in relation to (e) 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 19.4.2014;
- (g) 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 19.1.2014;

- (h) in relation to (g) 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 19.4.2014;
- (i) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

39. 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 comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that the applicant should apply to LandsD for a Short Term Waiver to cover the structures erected or to be erected on the private lot and a Short Term Tenancy to regularize the occupation of Government land. Such applications would be considered by LandsD acting in the capacity as landlord at its sole discretion. Nevertheless, there was no guarantee that such approvals would eventually be given. If such applications were approved, they would be subject to such terms and conditions, including among others the payment of premium or fees, as might be imposed by LandsD;

- (c) to note the comments of the Commissioner for Transport that the existing village access connecting the site was not under the Transport Department's management. The applicant was advised to clarify the land status, management and maintenance responsibilities of the village access with the relevant lands and maintenance authorities in order to avoid potential land disputes;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain in the vicinity of the site. The applicant/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 existing public sewerage available for connection at about 30m from the application site;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that there was a stream course to the east of the application site. The applicant should follow the Buildings Department (BD) Practice Note for Authorized Persons and Registered Structural Engineers No. ADV-27 on "Protection of natural streams/rivers from adverse impacts arising from construction works" in particular the Appendix B on "Guidelines on Developing Precautionary Measures during the Construction Stage" so as to avoid disturbance to the stream and causing water pollution; and
- (f) 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 site, fire services installations (FSIs) would be needed. In such circumstances, except where building plan was circulated to the BD, 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.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/449 Proposed House (New Territories Exempted House – Small House) in
“Green Belt” zone, Lot 602 S.A in D.D. 28 and Adjoining Government
Land, Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/449)

40. The Secretary drew Members’ attention that there were two replacement pages (p.4 and p.7) for the Paper, which had been tabled at the meeting, to clarify the comments of the District Lands Officer/Tai Po of Lands Department on the application.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The District Lands Officer/Tai Po of Lands Department (DLO/TP of LandsD) did not support the application as the indigenous villager status of the applicant was yet to be verified and no Small House application had been received from the

applicant;

- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation objecting to the application mainly for reasons that the proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone and did not comply with the Town Planning Board Guidelines No. 10; the approval of the application would set an undesirable precedent; and there would be impacts on the public infrastructures such as drainage and waterworks, street lighting, refuse and garbage facilities, public space, footpaths, road, parking and public amenities. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. While DLO/TP of LandsD did not support the application and there were public comments against the application owing to the potential adverse impacts on the “GB” zone, the proposed Small House development generally complied with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories and other concerned departments had no adverse comment on the application. Relevant approval conditions and advisory clauses were recommended to minimize the potential adverse impacts on the surrounding area.

42. Members had no question on the application.

Deliberation Session

43. 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 19.7.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the

permission was renewed. The permission was subject to the following conditions :

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

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

- (a) the applicant was required to register, before execution of Small House grant documents, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);
- (b) to note the comments of the Director of Environmental Protection that there was planned public sewer adjacent to the proposed house. The applicant should connect the sewer from the proposed development to the public sewer at his own cost when it was available;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no existing public drain available for connection in the vicinity of the site. The applicant was required to maintain drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (d) to note the comments of the Director of Fire Services that the applicant was reminded to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements would be formulated at the land grant stage;

- (e) to note the comments of the Commissioner for Transport that the existing village access connecting the application site was not under the management of Transport Department. The applicant was suggested to clarify the land status, management and maintenance responsibilities of the village access with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (f) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make necessary submission to LandsD to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption was not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (g) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/450 Proposed House (New Territories Exempted House – Small House) in
“Green Belt” zone, Lot 98 in D.D. 28 and Adjoining Government
Land, Lung Mei Village, Ting Kok Road, Tai Po
(RNTPC Paper No. A/NE-TK/450)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comment was received from Kadoorie Farm & Botanic Garden Corporation objecting to the application mainly for reasons that the proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone and did not comply with the Town Planning Board Guidelines No. 10; and the approval of the application would set an undesirable precedent. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. Regarding the public comment against the application owing to the potential adverse impacts on the “GB” zone, the proposed Small House development generally complied with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories and the concerned departments had no adverse comment on the application. Relevant approval conditions and advisory clauses were recommended to minimize the potential adverse impacts on the surrounding area.

46. In response to a Member's question, Mr. C.T. Lau said that Application No. A/NE-TK/426 for eight proposed Small Houses on sites to the immediate east and south of the current application site in the same "GB" zone was rejected by the Committee on 8.2.2013 mainly for the reasons that the proposed development would involve extensive clearance of existing natural vegetation and would cause adverse landscape and sewerage impacts on the surrounding areas.

Deliberation Session

47. 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 19.7.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) the applicant was required to register, before execution of Small House grant documents, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);
- (b) to note the comments of the Director of Environmental Protection that the construction of the proposed Small House should not be commenced before the completion of the planned sewerage system in the area. The applicant should connect the proposed Small House to the future public sewer at his own cost. The sewerage connection point should be within the application

site. Adequate land should be reserved for the future sewer connection work;

- (c) to note the comments of the Director of Drainage Services that there was no public drain in the vicinity of the site. The applicant/owner was required to maintain the drainage systems properly and rectify the drainage system if it was found to be inadequate or ineffective during operation. The applicant/owner should be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the system;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the applicant might need to extend their inside services to the nearest suitable Government water mains for connection for provision of water supply to the proposed development. The applicant should also resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comments of the Director of Fire Services that the applicant was reminded to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements would be formulated during land grant stage;
- (f) to note the comments of the Head of Geotechnical Engineering Office, Civil and Engineering Development Department that the applicant was reminded to make necessary submission to LandsD to verify if the site satisfied the criteria for exemption for site formation works as stipulated in PNAP APP-56. If such exemption was not granted, the applicant should submit site formation plan to the Buildings Department in accordance with the provision of the Buildings Ordinance; and

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

Agenda Item 14

Section 16 Application

[Open Meeting]

A/NE-TK/453

Proposed House (New Territories Exempted House – Small House) in “Village Type Development”, “Recreation” and “Agriculture” zones, Lot 1302 in D.D. 17 and Adjoining Government Land, Lo Tsz Tin, Tai Po
(RNTPC Paper No. A/NE-TK/453)

49. The Secretary reported that on 10.7.2013, the applicant’s representative requested the Board to defer making a decision on the application for two months in order to allow time for addressing the departmental comments on the application.

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/454 Proposed House (New Territories Exempted House – Small House) in
 “Village Type Development” and “Recreation” zones, Lot 1303 RP in
 D.D. 17, Lo Tsz Tin, Tai Po
 (RNTPC Paper No. A/NE-TK/454)

Presentation and Question Sessions

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

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

52. Members had no question on the application.

Deliberation Session

53. 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 19.7.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) the applicant was required to register, before execution of Small House grant documents, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there was no public drain maintained by DSD in the vicinity of the site. The applicant/owner was required to maintain 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 drainage systems;
- (c) to note the comments of the Director of Environmental Protection that there was planned public sewer adjacent to the development, the applicant/owner should connect the sewer from the development to the public sewer at his

own cost when it was available;

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

the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/455 Proposed House (New Territories Exempted House – Small House) in
“Village Type Development” and “Green Belt” zones, Government
Land in D.D. 26, Wong Yue Tan, Tai Po
(RNTPC Paper No. A/NE-TK/455)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited objecting to the application mainly for reasons that the proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone and did not comply with the Town Planning Board Guidelines No. 10; and there would be impacts on the public infrastructures such as drainage and waterworks, street lighting, refuse and garbage facilities, public space, footpaths, road, parking and public amenities. No local objection/view was received by

the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. Regarding the public comment against the application concerning the potential adverse impacts on the “GB” zone, the proposed Small House development generally complied with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories and the concerned departments had no adverse comment on the application. Relevant approval conditions and advisory clauses were recommended to minimize the potential adverse impacts on the surrounding area.

56. Members had no question on the application.

Deliberation Session

57. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.7.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) the applicant was required to register, before execution of Small House grant documents, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);

- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there were existing public drains available for connection in the vicinity of the site. The applicant/owner was required to maintain 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;
- (c) to note the comments of the Director of Fire Services that the applicant was reminded to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements would be formulated at the land grant stage;
- (d) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make necessary submission to LandsD to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption was not granted, the applicant should submit site formation plans to the Building Department in accordance with the provision of the Buildings Ordinance; and
- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/456 Renewal of Planning Approval for Temporary “Barbecue Site and Car Park” for a Period of 2 Years in “Agriculture” zone and area shown as ‘Road’, Various Lots in D.D. 17 and D.D. 29, Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/456)

Presentation and Question Sessions

59. 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 renewal of planning approval for temporary “barbecue site and car park” under Application No. A/NE-TK/360, which would be valid until 27.7.2013, for a period of 2 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site was located largely within the “Agriculture” (“AGR”) zone and had high potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, one public comment was received objecting to the application mainly for reasons of lack of parking spaces for private car and coaches, inadequate width of passage for the coaches to and from the site, and traffic impact on Ting Kok Road. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of two years based on the assessments as detailed in paragraph 10 of the Paper. Although DAFC did not support the application from the agricultural point of view, the proposed barbecue site would unlikely cause adverse environmental, drainage and sewerage impacts on the areas. Regarding the public comment against the application on parking and traffic grounds, the Commissioner for Transport had no objection to the application from traffic point of view and relevant approval condition to minimize the potential traffic impact could be imposed.

60. Members had no question on the application.

Deliberation Session

61. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 2 years from 28.7.2013 until 27.7.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) the existing vehicular access and parking facilities, the existing drainage facilities, the existing trees and landscape plantings and the existing fire service installations on the application site should be maintained at all times during the planning approval period;
- (c) 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

- (d) 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.

62. 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 of the application site;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that the applicant should apply to LandsD for Short Term Waiver to regularize the unauthorized structures on private lots and Short Term Tenancy to regularize the illegal occupation of Government land;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site should have its own stormwater collection and discharge system to cater for the runoff generated within the application site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (d) to note the comments of the Director of Environmental Protection (DEP) that the applicant was advised to follow the latest “Code of Practice on handling Environmental Aspects of Open Storage and Temporary Uses” issued by DEP;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the applicant should note the following points :

- (i) 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;
- (ii) before any new building works were to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO;
- (iii) 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 the BO;
- (iv) if the proposed use under application was subject to the issue of a licence, the applicant should be reminded that any existing structures on the application site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority;
- (v) formal submission under the BO was required for any proposed new works, including any temporary structures; and
- (vi) in connection with (v) above, the site should be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation 5 and emergency vehicular access should be provided under the Building (Planning) Regulations (B(P)R) 41D. 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 by the BA under B(P)R 19(3) at building plan submission stage; and

- (f) to note the comments of the Director of Fire Services that if no building plan would be circulated to his department under the Centralized Processing System of BD and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the site, the applicant/tenant was required to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission, the applicant should also note the following points :
- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of the proposed FSI to be installed and the access for emergency vehicles should be clearly indicated on the layout plans.

Agenda Item 18

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/516-1 Proposed Class B Amendments to the Approved Application for 2
Houses (Redevelopment) in “Green Belt” zone, Lot 2087 in D.D. 6,
Pun Chun Yuen Road, Tai Po
(RNTPC Paper No. A/TP/516-1)

Presentation and Question Sessions

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

- (a) background to the application for the proposed Class B amendments to the approved scheme under Application No. A/TP/516;
- (b) the proposed Class B amendments to the approved application, including the proposed increase in unit size from 199 m² to 398 m² due to reduction in number of units under Category 4 and changes in form of building blocks/minor change in disposition of building under Category 5; and
- (c) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 2 of the Paper. Although the scale and intensity of the revised scheme under application remained the same as those of the previously approved scheme, there were significant changes in the building form and disposition of the building block which were considered not minor and beyond the scope of Class B amendments. A fresh planning application under section 16 of the Town Planning Ordinance was required.

64. Members had no question on the application.

Deliberation Session

65. After deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 3.1 of the Paper and considered that it was appropriate. The reason was :

- the proposed changes in building form and disposition of the building block were considered not minor and beyond the scope of Class B amendments. A fresh planning application under section 16 of the Town Planning Ordinance was required.

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/342 Shop and Services (Real Estate Agency) and Ancillary Carpark in
“Residential (Group C) 2” zone, Kwu Tung Lots 8 (Part), 9, 12, 14
(Part) and Lot 1984 RP (Part) in D.D. 95 and Adjoining Government
Land, Kwu Tung Road, Kwu Tung South
(RNTPC Paper No. A/NE-KTS/342)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (real estate agency) and ancillary carpark;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from a North District Council (NDC) member and the Incorporated Owners of Eden Place. The NDC member had no specific comment on the application but indicated that comments of nearby residents should be consulted. The Incorporated Owners of Eden Place objected to the application on grounds that there were commercial facilities within walking distance providing services to nearby residents. The District Officer (North) advised that the Vice-chairman of NDC, the Chairman of the Sheung Shui District Rural Committee, the Residents Representative (RR) of Kwu Tung North and the RR of Kwu Tung (South) had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications on a temporary basis for a period of three years based on the assessments as set out in paragraph 11 of the Papers. In order not to frustrate the long-term planning intention of the “Residential (Group C)” zone, a temporary planning approval of three years, instead of a permanent approval as applied, was recommended. As regards the public comment against the application from the Incorporated Owners of Eden Place which was the residential development to the immediate west of the application site, it was noted that Kwu Tung Shopping Centre (which was a two-storey market) was located about 150m to the north-west of the site and considered that the applied use could provide services serving the residential neighbourhood. Besides, the use was not in conflict with the planning intention and not incompatible with the surrounding low-rise and low-density residential developments.

67. Members had no question on the application.

Deliberation Session

68. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.7.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 9:30 p.m. and 9:30 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.1.2014;
- (c) in relation to (b) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.4.2014;

- (d) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.1.2014;
- (e) in relation to (d) above, the implementation of landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.4.2014
- (f) the submission of proposals 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 19.1.2014;
- (g) in relation to (e) above, the implementation of proposals of water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2014;
- (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.

69. 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 of the application site;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;

- (c) to note the comments of the District Lands Officer/North, Lands Department that the owner of the lots should be advised to apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) for the structure and the occupation of Government land. There was no guarantee that the STW and STT would be granted to the applicant. If the STW and STT were granted, they 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 STT rental and STW fee;
- (d) to note the comments of the Commissioner for Transport that the proposed vehicular access to the application site was via a village track connecting with Kwu Tung Road and the village track was not under his department's management. The applicant should check the land status of the access with the lands authority, and clarify its management and maintenance responsibilities with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank;
- (f) to note the comments of the Director of Environmental Protection that storm water drains should not be connected to foul sewer;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as follows :
 - (i) if the existing container converted structure were erected on leased land without approval of his department, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application; and

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

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

- (i) to note the comments of the Director of Fire Services as follows :
 - (i) emergency vehicular access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by the Buildings Department; and

 - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans.

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

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

Agenda Item 20

Section 16 Application

[Open Meeting]

A/NE-KTS/343 Proposed House (New Territories Exempted House – Small House) in
“Recreation” zone, Lot 1666 S.B RP (Part) in D.D. 100,
Ying Pun Village, Sheung Shui
(RNTPC Paper No. A/NE-KTS/343)

70. The Committee noted that after the issue of the Paper, the applicant's representative requested on 17.7.2013 for a deferment of the consideration of the application for two months in order to allow time for the applicant to clarify with the District Lands Office/North of the Lands Department on the 10-year Small Houses demand forecast for Ying Pun Village.

71. The request for deferment met the criteria for deferment as set out in the TPB Guidelines No. 33 on Deferment of Decision on Applications made under the Town Planning Ordinance in that the applicant needed more time to consult with relevant government department to resolve major issue associated with the application, the deferment period was not indefinite; and that the deferment would not affect the interest of other relevant parties.

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/344 Temporary Social Welfare Facility (Private Residential Care Home for Persons with Disabilities) for a Period of 3 Years in "Agriculture" and "Village Type Development" zones, Lots 382 S.A, S.B, S.C, S.D and RP in D.D. 94, No. 752, 753 and 755 Hang Tau, Sheung Shui
(RNTPC Paper No. A/NE-KTS/344)

Presentation and Question Sessions

73. Ms. Maggie M.Y. Chin, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary social welfare facility (private residential care home for persons with disabilities) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council (NDC) member who supported the application as the applied use would serve those people requiring social welfare facility. The District Officer (North) advised that the Vice-Chairman of NDC, the Chairman of the Sheung Shui District Rural Committee, the Indigenous Inhabitants Representatives of Hang Tau and the Residents Representative of Hang Tau had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 11 of the Paper.

74. Members had no question on the application.

Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.7.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or

of the TPB by 19.1.2014;

- (b) in relation to (a) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.4.2014;
- (c) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.1.2014;
- (d) in relation to (c) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.4.2014;
- (e) the submission of proposals of emergency vehicular access arrangement, 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 19.1.2014;
- (f) in relation to (e) above, the implementation of proposals of emergency vehicular access arrangement, water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2014;
and
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

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

- (b) to resolve any land issue relating to the development with the concerned owners of the application site;
- (c) to note the comments of the Commissioner for Transport that the proposed vehicular access to the application site was via a village track connecting with Fan Kam Road and the village track was not under his department's management. The applicant should check the land status of the access with the lands authority, and clarify its management and maintenance responsibilities with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no storm-water drainage in the vicinity of the application site and the application site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank;
- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows :
 - (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
 - (ii) the application site was located within the flood pumping gathering ground;
- (f) to note the comments of the Director of Fire Services as follows :

- (i) emergency vehicular access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by the Buildings Department; and
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures :
- (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier, and if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/79 Proposed 4 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” zone, Lots 1368 S.A, 1368 S.B, 1368 RP and 1356 S.A in D.D. 39, Ma Tseuk Leng, Sha Tau Kok
(RNTPC Paper No. A/NE-LK/79)

Presentation and Question Sessions

77. Mr. Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed 4 houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the proposed Small Houses on Lots 1368 S.A, 1368 S.B and 1368 RP as agricultural activities were noted within and in the immediate vicinity of the sites, although he had no strong view on the proposed Small House on Lot 1356 S.A;
- (d) during the first three weeks of the statutory publication period, three public comments were received. The comment from a North District Council member supported the application. The comments from Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited expressed

concern on or objection to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; the cumulative impacts of approving Small Houses in the “AGR” zone should be considered; the area of agricultural land in Hong Kong should not be further reduced to safeguard a stable food supply; a sustainable village layout was lacking; and the inadequate provision of access and parking space would cause conflicts amongst villagers/residents. The District Officer (North) advised that the Chairman of Sha Tau Kok District Rural Committee supported the application while the incumbent District Council member and the two village representatives of Ma Tseuk Leng Ha had no comment on the application; and

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

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. While DAFC did not support the proposed Small Houses on Lots 1368 S.A, 1368 S.B and 1368 RP and there were public comments against the application on planning intention, loss of agricultural land and infrastructural grounds, it was considered that the proposed development was not incompatible with the surrounding land uses which were characterized by abandoned farmland, existing village houses and approved Small House sites and would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area. Approval conditions on the drainage and landscaping aspects were also recommended to minimize the potential adverse impacts.

78. Members had no question on the application.

Deliberation Session

79. 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 19.7.2017, 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.

80. The Committee also agreed to advise the applicants of the following :

- (a) to note comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicants might need to extend their inside services to the nearest suitable government water mains for connection and to 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;
- (b) to note comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. The Environmental Protection Department (EPD) should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (c) to note comments of the Director of Fire Services that the applicants were reminded to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (d) to note comments of the Director of Lands that if the sewage disposal system was located between 15 metres and 30 metres from stream courses,

the system should be in line with EPD's ProPECC PN 5/93. No sewage disposal system would be permitted within 15 metres from streams, springs, wells or beaches;

- (e) to note comments of the Director of Environmental Protection that regarding the septic tank and soakaway system, the applicants were required to follow the requirements as set out in Appendix D of EPD's ProPECC PN 5/93, if connection to public sewer was not feasible; and
- (f) to note comments of the District Officer (North), Home Affairs Department that the works initiator should have the responsibility to reinstate the affected areas in the vicinity.

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/511 Proposed 8 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” and “Village Type Development” zones, Lot 727 RP in D.D. 83, Kwan Tei, Fanling
(RNTPC Paper No. A/NE-LYT/511)

Presentation and Question Sessions

81. Mr. Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed 8 houses (New Territories Exempted Houses – Small Houses);

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper and were highlighted below :
- (i) the District Lands Officer/North of Lands Department advised that the Small House applications in respect of the site would not be considered even if planning permission was granted as the proposed Small Houses fell outside both the village ‘environs’ (‘VE’) and the “Village Type Development” (“V”) zone of Kwan Tei Village;
 - (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation and approval of the application might set an undesirable precedent for unauthorized site formation/land filling prior to submission of development proposals/planning application; and
 - (iii) the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) had reservation on the application from the landscape planning point of view as the proposed Small Houses would likely be in conflict with the two existing mature fruit trees and no tree preservation and landscape proposals were submitted. It was observed that majority of the existing trees and vegetation originally located in the site had been removed, and it was apparent that substantial changes and disturbance to the landscape resources and character of the site had been taken place;
- (d) the District Officer (North) advised that the Indigenous Inhabitant Representatives (IIRs) of Kwan Tei, the Resident Representative and the IIR of Fu Tei Pai had no comment on the application while the Chairman of Fanling District Rural Committee raised objection to the application as villagers were concerned that the application was a private development project and it would have adverse traffic impact;

- (e) during the first three weeks of the statutory publication period, three public comments were received during. While one public comment from a North District Council member indicated support to the application, the other two public comments from Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited raised concerns on/objection to the application mainly on the grounds that it was not in line with the planning intention of “Agriculture” (“AGR”) zone; the area of agricultural land in Hong Kong should not be further reduced; and the proposed developments would result in adverse impacts on the surrounding areas; and

- (f) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper. The proposed development of Small Houses was not in line with the planning intention of the “AGR” zone. Both DAFC and CTP/UD&L of PlanD did not support the application on agricultural rehabilitation and tree preservation grounds. The application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the entire footprints of the proposed Small Houses fell outside the ‘VE’ of Kwan Tei Village and the “V” zone and there was no exceptional circumstance which warranted sympathetic consideration of the application.

82. In response to the Chairman’s question, Mr. Wallace Tang said that the approvals of the fourteen applications for Small House in the vicinity of the site were mainly on the considerations that the applications generally complied with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that both the sites and the footprints of the proposed Small Houses fell entirely within the ‘VE’, there was a general shortage of land within the “V” zone of the same village in meeting the Small House demand, the proposed Small Houses were not incompatible with the surrounding village and rural environment and would not create significant adverse impacts.

Deliberation Session

83. 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 application was not in line with the planning intention of “Agriculture” (“AGR”) zone which was primarily for retaining and safeguarding good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification given in the submission for a departure from the planning intention;
- (b) the application did not comply with the Interim Criteria for assessing New Territories Exempted House (NTEH)/Small House as the footprints of the proposed Small Houses fell entirely outside the “Village Type Development” zone and the village ‘environs’ of Kwan Tei Village. There was no exceptional circumstance which warranted sympathetic consideration of the application; and
- (c) approval of the application which did not comply with the Interim Criteria for assessing NTEH/Small House would set an undesirable precedent for other similar applications in the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area and adverse traffic impact.

Agenda Items 24 and 25

Section 16 Applications

[Open Meeting]

A/NE-LYT/513 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 1585 S.D in D.D. 76, Kan Tau Tsuen, Fanling (RNTPC Paper No. A/NE-LYT/513 & 514)

A/NE-LYT/514 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 1585 S.E in D.D. 76, Kan Tau Tsuen, Fanling (RNTPC Paper No. A/NE-LYT/513 & 514)

84. The Committee noted that these two applications were similar in nature as they were for the same type of development at two adjoining sites within the same “Agriculture” zone. The Committee agreed that these applications could be considered together.

85. The Secretary reported that on 4.7.2013, the applicants’ representative requested the Board to defer making a decision on the applications for two months in order to allow time for clarifying the issue of indigenous villages of Lin Ma Hang Tsuen of Sha Tau Kok Heung with the District Lands Officer/North of the Lands Department.

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/515 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” zone, Lot 1585 S.F in D.D. 76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/515)

Presentation and Question Sessions

87. Mr. Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development standpoint as the application site had high potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, three public comments were received. The comment from a North District Council member supported the application. The comments from Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited expressed concern on or objection to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; the cumulative impacts of approving Small Houses in the “AGR” zone should be considered; the area of agricultural land in Hong Kong should not be further reduced to safeguard a stable food supply; there was suspected unauthorized vegetation clearance at the site which could be regarded as “destroy first,

develop later”; a sustainable village layout was lacking; and provision of road and parking areas was inadequate; and most Small Houses were built by villagers for financial gain rather than for domestic purpose. The District Officer (North) advised that the Chairman of Fanling District Rural Committee and the Indigenous Inhabitant Representatives of Kan Tau Tsuen raised objection to the application as the proposed Small House fell outside the village ‘environs’ (‘VE’) and would cause adverse traffic impact; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. While DAFC did not support the application as the site had high potential for agricultural rehabilitation and there were public comments against the application on planning intention, loss of agricultural land, landscaping and infrastructural grounds, it was considered that the proposed development was not incompatible with the surrounding area which was of rural landscape character dominated by farmlands and village houses and would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area. As regards the local objections indicating that the site fell outside the ‘VE’ and would cause adverse traffic impact, it was noted that the proposed development fell entirely within the ‘VE’ of Kan Tau Tsuen as advised by the District Lands Officer/North of Lands Department and the Commissioner for Transport had no objection to the application. Approval conditions on the drainage and landscaping aspects were also recommended to minimize the potential adverse impacts.

88. Members had no question on the application.

Deliberation Session

89. 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 19.7.2017, and after the said date, the permission should cease to have

effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows :
 - (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
 - (ii) the application site was located within the flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services that the applicant was reminded to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD).

Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD; and

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

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/84 Proposed Burial Ground (Reprovisioned Permitted Burial Ground) in “Agriculture” and “Green Belt” zones, Government Land in D.D. 38 near Loi Tung Village at Sha Tau Kok Road (Wo Hang)
(RNTPC Paper No. A/NE-MUP/84B)

91. The Secretary reported that the following Members had declared interests in this item :

Ms. Janice W.M. Lai – had current business dealings with the Civil Engineering and Development Department, the applicant

Mr. Ivan C.S. Fu – had current business dealings with AECOM Asia Co. Ltd., the consultant of the applicant

92. The Committee noted that Ms. Lai had already left the meeting. As Mr. Fu had no direct involvement in this application, the Committee agreed that he could stay in the

meeting.

Presentation and Question Sessions

93. Mr. Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

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

- (b) the proposed burial ground (reprovisioned Permitted Burial Ground);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that designation of Permitted Burial Ground (PBG) in any wooded areas was not desirable as tree felling might be resulted during the construction of new graves and associated access routes, and the risk of hill fire might increase. Nevertheless, it was noted that the need for the proposed development arose as a result of a public infrastructure project, and local aspiration had to be met in the identification of PBG sites. DAFC opined that in case the reprovisioning of PBG at the subject site was considered justified and approved by the Board, granting of new grave by relevant authorities should be carefully considered in the long run in order to avoid tree felling. Good site practices during the construction of new graves and appropriate measures to control hill fire should also be implemented;
- (d) the District Officer (North) (DO(N)) advised that the Chairman of Sha Tau Kok District Rural Committee, the incumbent North District Council (NDC) member and one Village Representative (VR) of Loi Tung supported the application while another VR of Loi Tung had no comment on the application. The VR who supported the application urge the Government to confirm the location of the PBG so that the villagers could relocate their

ancestors as soon as possible to facilitate the implementation of the road project and DAFC to offer practical means for the villagers to differentiate trees with conservation value to avoid construction of new graves in wrong locations;

- (e) during the first three weeks of the statutory publication period of the application, four public comments were received. The comment from a NDC member supported the application as it would facilitate the villagers in need. The other three comments from Kadoorie Farm & Botanic Garden Corporation (KFBGC), World Wide Fund for Nature Hong Kong and Designing Hong Kong Limited (DHKL) expressed concern on or objection to the application mainly on the grounds that the proposed PBG might have a high potential to affect the secondary woodland as a whole (e.g. burning of joss paper might cause hill fire, construction of grave might need vegetation clearance, disturbance to wildlife and fragmentation of their habitats); the setting of isolated tree patches would pose impact to the survival of the trees; and there was potential impact on the environment as the proposed development involved a large area of green land. The commenters also urged the project proponent to consider other options that would have less potential impact on the woodland and provide a 5-metre buffer between the grave areas and the trees so as to minimize the potential human impact on the trees;

- (f) during the first three weeks of the statutory publication period of the further information to the application, three public comments were received from the same NDC member, KFBGC and DHKL. The NDC member made the same supporting comment. KFBGC was still concerned that the secondary woodland as a whole would be affected although the applicant had modified the boundary of the application site to avoid the flora of conservation interest, and reiterated that other options that would have less potential impacts on the woodland should be considered. DHKL maintained its objection to the application and considered that, for the alternative, ecological and traffic impact assessments should be done; and

- (g) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. With regard to DAFC's concern on the possible impact on existing trees in the woodland, DO(N) advised that he would invariably lay down a condition that the prior consent from the District Lands Officer/North of Lands Department (DLO/N of LandsD) must be obtained before any trees could be felled in giving his approval for application from eligible persons for burials within PBGs. DLO/N of LandsD also stated that upon receiving the tree felling application, his office would circulate the application to the departments concerned for comment; and if there was adverse comment, approval would not be given. As regards the public comments that the proposed PBG might affect the secondary woodland, the applicant had revised the site boundary to exclude flora of conservation interest and there was existing mechanism to ensure that any adverse impact on existing tree and landscape resources could be minimized. Besides, the Chief Town Planner/Urban Design and Landscape of Planning Department had no objection to the application from the landscape planning point of view.

94. Members had no question on the application.

Deliberation Session

95. 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 19.7.2017, 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.

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

- (a) to note the comments of the Commissioner for Transport that the local access leading to the site was not under the Transport Department's management and the applicant was advised to check the land status of the

access with the relevant lands authority;

- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that granting of new grave by relevant authorities should be carefully considered in the long run in order to avoid tree felling. Good site practices during the construction of new graves and appropriate measures to control hill fire should also be implemented; and
- (c) to note the comments of the Director of Food and Environmental Hygiene that his permission was required for the exhumation and removal of any human remains buried, or any urn or other receptacle containing any human remains deposited and if any of his facility was affected by the development, his prior consent must be obtained. Re provisioning of the affected facilities by the project proponent up to his satisfaction might be required. Besides, the project proponent should provide sufficient amount of recurrent cost to him for management and maintenance of the re provisioned facilities.

[The Chairman thanked Mr. Wallace W.K. Tang, STP/STN, for his attendance to answer Members' enquiries. Mr. Tang left the meeting at this point.]

[The meeting was adjourned for a break of 3 minutes.]

Tuen Mun and Yuen Long District

[Mr. K.C. Kan, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), was invited to the meeting at this point.]

Agenda Item 28

Section 12A Application

[Open Meeting]

Y/YL-LFS/3 Application for Amendment to the Approved Lau Fau Shan & Tsim Bei Tsui Outline Zoning Plan No. S/YL-LFS/7, To rezone the application site from “Recreation” to “Government, Institution or Community (1)”, Lot 1862 (Part) in D.D. 129,
Lau Fau Shan, Yuen Long
(RNTPC Paper No. Y/YL-LFS/3)

97. The Secretary reported that Mr. Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd., one of the consultants of the applicant. As the item was for deferral of consideration of the application, the Committee agreed that Mr. Fu could stay in the meeting.

98. The Secretary also reported that on 11.6.2013, the applicant’s representative requested the Board to defer making a decision on the application for two months in order to allow time for preparation of supplementary information to address the departmental comments on the application.

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

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-PS/413

Temporary Public Vehicle Park for Private Car and Light Van (not exceeding 3.5 tonnes) for a Period of 3 Years in “Village Type Development” zone, Lots 288 RP (Part), 289 RP, 290 RP and 291 RP (Part) in D.D. 123 and Adjoining Government Land, Ng Uk Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/413)

100. The Secretary reported that on 4.7.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for preparation of further information to address the public comments on the application.

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

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

102. The Secretary reported that the application was submitted by Gain Million Development Ltd. and Fordmax Development Ltd., two subsidiaries of Henderson Land Development Co. Ltd., and ADI Ltd., MVA Hong Kong Ltd. and Westwood Hong & Associates Ltd. were three of the consultants of the applicants. The following Members had declared interests in this item :

- | | |
|---------------------|---|
| Mr. Ivan C.S. Fu | – had current business dealings with Henderson, ADI, MVA and Westwood Hong |
| Ms. Janice W.M. Lai | – had current business dealings with Henderson and ADI |
| Dr. W.K. Yau | – being Chief Executive Officer of Tai Po Environmental Association Ltd. which had received donation from Henderson |

103. The Committee noted that Mr. Fu and Ms. Lai had already left the meeting. The Committee considered that the interest of Dr. Yau in this item was indirect and agreed that he could stay in the meeting.

Presentation and Question Sessions

104. Mr. K.C. Kan, STP/TMYL, presented the application and covered the following

aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed comprehensive development (flat, house, village office and public open space);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix III of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) the District Officer (Tuen Mun) received comments from four locals expressing concerns on or objecting to the application as the proposed development would have adverse impacts on their ancestors' graves and there was insufficient consultation with the local indigenous inhabitants;
- (e) during the first three weeks of the statutory publication period of the application, 69 public comments were received. During the first three weeks of the statutory publication periods of the two further information to the application, 47 and 19 public comments were received respectively. Of the 135 public comments received in total, 10 objected to the application, 120 supported the application, and 5 raised concerns on the impacts on local graves, high pressure gas pipelines and scheme layout. The objecting comments were mainly on traffic grounds, adverse *fung shui* impact and no consultation. The supporting comments were mainly on the grounds of increase in housing supply, employment opportunity, efficient use of vacant land and improvement to the local environment;
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. As regards the public comments, the local concerns on the proposed development on *fung shui* grounds had been considered by the Board in the previous applications. The existing grave at the northeast of the site would be retained beside the public open space and Village Office.

For the technical concerns on traffic, emergency vehicular access and screen effect, relevant Government departments had no objection in these aspects. Moreover, the applicants would be advised to liaise with the locals for addressing their concerns.

105. In response to the Vice-Chairman's question, Mr. K.C. Kan said that as compared with the last approved scheme under Application No. A/TM-LTYY/158-4, the layout of the current development proposal was in general similar to the previous layout in terms of disposition of building blocks. There were more uncovered spaces at the eastern portion of the site under the current proposal as the buildings were smaller in that area. Relevant departments, including the Chief Town Planner/Urban Design and Landscape of PlanD, had considered the current layout acceptable.

Deliberation Session

106. 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 19.7.2017, 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 revised Master Layout Plan (MLP) to take into account conditions (b), (c), (e), (f), (g), (h) and (i) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of Landscape Master Plan including tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of vehicular and pedestrian access to the site, run-ins (including location of gate houses and drop bars, if any) and parking and loading/unloading spaces to the satisfaction of the Commissioner for Transport or of the TPB;

- (d) the submission of drainage impact assessment and the provision of drainage facilities and flood mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations for the proposed development to the satisfaction of the Director of Fire Services or of the TPB;
- (f) the provision of public open space, as proposed by the applicants, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (g) the provision of vehicular and pedestrian access to Lot 1036 in D.D. 130 to the satisfaction of the Director of Lands or of the TPB;
- (h) the submission of safety evaluation/risk assessment related to a high pressure gas pipeline in the vicinity and implementation of the mitigation measures identified therein to the satisfaction of the Director of Electrical and Mechanical Services or of the TPB; and
- (i) the setting back of the site boundary along Fuk Hang Tsuen Road for future road widening to the satisfaction of the Director of Civil Engineering and Development or of the TPB.

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

- (a) to revise the MLP to take into account the conditions of approval imposed by the Board. The approved MLP, together with the set of approval conditions, would be certified by the Chairman of the Board and deposited in the Land Registry in accordance with section 4(A)(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) the gross floor area (GFA) of the proposed development would need to be

adjusted to correspond to any reduction in development site area to comply with the plot ratio restriction of the subject “Comprehensive Development Area” zone;

- (c) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or GFA concession for the proposed development would be approved/granted by the Building Authority (BA). The applicants should approach the Buildings Department (BD) direct to obtain the necessary approval. If the building design elements and the GFA concession were 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;
- (d) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) at Appendix III of the Paper;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, BD that the proposed site could be sub-divided into 2 separate sites by the public pedestrian access and Lot No. 1036 adjoining the Type 1B House. Each site should be self-sustainable in terms of the provision of access, lighting, ventilation, recreation facilities, open spaces etc. and the plot ratio (PR) and site coverage (SC) should be capped under the First Schedule of the Building (Planning) Regulations ((B(P)Rs). The public pedestrian access within the site(s) should be deducted from site area for the purpose of SC and PR calculations under the B(P)Rs. The provision of emergency vehicular access to the buildings within the site(s) should comply with B(P)R41D. The proposed club house should be accountable for SC and PR calculations, unless otherwise exempted under Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 & 152. Any internal streets if required should be deducted from the site area for the purpose of SC and PR calculations under the B(P)Rs. Detailed checking of the building layout would be made at building plan submission stage;

- (f) to note the comments of the Commissioner of Transport that he agreed in principle that the section of Fuk Hang Tsuen Road outside the project boundary of the Widening of Fuk Hang Tsuen Road, which was about 6m wide, might require upgrading to cope with the future traffic flow. The locations of the gate houses were not shown. The locations of the drop bars must be carefully considered to avoid tailing back of vehicles on Fuk Hang Tsuen Road or Fuk Hang Tsuen Lane waiting to enter the premises;
- (g) to note the comments of the Project Manager (New Territories North and West), Civil Engineering and Development Department that in future when the Government needed to acquire the non-building area (NBA) for the road widening works, all the existing features, trees and other obstructions situated on the NBA should be cleared by the lot owner before surrendering the NBA to the Government. The pedestrian access within the lot connecting with the NBA should also need to be modified by the lot owner upon the surrender of the NBA to the Government;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the existing 900mm and 1050mm drains between manhole Nos. SMH1024443 and SMH1024454 would be removed after the new diversion drains were in operation;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains and waterworks reserves would be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, Waterworks Reserve within 1.5 metres measuring from the centreline of the affected water mains should be provided to WSD. No structure should be erected over this Waterworks Reserve and such area should not be used for storage or car-parking purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across,

through or under it which the Water Authority might require or authorize. No trees/ shrubs should be planted within the Waterworks Reserve;

- (j) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The applicants should clarify whether the 2-storey village office was subject to regulatory control of the Buildings Ordinance. If affirmative, fire service installation (FSI) should be provided in accordance with the Code of Practice for Minimum Fire Service Installations and Equipment. If negative, fire safety requirements would be formulated upon receipt of a FSI proposal. The applicants should be reminded that the arrangement of emergency vehicular access (EVA) should comply with Part D of the Code of Practice for Fire Safety in Buildings which was administered by the Buildings Department (BD). It appeared that adequate space was not provided for operation of fire appliances for the two "Type 1B" buildings adjacent to Lot 1036 and this was undesirable from the fire safety point of view. The proposed turning facility was insufficient for manoeuvring of his fire appliances as indicated in Drawing No. 1 of Appendix Ik of the Paper. As such, the arrangement for EVA should comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which was administered by the BD;
- (k) to note the comments of the Director of Electrical and Mechanical Services at Appendix III of the Paper; and
- (l) to liaise with the locals to address their concerns.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/260 Temporary Tyre Repairing Workshop and Storage of Tools for a Period of 3 Years in “Open Space” zone, Lot 2977 S.B RP (Part) in D.D. 124 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/260)

Presentation and Question Sessions

108. 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 tyre repairing workshop and storage of tools for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) commented that the tyre repairing operation and parking of vehicles on public footway would create danger/disturbance to road users and pedestrians, in particular parking of vehicles on the footway portion of the site was not supported. C for T also reminded the applicant that, parking of vehicles at any place other than designated parking places was an offence under the current legislation. The Commissioner of Police (C of P) also had concern on the safety of pedestrians and other road users. The Chief Highway Engineer/New Territories West of Highways Department (CHE/NTW of HyD) commented that the applicant should not place tyres outside the site;
- (d) during the first three weeks of the statutory publication period, one public comment was received from the Village Representatives of Chung Uk

Tsuen who strongly objected to the application mainly on the grounds that the development had resulted in a lot of heavy and medium goods vehicles parking on the pavement waiting for tyre repairing services, thus obstructing the sightlines of drivers and affecting the safety of pedestrians and other drivers going in and out of the village. No local objection/view was received by the District Officer (Tuen Mun); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper. The development for temporary tyre repairing workshop and storage of tools was considered as a vehicle repair workshop which was not in line with the planning intention of the “Open Space” (“O”) zone. Although there were previous permissions for the same development at the site, the applicant had not submitted strong planning justifications for continued using the site for the development, even on a temporary basis, and had not demonstrated that the development could not be accommodated in other locations. The site involved portion of a public footway which was used for tyre repairing and parking of vehicle for such service. Relevant departments including C for T, C of P and CHE/NTW of HyD had concerns on the occupation of public footway for the applied use and the related road safety issue. However, the applicant could not demonstrate that the development would not cause adverse traffic safety impact.

109. In response to the Chairman's query on road safety, Mr. K.C. Kan pointed out that the tyre repairing activities would be carried out on the public footway which was dangerous to the road users.

Deliberation Session

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

- (a) the applicant failed to provide strong planning justifications for continued using the site for the development, even on a temporary basis, and failed to demonstrate that the development could not be accommodated in other locations; and
- (b) the applicant failed to demonstrate that the development would not generate adverse traffic safety impact on other road users.

Agenda Item 32

Section 16 Application

[Open Meeting]

A/TM-LTY Y/261 Eating Place (Restaurant including Ancillary Storerooms and Staff Toilet) and Minor Relaxation of Building Height Restriction from 8.23m to 12.93m (for Vertical Air Ventilating Duct only) in “Village Type Development” zone, G/F, 1/F and Part of Roof above 1/F, No. 57 Lam Tei Main Street, Lan Ti Lot No. 4 in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/261)

111. The Secretary reported that on 12.7.2013, the applicant’s representative requested the Board to defer making a decision on the application for two months in order to allow time for preparation of further information to address the comments of the Environmental Protection Department on the application.

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

Agenda Item 33

Section 16 Application

[Open Meeting]

A/YL-MP/202

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

113. The Secretary reported that the application was submitted by Glory Queen Ltd., a subsidiary of Henderson Land Development Co. Ltd., and Environ Hong Kong Ltd., Westwood Hong & Associates Ltd., AECOM and ADI Ltd. were four of the consultants of the applicant. The following Members had declared interests in this item :

- Mr. Ivan C.S. Fu – had current business dealings with Henderson, Environ, Westwood Hong, AECOM and ADI

- Ms. Janice W.M. Lai – had current business dealings with Henderson, AECOM and ADI

- Dr. W.K. Yau – being Chief Executive Officer of Tai Po Environmental Association Ltd. which had received donation from Henderson

114. The Committee noted that Mr. Fu and Ms. Lai had already left the meeting. As the item was for deferral of consideration of the application, the Committee agreed that Dr. Yau could stay in the meeting.

115. The Secretary also reported that on 10.7.2013, the applicant's representative requested the Board to defer making a decision on the application for two months in order to allow time for addressing the comments raised by the Environmental Protection Department (EPD) with regard to the Sewerage Impact Assessment.

116. The Secretary stated that the application had been deferred for three times since August 2012. Since the last deferment in April 2013, the applicant submitted further information on revised master layout plan, revised noise and air quality impact assessments, revised landscape master plan and responses to departmental comments, and clarification that the application also involved filling and excavation of land on 28.5.2013 and 31.5.2013 respectively. However, the Director of Environmental Protection considered that the applicant failed to demonstrate that the discharged sewage to Deep Bay could meet the requirement of no net increase in pollution load to Deep Bay in wet seasons. The applicant therefore sought more time for preparation of further information to address EPD's concern.

117. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant, pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two more months were allowed for preparation of the submission of the further information, and since a total period of eight months had been allowed, this was the last deferment and no further deferment would be granted.

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

Agenda Item 34

Section 16 Application

[Open Meeting]

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

118. The Secretary reported that Meta 4 Design Forum Ltd., ADI Ltd. and Environ Hong Kong Ltd. were three of the consultants of the applicant. The following Members had declared interests in this item :

Mr. Ivan C.S. Fu – had current business dealings with Meta 4, ADI and Environ

Ms. Janice W.M. Lai – had current business dealings with ADI

119. The Committee noted that Mr. Fu and Ms. Lai had already left the meeting.

120. The Secretary also reported that on 8.7.2013, the applicant’s representative requested the Board to defer making a decision on the application for two months in order to allow time for liaising and arranging meeting with the relevant departments, particularly the Environmental Protection Department and the Urban Design Section of the Planning Department so as to prepare further information for addressing their comments and concerns on the application.

121. The Secretary stated that the application had been deferred for three times since September 2012. Since the last deferment in March 2013, the applicant had further revised the Ecological Impact Assessment and Environmental Assessment and submitted to the Board in late May 2013. The Director of Agriculture, Fisheries and Conservation, the Chief

Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) and the Director of Environmental Protection (DEP) provided their comments on the application in around late June/early July. The applicant needed more time to address the comments of CTP/UD&L of PlanD and DEP on the urban design and environmental aspects and to further improve the development layout by minimizing the land take for development and reducing the height of the proposed noise barrier.

122. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant, pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two more months were allowed for preparation of the submission of the further information, and since a total period of eight months had been allowed, this was the last deferment and no further deferment would be granted.

[Mr. W.S. Lau, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), Mr. Ernest C.M. Fung, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), Ms. Kennie M.F. Liu, Town Planner/Tuen Mun and Yuen Long (TP/TMYL), Dr. Winnie P.W. Kwok, Senior Wetland & Fauna Conservation Officer, Agriculture, Fisheries and Conservation Department (AFCD), and Ms. Sunny W.S. Chow, Wetland & Fauna Conservation Officer, AFCD, were invited to the meeting at this point.]

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

123. The Secretary reported that the application was submitted by Kleener Investment Ltd., Nam Sang Wai Development Co. Ltd., Community Wetland Park Foundation Ltd. and Lut Chau Nature Reserve Foundation Ltd. (the former two being subsidiaries of Henderson Land Development Co. Ltd.), and Masterplan Ltd., AECOM Asia Co. Ltd., Belt Collins International (HK) Ltd., LWK & Partners (HK) Ltd., MVA Hong Kong Ltd., Ove Arup & Partners Hong Kong Ltd. and the Hong Kong Alzheimer’s Disease Association (HKADA) were seven of the consultants of the applicants. The following Members had declared interests in this item :

- Mr. Ivan C.S. Fu – had current business dealings with Henderson, Masterplan, AECOM, Belt Collins, LWK, MVA and Ove Arup

- Ms. Janice W.M. Lai – had current business dealings with Henderson and AECOM

- Mr. Timothy K.W. Ma (Vice-Chairman) – being ex-Member of the Executive Committee of the HKADA

Dr. W.K. Yau – being Chief Executive Officer of Tai Po Environmental Association Ltd. which had received donation from Henderson

124. The Committee noted that Mr. Fu and Ms. Lai had already left the meeting. The Committee considered that the interests of the Vice-Chairman and Dr. Yau in this item were indirect and agreed that they could stay in the meeting.

Presentation and Question Sessions

125. Mr. Ernest C.M. Fung, STP/TMYL, presented the application with the aid of a PowerPoint and covered the following aspects as detailed in the Paper :

- (a) background to the application :
 - (i) the application site (about 178.7 ha in total area) comprised two portions, namely (a) the Nam Sang Wai (NSW) site of about 121.9 ha (of which about 40% was Government land (GL)) at the south which fell on the “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area 1” (“OU(CDWEA1)”) zone of the approved Nam Sang Wai Outline Zoning Plan (OZP); and (b) the Lut Chau (LC) site of about 56.8 ha (of which about 60% was GL) at the north which fell on the “Site of Special Scientific Interest (1)” (“SSSI(1)”) zone of the approved Mai Po & Fairview Park OZP. The two portions were separated by Kam Tin River and Shan Pui River;
 - (ii) the site was subject to a previous application (No. A/DPA/YL-NSW/12) for a comprehensive development comprising mainly an 18-hole golf course and 2,550 residential units as well as 5,000 m² of commercial gross floor area (GFA) and 8,000 m² of non-domestic GFA for clubhouse with a development site at NSW and a proposed nature reserve at LC. The application was allowed with conditions by the Town Planning Appeal Board in 1994, with

the validity of the planning permission extended up to 18.12.2010. However, the case was currently subject to review on the application for extension of time for commencement and a judicial review on the appeal on the compliance of approval conditions; and

- (iii) according to the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12B), the site fell within the Wetland Conservation Area (WCA). In considering development proposals in the Deep Bay Area, the Board adopted a precautionary approach to conserve the ecological value of fish ponds under the principle of “no-net-loss in wetland”. The Board might consider developments with conservation objectives within the WCA under a “private-public partnership (PPP) approach”. Having regard to the precautionary principle and the “no-net-loss in wetland” concept, the PPP approach would allow consideration of limited low-density private residential/recreational development at the landward fringe of the WCA in exchange for committed long-term conservation and management of the remaining ponds within the development site. Development of this nature should require minimum pond filling and located as far away from Deep Bay and/or adjoining to existing development site. The development proposal should be accompanied by a ecological impact assessment (EcoIA) with an acceptable and feasible wetland enhancement and management scheme to demonstrate that the development would not result in, or be able to fully compensate for, any loss of the total ecological function of the original ponds on the site and that the development impact could be mitigated. The proposal should also include a mechanism to ensure that the long-term management of the wetland could be practically implemented and monitored;

- (b) the proposed comprehensive development with wetland enhancement (including house, flat, wetland enhancement area, nature reserve, visitors

centre, social welfare facility, shop and services) as well as filling of land and pond, and excavation of land :

- (i) the LC site would be developed as the proposed Lut Chau Nature Reserve (LCNR) of about 56.8 ha. The LCNR would be managed by non-Government organization as wetland with limited public access;
- (ii) the northern portion of the NSW site would be developed into a 55.7 ha wetland enhancement area (WEA), which would be managed as a wetland park with limited public access. There would be a 2 ha visitor centre, including a hostel with 40 beds, to the immediate southwest of the WEA;
- (iii) the southern portion of the NSW site included a 49 ha development site for the development of 960 houses of 3 storeys (above 1 basement carpark), 5 residential blocks of 17 storeys (above 1 basement carpark) providing 640 flats, a 900 m² single-storey commercial centre, and a 6-storey elderly centre (including a residential care home for the elderly (RCHE), a day care centre for the elderly and a residential home for mentally retarded adults) providing 250 beds. There would be a public park of about 2.62 ha to the west of the development site, and about 6 ha of the existing mangrove located to the south of the public park would be retained;
- (iv) a bridge across Shan Pui River was proposed to be built as the access road connecting the south-western corner of the application site to the existing Wang Lok Street. The proposed access road comprised a 7.3m-wide carriageway with 3.5m-wide cycle track and 2m-wide footpath on its sides;
- (v) the proposed houses would be built along finger-like berms running in an east-west direction which were separated from each other by open water with at least 20m in width but connected with basement tunnel. Within the 49 ha development site, there was about 25 ha

of open water body, including water channels and an artificial lake. The lake would serve as a buffer between the residential development and the Cormorant Roost (鸕鷀棲息地) at the line of trees along the eastern boundary of the NSW site. Residents would not be allowed to carry out recreation activities in the lake;

- (vi) the applicants suggested that the 640 flats (of average size of about 55.7 m²) could be either built by them and then passed to the Housing Department for sale to those eligible for the Home Ownership Scheme (HOS), or sold by them in the open market;
 - (vii) the proposed development would be implemented in phases, with the LCNR and the WEA in NSW be implemented first and before the residential development. The residential development would be completed by 2021 to 2023;
 - (viii) according to the applicants, the total area of existing wetland in NSW and LC was 141.6 ha. After the implementation of the proposed development, the total area of wetland would be about 133.4 ha, representing a net loss of about 8.2 ha; and
 - (ix) regarding the implementation of wetland, the applicants stated that they would provide an undertaking to take sole responsibility for continued management until a suitable successor could be found to take over the long-term management. The annual maintenance and management costs of the LCNR and WEA were about \$2.8 million. The applicants had already established two Trusts, namely Community Wetland Park Foundation Ltd. and Lut Chau Nature Reserve Foundation Ltd., which could take over and manage the conservation areas. Alternatively, the applicants would contribute funding to the Environmental Conservation Fund instead;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix II of the Paper and were highlighted below :

- (i) the Director of Agriculture, Fisheries and Conservation (DAFC) commented that the principles stipulated in TPB PG No. 12B, including “no-net-loss in wetland”, “minimum pond filling” and “PPP approach” were relevant considerations for the application, which should be supported by an EcoIA to demonstrate that the development would not result in a net loss in wetland function and negative disturbance impact. In reviewing the EcoIA based on the those principles, DAFC had the following comments :

The “No-Net-Loss in Wetland” Principle

Inadequacy of the baseline habitat information and survey methodology

- (a) there was no information on the breakdown of area of each wetland habitat type for establishing the baseline ecological information of the existing wetland habitats within the site, and all the existing pond bunds were shown to be “non-wetland”. Since the pond bunds were an integral part of the wetland ecosystem with wetland ecological function, exclusion of them in the calculation of wetland areas was not acceptable and would under-estimate the actual area of existing wetlands within the site;
- (b) the ecological surveys undertaken shortly after the fire in January 2011 would unlikely provide a fair assessment of the ecological value as there would be fluctuation in species diversity and abundance after the incident. For instance, some species such as the Four-spot Midget (廣瀨妹蠅(豆娘)) and the Eurasian Otter (歐亞水獺) that had been recorded in the Deep Bay area were not found in the ecological surveys, and the surveys on the Bent-winged Firefly (香港曲翅螢), which were known to have public concern and occur in the mangrove area of the Inner Deep Bay, were also insufficient;

Under-estimation of existing ecological values

- (c) the baseline ecological data of 2011 did not take into account any effect of the drain-down management measures implemented in the Management Agreement (MA) projects with the fishpond operators in LC since January 2012, such that the existing ecological values of the fishponds within LC were under-estimated. The ranking of moderate ecological function of the existing fishponds at LC in the EcoIA was questionable in view of the occurrence of significant number of certain wetland-dependent bird species in LC;

Misleading calculation of net loss in wetland

- (d) the net loss of wetland area due to the proposed residential development within the NSW site was under-estimated as there was no information on the total area of wetland habitats to be affected by the development footprint of some 49 ha. The applicants just added up all the water surfaces that had low ecological function, including the water channels, the artificial lake and the extra “wetland area” created by narrowing and removal of existing pond bunds, to give the total wetland areas of the NSW site after development. By simply calculating the net change in wetland area before and after the development without taking into account the actual development footprint of 49 ha, the total net loss of wetland of 8.2 ha would be under-estimated and misleading;

Inadequacy of the EcoIA

- (e) the existing reedbed in NSW was a rare habitat restricted to Deep Bay area and was also the largest continuous and contiguous reedbed in Hong Kong with high ecological value. The applicants proposed to compensate the loss of such continuous and contiguous reedbed due to development by replanting similar areas of largely fragmented reedbed in different parts of the LCNR and WEA.

The direct impacts of the project having a footprint of 49 ha on the continuous reedbed and the fragmentation impact on the existing reedbed, especially for those birds and the Eurasian Otter which preferred large block of reedbed as habitat, were not clearly reflected and assessed in the EcoIA;

Inadequacy of the proposed mitigation measures

- (f) the proposed replanting of reedbed as compensation was not considered an adequate mitigation for the potential ecological impact. The applicants should consider avoidance and minimization of impact prior to compensation, and retention of the rare reedbed should be the priority before consideration for destruction followed by replanting off-site. The proposed habitat design and management in the LCNR in relation to the planting of reedbed in the bunds were also in conflict with the ecological function of the original fishpond habitats. The applicants' proposed drain-down regime as part of the on-going pond management measures of LCNR was just similar to the current MA projects being implemented but with no additional enhancement. Besides, the approach of creating water channels and other "water surface" of low ecological value would not enhance the wetland function or adequately compensate for the loss of the original high-value wetland habitats. The proposed lake of 25 ha on the eastern side of the development site was only for amenity function. The creation of such lake would result in a direct loss of the existing wet reedbed which was of higher ecological value than the lake;
- (g) taking into consideration the inadequacy in the baseline ecological information, the ecological evaluation of the existing habitats, the impact assessment on the affected wetlands and the ecological functions of the mitigated measures, the EcoIA failed to demonstrate that the loss of ecological functions from the existing

wetlands would be adequately compensated by the proposed mitigation and habitat enhancement measures;

The “Minimum Pond Filling” Principle

- (h) the development footprint of 49 ha would cause a direct loss of important wetland habitats including 35.6 ha of reedbed and 3.6 ha of fishponds, among other wetland areas. Given the development footprint of 49 ha which covered 40% of the NSW site and 27.4% of the whole site (as compared with a development footprint of only 5% of the project area in the Fung Lok Wai project), development of such a scale was considered extensive and could hardly conform to the “minimum pond filling” principle;
- (i) according to the applicants, the development would involve excavation of a total of 16 ha of bunds and filling of 24.2 ha of wetland area for the formation of the NSW development area, LCNR and WEA, which meant that a total of 40.2 ha of wetland habitat would be directly impacted either by bund excavation or pond filling prior to implementation of mitigation measures;

The PPP Approach

- (j) as the proposed residential development had encroached largely upon ecologically sensitive area rather than the less ecologically sensitive areas, it did not conform to the PPP principle which allowed “limited” development at the landward fringe of the WCA (ecologically less sensitive portions of the site) provided that the developer undertook to conserve and manage the rest of the site that was ecologically more sensitive on a long-term basis;
- (k) the applicants’ proposal that the land of the WEA would either be retained by the Government or granted to a suitable body such as a Trust for management was not a desirable arrangement as the

applicants would not be responsible for the long-term management of the WEA. For the case of PPP approach under the New Nature Conservation Policy (NNCP), the land concerned should still remain under the applicants' ownership;

Long-term Management of the WEA and LCNR

- (l) the applicants did not indicate whether the estimated \$2.8 million annual maintenance and management costs for the WEA and LCNR had included the administration cost for the Environmental Advisory Group (EAG) and the salary of the wetland manager and the team of ecologists (including the Monitoring Ecologist and Audit Ecologist) proposed in the management structure in the Conservation and Management Plan. There was also insufficient information about the funding arrangement for long-term management of the WEA and LCNR; and

Other Comments

- (m) his department would not take up the proposed public park and visitor centre for management and maintenance as proposed by the applicants;
- (ii) the Director of Environmental Protection (DEP) did not support the application as there were a number of deficiencies in the Environmental Assessment (EA), including the lack of an environmentally acceptable scheme of discharging greywater into the lake and water channels in the development and the non-compliance of the proposed elderly centre with the road traffic noise standard. Besides, the proposed residential development including the proposed bridge over Shan Pui River were designated projects under the Environmental Impact Assessment Ordinance (EIAO) and the applicants should follow the relevant requirements under the EIAO;

- (iii) the Director of Drainage Services (D of DS) commented that sewage from certain facilities, such as estate management office, restaurant, laundries etc., had not been taken into account in the Sewerage Impact Assessment (SIA); and the Drainage Impact Assessment (DIA) report was preliminary and not acceptable. Revised SIA and DIA should be submitted for his further consideration;

- (iv) the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) had strong reservation on the application from the landscape planning perspective as the Landscape Assessment was vague and did not have adequate details in assessing the impact of the proposed development on the landscape in a logical manner. The Visual Impact Assessment (VIA) was also considered not acceptable as the visual impacts of the development from some prominent locations were under-estimated. The five proposed 17-storey residential blocks were particularly visually intrusive to the surrounding wetland landscape and rural character. With an extensive site area, there was scope to manoeuvre the development layout/disposition such that the height of the residential blocks be reduced and the extent of the house development portion be minimized; but the applicants had not explored alternative building layout/disposition or building design to address the visual impact of the proposed development;

- (v) the Director of Housing commented that the applicants should clarify whether the HOS proposal was included under the PPP approach, and the corresponding detailed information such as ownership, implementation mechanism, time frame, etc. should also be provided in the application;

- (vi) the Director of Social Welfare (D of SW) commented that the proposed day care centre for the elderly, residential care home for the elderly and the types of rehabilitation services to be provided within the development should not incur any capital or recurrent cost on the

Government; and

(vii) the Director of Leisure and Cultural Services (DLCS) commented that he would not take up the future development, management and maintenance responsibilities of the proposed public park and visitor centre;

(d) public comment :

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

(ii) during the first three weeks of the statutory publication period of the application, a total of 7,492 public comments were received, including 7,474 objecting comments, 7 supporting comments and 11 comments expressing concerns on the proposal;

(iii) during the first three weeks of the statutory publication period of the further information received on 8.2.2013 to the application (Appendix Ic of the Paper), a total of 1,325 public comments were received, including 1,324 objecting comments and 1 comment expressing concerns on the proposal;

(iv) during the first three weeks of the statutory publication period of the further information received on 30.5.2013 to the application (Appendix If of the Paper), a total of 1,712 public comments were received, including 1,685 objecting comments and 27 comments expressing concerns on the proposal; and

(v) altogether, a total of 10,529 public comments were received. Nearly 99.6% (10,483) were objections, including those received from the San Tin Rural Committee, Shap Pat Heung Rural Committee, Village Representative (VR) of Shan Pui Tsuen, 5 Yuen Long District Council members, and 10 green groups (viz. Green Power, Green

Sense, Hong Kong Firefly Research Association, Designing Hong Kong, World Wide Fund for Nature Hong Kong, Kadoorie Farm & Botanic Garden Corporation, Conservancy Association, HK Wildlife.Net Forum, Hong Kong Wild Bird Conservation Concern Group, Green Animals Association Limited and Hong Kong Ecology Association). The objecting commenters opposed to the application mainly for reasons of wetland and habitat loss, non-compliance with the “no-net-loss in wetland” principle, inadequate and inaccurate ecological assessment, lack of information on long-term funding arrangement for the WEA and LCNR, creation of ecological, environmental, traffic and visual impacts, and the unnecessary proposals on hostel, social welfare facilities and housing uses. There were 7 supporting comments opining mainly that the proposed comprehensive development had struck a balance between development and conservation. Besides, there were 39 comments from the Shap Pat Heung Rural Committee and VRs of 10 nearby villages considering that the applicants should liaise with them to explain how the proposed development would affect their villages; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment as detailed in paragraph 12 of the Paper which were summarized below :

Requirements of TPB-PG No. 12B

- (i) all developments within the WCA should meet the requirements under the TPB-PG No. 12B. However, as commented by DAFC, the applicants failed to demonstrate that the proposed scheme could meet the requirements stipulated in the TPB PG-No. 12B in the following aspects :

No-Net-Loss in Wetland

- (a) DAFC disagreed with the applicants' claim that there would only be a net loss of 8.2 ha of wetland, and considered that the applicants' calculation of the wetland area by disregarding pond bunds which were an integral part of the wetland ecosystems with wetland ecological function as existing wetland and including the water channels and artificial lake which were of low ecological function and the extra "wetland area" created from the narrowed and removed pond bunds as the wetland after development was misleading;

- (b) the baseline habitat/ecological information presented by the applicants was inadequate. DAFC pointed out that the ecological surveys, which were undertaken shortly after the fire in January 2011, would not represent a fair assessment as there would be fluctuation in species diversity and abundance survey after the fire. Moreover, the 2011 baseline ecological data did not take into account of the effect of the MA projects on drain-down of fish ponds commenced in LC since early 2012, and had under-estimated the existing ecological values of the fishponds within LC;

- (c) the existing reedbed in NSW was a rare habitat restricted to Deep Bay area. The proposed sizable development footprint of 49 ha would cause the loss of important wetland habitats at the site, in particular the largest continuous and contiguous reedbed in Hong Kong with high ecological value. The EcoIA had not assessed the fragmentation impact on the existing contiguous reedbed. The 25 ha of proposed water channels and lake were of low ecological value and would not enhance the wetland function or adequately compensate for the loss of the existing high-value wetland habitats. The EcoIA was unable to demonstrate that the loss of ecological function of the site could be adequately compensated by the proposed mitigation and habitat enhancement measures;

Minimum Pond Filling

- (d) the development footprint of 49 ha in the WCA was excessive and such scale of development could hardly conform to the minimum pond filling principle. As pointed out by DAFC, the residential development area was located in an ecologically sensitive area of the site. The applicants had not demonstrated efforts in proposing a limited development at the landward fringe of the WCA and had not taken a precautionary approach to minimize pond filling in this ecological sensitive area; and

PPP Approach

- (e) since the proposed residential area was located on an ecologically sensitive area of the site, the principle for PPP of having limited development at the landward side of the site in exchange for long-term conservation and management of the rest of the site that was ecologically more sensitive had not been observed by the applicants in the planning and design of the project. Moreover, there was insufficient information about the funding arrangement for long-term management of the WEA in NSW and the LCNR;

Technical Aspects

- (ii) other concerned departments, including DEP, D of DS and CTP/UD&L of PlanD, had adverse comments on the application due to the deficiencies of the technical assessments, viz. the EA, SIA, DIA, VIA and Landscape Assessment. DEP considered that the proposed reedbed treatment system for greywater was not environmentally acceptable and the proposed elderly centre did not comply with the road traffic noise standard. CTP/UD&L of PlanD considered that the proposed residential development would impose significant impact on the landscape resources and result in significant change of landscape character; and that the applicants had

under-estimated the visual impacts of the development from some prominent locations;

Design and Layout

- (iii) given the large site area of 178.7 ha, there was scope to improve the development layout/disposition. The extent of the development footprint could be reduced so as to minimize the area of land take for development. The development area could be relocated to the landward side to minimize encroachment onto areas of higher ecological value. The height of the high-rise building blocks could also be reduced to minimize the adverse visual impact on the surrounding areas;

Access Bridge and Other Facilities

- (iv) there were no strong planning justifications for locating the unrelated social welfare facilities (including a RCHE, a day care centre for the elderly and a residential home for mentally retarded adults) and a possible HOS development in such an ecological important and sensitive area; and
- (v) the feasibility or detailed arrangement for the implementation and the subsequent management and maintenance of a number of the proposed facilities, including the access bridge over Shan Pui River, the visitor centre, the public park and the social welfare facilities (elderly centre), were yet to be explored and considered acceptable by the relevant Government departments. Both DAFC and DLCS had stated that they would not take up the future management and maintenance of the proposed visitor centre and public park. D of SW had advised that the proposed social welfare facilities should not incur any capital or recurrent cost on the Government. The implementation of the HOS proposal was also unclear.

126. In response to the Chairman's question on the calculation of wetland loss in the applicant's proposal with respect to the pond bunds, Dr. Winnie Kwok said that pond bunds were regarded as an integral part of the wetland ecosystem with wetland ecological function. However, in working out the area of existing wetland area, the applicants had excluded the bunds and classified them as non-wetland. The applicants' proposal was to remove and narrow the existing pond bunds to create extra wetland areas as one of the measures to compensate for the wetland loss. From AFCD's point of view, the applicants simply calculated the net change in the area of water body and not the area of wetland habitat.

127. In response to the Chairman's question on greywater treatment, Mr. H.M. Wong said that the applicants' proposal included the treatment of the greywater generated from the proposed development and discharging the greywater into the water channels and the artificial lake for further treatment by a reedbed system. Although there were successful examples in Hong Kong where greywater discharged was treated by a natural reedbed treatment system, the applicants had not explained how the entire treatment process in particular the water channels and lake would function so as to provide a water treatment system for the greywater discharge. The Environmental Protection Department (EPD) was therefore doubtful about the effectiveness of the proposed greywater treatment system and could not agree to such a proposal.

128. In response to the Chairman's question, Dr. Winnie Kwok said that the proposed water channels between houses were water bodies of low ecological value. They were not specifically designed for providing wetland function but were similar to amenity water features provided in parks. Their ecological value could hardly be compared with those of the reedbeds and mangrove currently existed in NSW.

129. The Vice-Chairman asked if the current development proposal had fully utilized the maximum GFA as permitted under the OZP, and whether the applicants had explored alternative development layouts with a view to minimizing the development footprint so as to achieve the "no-net-loss in wetland" principle. The Vice-Chairman also asked if the applicants were fully aware that the primary planning objective of the site was for conservation of the ecological value of the wetland, and whether the current proposal of removing the pond bunds for developing more houses was acceptable in ecological and visual terms.

130. In response, Mr. W.S. Lau said that the application site was designated with a conservation zoning and, as such, conservation should be the primary objective for any development on the site. Besides, the TPB-PG No. 12B had set out clearly that development in the WCA should follow the precautionary approach for conserving the ecological value of wetland, adhere to the principles of “no-net-loss in wetland” and “minimum pond filling” and conform to the stipulated PPP approach. The PPP approach required limited low-density development at the landward fringe of the WCA or the ecologically less sensitive portion of the site, provided that the developer undertook to conserve and manage the rest of the site that was ecologically more sensitive on a long-term basis. The applicants should be aware of all such requirements as they had been conveyed to the applicants during the previous discussion meetings on the application.

131. Mr. W.S. Lau went on to say that in the current scheme, the footprint of the development area was 49 ha which accounted for a significant portion of the whole application site. Compared with another comprehensive residential development with wetland nature reserve in Fung Lok Wai (which was also zoned “OU(CDWEA)” on the approved Lau Fau Shan & Tsim Bei Tsui OZP and subject to the requirements under the TPB-PG No. 12B), that development scheme only involved a residential development on about 4 ha (about 5 % of total site area) of land at the southern landward side of the site with the remaining area (about 95% of the total site area) at the northern part be developed into a wetland nature reserve. The environmental impact assessment (EIA) report for the Fung Lok Wai development had been approved under the EIAO. It was therefore considered that there was scope to reduce the extent of development area in the subject application. The applicants should duly take into account the conservation requirements and the site constraints in drawing up their proposal, rather than taking the current development-led approach. They could consider building more residential flats instead of houses so as to minimize the land area required and confining the development area to the landward side of the site. The applicants should also consider whether the elderly centre and HOS blocks, which claimed to be a kind of planning-gain, should be included in the proposed development given that they were unrelated to the objective of wetland conservation. Mr. Lau said that there was no conflict between conservation and development but the applicants should strike a proper balance between the two in their proposal.

132. A Member asked the following questions :

- (a) whether the applicants had provided any information on how the discharged greywater would be treated by the proposed wetland ecosystem;
- (b) whether there was any change to the wetland habitat under the current proposal as the objective of the PPP approach was to ensure no loss in wetland functions;
- (c) whether the proposed funding for long-term management of wetland had covered the LCNR; and
- (d) whether the proposed annual cost of \$2.8 million was adequate for the maintenance and management of the wetland.

133. In response, Mr. Ernest Fung said that based on the applicant's submission, the discharged greywater would be treated by the reedbeds in the lake in a biological way. Mr. H.M. Wong supplemented that the feasibility of the proposed greywater treatment system was one of major concerns of EPD and EPD did not consider the applicants' proposal acceptable. Although the discharge from the development was mainly greywater, the discharge might still contain chemicals. The greywater discharged from Lok Ma Chau Station, for instance, was treated by a series of reedbeds arranged in a systematic design. In the current proposal, it was not clear how the artificial lake and the reedbeds were to be systematically designed to achieve the intended purpose of greywater treatment. The applicants had not provided sufficient information to demonstrate how the treatment system would function effectively, especially for such a large-scale development.

134. As regards the PPP approach, Dr. Winnie Kwok said that the principle of having limited development on the less ecologically-sensitive area of the site should be adhered to. However, in the current scheme, the 49 ha development footprint had affected the largest continuous and contiguous reedbed in Hong Kong with high ecological value. Although the applicants proposed to compensate the loss by replanting similar areas of reedbeds in the bunds of the existing fishponds and in different parts of the LCNR and WEA, the ecological value of the fragmented reedbeds was not comparable to that of the existing continuous and contiguous reedbed. The EcoIA had not assessed the fragmentation impact on the existing continuous and contiguous reedbed.

135. Regarding the proposed \$2.8 million annual maintenance and management cost for the wetland, Ms. Sunny Chow said that the amount covered the costs for both the LCNR and WEA. However, the applicants had only provided a brief breakdown of expenses for that cost, which included the costs for some simple field works such as weed removal. The costs for management, such as the administration cost for the EAG and the salaries of the wetland manager and the team of ecologists for conducting ecological monitoring, had not been included in the \$2.8 million annual cost. AFCD was therefore doubtful on whether the proposed funding for the long-term conservation and management of the LCNR and WEA was adequate.

136. In response to a Member's question, Mr. Ernest Fung said that the wetland area figures as shown in the table in paragraph 1.8 of the Paper were provided by the applicants to illustrate their estimated change in wetland area before and after the development. However, the methodology of calculating the wetland area was not agreed by AFCD as AFCD considered that some land areas with wetland ecological function, such as pond bunds, should be regarded as wetland area. The net loss of about 8.2 ha of wetland as presented in the submission was under-estimated, according to AFCD.

137. In response to another question from the same Member on the PPP approach, the Secretary said that the PPP approach as set out under the TPB-PG No. 12B would allow consideration of limited development on the landward side of a wetland site in exchange for committed long-term conservation and management of the remaining wetlands within the site. The extent of development that would be permitted depended on the justifications from the applicants and other factors such as whether the principle of "no-net-loss in wetland" could be complied with. In the current proposal, the applicants were unable to meet the "no-net-loss in wetland" principle. With the development footprint of 49 ha which constituted a significant portion of the whole site, the "minimum pond filling" principle was also not fulfilled. As such, the current proposal could not be regarded as a limited or minimum development, particularly when comparing with the Fung Lok Wai proposal which only used about 4 ha or 5% of the whole site area for development.

138. A Member said that the applicants should consider incorporating more nature conservation concepts in the development, such as zero carbon emission and the use of renewable energy.

Deliberation Session

139. The Vice-Chairman considered that the proposal on the subject site should observe the primary objective of conservation of wetland but the scheme as it presently stood focused more on housing development. There were many problems in the proposed scheme that were not resolved, including the discrepancy in the baseline habitat information, failure to meet the no-net-loss in wetland and minimum pond filling principles, the unacceptable greywater treatment system, and inadequacy of the proposed funding for long-term conservation and management of the wetlands, etc. He considered that the applicants had failed to demonstrate how the conservation of wetland could be enhanced through the implementation of the scheme.

140. A Member said that while the PPP approach would allow limited development in exchange for long-term conservation and management of the remaining area of the development site, the current scheme would alter the ecology of the whole area rather than conserving it. The estimated \$2.8 million annual cost was a rough figure and there was doubt if the applicants had made reference to other similar project. The cost was inadequate for proper conservation and management of the wetland. The proposed greywater treatment system was also not satisfactory.

141. Mr. H.M. Wong commented that the technical assessments were inadequate to demonstrate the proposal's intended purposes. The applicants had tried to promote the use of reedbed treatment system for greywater as an environmental feature but the system was not well designed to demonstrate its feasibility. It should be noted that the Yuen Long Sewage Treatment Works was located in close proximity to the site and the applicants could explore a full connection with the Treatment Works for sewage discharge. The applicants were still unable to demonstrate two fundamental aspects for development at the site at this stage, namely the effective mitigation of ecological impacts so as to maintain or enhance the total ecological functions of the existing wetland habitat; and the funding and mechanism for the long-term management of the wetland. As this project was also subject to control under the EIAO, EPD would not be able to support the issue of Environmental Permit if the various outstanding problems could not be satisfactorily resolved.

142. In response to the Secretary's question, Mr. H.M. Wong said that under the EIAO, EPD could follow either the principle of no-net-loss in wetland area or no-net-loss in wetland function in assessing designated projects in the WCA. Dr. Winnie Kwok supplemented that in the current proposal, the applicants had not provided, as baseline information, the types of wetland habitats being affected by the development within the proposed 49 ha development footprint. Indeed, the proposed location of the residential development area was currently a large continuous and contiguous reedbed of high ecological value. The applicants had proposed to compensate the loss of the continuous reedbed by similar areas of fragmented reedbeds but a continuous reedbed was of higher ecological value than fragmented reedbeds. Besides, the current assessment of "no-net-loss in wetland" by the applicants was misleading as the area of the existing wetland had been under-estimated and the area of proposed wetland was over-counted by including water surfaces of low ecological value. Moreover, the LCNR was already of high ecological value, after the implementation of the MA projects, but the applicants had not provided sufficient information to demonstrate how the ecological value of the LCNR could be further enhanced by two times under the current proposals.

143. A Member considered that the scheme could not fulfill the requirements under the TPB-PG No. 12B as the "no-net-loss in wetland" principle could not be attained, the PPP approach was not conformed to and the long-term conservation and management of wetland could not be demonstrated. Another Member concurred that the requirements under the TPB-PG No. 12B were not fulfilled and the application could not be approved.

144. 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 agreed that they should be suitably amended to reflect Members' views as expressed at the meeting. The reasons were :

- (a) the proposed development was not in line with the planning intention of the "Other Specified Uses" annotated "Comprehensive Development and Wetland Enhancement Area" zone which was intended for conservation and enhancement of ecological value and functions of the existing fish ponds or wetland;

- (b) the proposed development was not in line with Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB-PG No. 12B) in that the “no-net-loss in wetland” and “minimum pond filling” principles were not complied with. There were inadequacies in the baseline habitat ecological information. The applicants had under-estimated the existing ecological values of the habitats and the net loss in wetland. The Ecological Impact Assessment and the proposed mitigation measures were also inadequate. The applicants had not provided sufficient information to demonstrate that the loss of ecological function could be adequately compensated by the proposed mitigation and habitat enhancement measures. The development footprint of 49 ha was excessive and the applicants had not taken a precautionary approach to minimize the pond filling requirement in the ecological sensitive area;
- (c) the proposed development did not conform to the “Private-Public Partnership Approach” in that the development was not limited to the ecologically less sensitive portions of the application site, and there was inadequate information to demonstrate how the long-term conservation and management of the Wetland Enhancement Area in Nam Sang Wai and the Lut Chau Nature Reserve could be satisfactorily achieved;
- (d) the submitted Environmental Assessment, Drainage Impact Assessment, Visual Impact Assessment and Landscape Master Plan were considered not acceptable. The applicants had not provided sufficient information to demonstrate that the proposed development would not generate adverse environmental, drainage, visual and landscape impacts on the surrounding areas; and
- (e) the approval of the application would set an undesirable precedent for similar applications within the “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[The Chairman thanked Mr. W.S. Lau, DPO/TMYL, Mr. Ernest C.M. Fung, STP/TMYL, Ms. Kennie M.F. Liu, TP/TMYL, Dr. Winnie P.W. Kwok, SWFCO, AFCD, and Ms. Sunny W.S. Chow, WFCO, AFCD, for their attendance to answer Members' enquires. Mr. Lau, Ms. Liu, Dr. Kwok and Ms. Chow left the meeting at this point.]

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

Agenda Item 36

Section 16 Application

[Open Meeting]

A/YL-NTM/274 Proposed Comprehensive Residential Development with Supporting Commercial Facilities in "Comprehensive Development Area" zone, Various Lots in D.D. 104 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/274C)

145. The Secretary reported that Environ Hong Kong Ltd., Kenneth Ng & Associates Ltd. and MLA Architects (HK) Ltd. were three of the consultants of the applicant. The following Members had declared interests in this item :

Mr. Ivan C.S. Fu – had current business dealings with Environ

Ms. Janice W.M. Lai – had current business dealings with Kenneth Ng and
MLA

146. The Committee noted that Mr. Fu and Ms. Lai had already left the meeting.

147. The Secretary also reported that on 11.7.2013, the applicant's representative requested the Board to defer making a decision on the application for two months in order to allow time for arranging meeting with the relevant departments, particularly the Environmental Protection Department and the Urban Design Section of the Planning Department so as to prepare clarification/supplementary information to address their comments and concerns on the application.

148. The Secretary stated that the application had been deferred for three times since June 2012. Since the last deferment in December 2012, the applicant had further revised the technical assessments taking into account of the departmental comments, including the revised Sewerage Assessment on 31.1.2013, 15.3.2013 and 18.4.2013, revised Environmental Assessment on 18.3.2013 and 27.5.2013 as well as revised Master Layout Plan and revised Landscape Master Plan. The Director of Environmental Protection (DEP) and the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) had provided comments on the submissions. The applicant needed more time to address the comments of DEP and CTP/UD&L of PlanD on the environmental and visual aspects.

149. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant, pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two more months were allowed for preparation of the submission of the further information, and since a total period of eight months had been allowed, this was the last deferment and no further deferment would be granted.

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/841 Temporary Open Storage of Construction Materials and Equipment for a Period of 3 Years in “Recreation” zone, Lots 231 (Part), 230 (Part), 229 (Part), 228 (Part), 233 (Part), 234 (Part), 225 (Part) and 227 in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/841)

Presentation and Question Sessions

150. 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 construction materials and equipment for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses including a residential dwelling located about 20m away located along the access road (i.e. Ping Ha Road) and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period of the application, two public comments were received. A comment from four local residents objected to the application as the site was currently use for open storage of recycle materials which generated environmental nuisances such as noise and foul smell. The comment from Designing Hong Kong Limited objected to the application as the proposed use was not in line with the planning intention of the “Recreation” (“REC”) zone; the site was currently covered by vegetation and the proposed development would damage the land and environment; there was already sufficient supply of open storage to meet the demand; and the approval of the application would set an undesirable precedent. During the first three weeks of the statutory publication periods of the two further information to the application, no public comment was received. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Although DEP did

not support the application and there were public comments against the application on planning intention, environmental and landscaping grounds, there was no environmental complaint against the site over the past 3 years, and approval conditions restricting the operation hours and the types of activity on-site were also recommended to mitigate any potential environmental impacts. Besides, the Chief Town Planner/Urban Design and Landscape of Planning Department and the Director of Agriculture, Fisheries and Conservation had no adverse comment on the application from the landscape planning and nature conservation points of view.

151. Members had no question on the application.

Deliberation Session

152. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.7.2016, 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 from 6:00 p.m. to 9:00 a.m. from Monday to Saturday was allowed on the site, as proposed by the applicant, during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site, as proposed by the applicant, during the planning approval period;
- (c) no cutting, cleansing, melting, dismantling or any other workshop activity was allowed to be carried out on the site during the planning approval period;
- (d) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.1.2014;

- (e) in relation to (d) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.4.2014;
- (f) 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 19.1.2014;
- (g) in relation to (f) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.4.2014;
- (h) 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 19.1.2014;
- (i) in relation to (h) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.4.2014;
- (j) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.1.2014;
- (k) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (d), (e), (f), (g), (h), (i), or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and; 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.

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

- (a) to resolve any land issues relating to the development with the concerned owners of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long of Lands Department (DLO/YL of LandsD) that the site was situated on Old Scheduled Agricultural Lots granted under Block Government Lease upon which no structure was allowed to be erected without prior approval from his office; and his office did not guarantee right-of-way of the access to the site through other private land from Ping Ha Road;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the size of the existing drain at the proposed discharge point and the drainage connection details should be shown in the drainage proposal. The applicant was required to ensure that the existing stream course into which the runoff collected by the site would be discharged was adequate to discharge the additional flow from the site. DLO/YL of LandsD should be consulted and relevant lot owners' consent should be obtained as regards all proposed drainage works outside the site. All proposed drainage facilities should be constructed and maintained by the applicant at his own costs;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the

lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Sufficient manoeuvring space should also be provided within the site;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of 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 converted containers and open shed) were to be carried out on the site, the prior approval and consent of Buildings Authority (BA) should be obtained, otherwise, they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations ((B(P)R)) 5 and 41D respectively. If the site did not abut on a specified street having a width of not less than 4.5m, its permitted development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard fire-fighting flow.

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/850 Temporary Goods Vehicle Repair Workshop for a Period of 3 Years in
“Open Storage (Group 1)” zone, Lots 1489 RP (Part), 1491 RP (Part),
1492 RP (Part), 1493 (Part), 1499 RP (Part) and 1501 RP (Part) in D.D.
125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/850)

Presentation and Question Sessions

154. 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 goods vehicle repair workshop for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the nearest residential dwelling being immediately to its east) and along the access roads (i.e. Ha Tsuen Road and Tin Ha Road) and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication periods of the application and the further information to the application. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 11 of the Paper. Although DEP did

not support the application, there was no environmental complaint against the site over the past 3 years. Approval conditions restricting the operation hours were recommended to mitigate any potential environmental impacts.

155. Members had no question on the application.

Deliberation Session

156. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.7.2016, 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 from 6:30 p.m. to 8:30 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 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;
- (d) no material was allowed to be stored/dumped within 1m of any tree on the site during the planning approval period;
- (e) the drainage facilities implemented on the site under Application No. A/YL-HT/460 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities implemented within 6 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 tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.1.2014;
- (h) in relation to (g) above, the implementation of the tree preservation and landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.4.2014;
- (i) the submission of fire service installations proposal for the office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.1.2014;
- (j) in relation to (i) above, the provision of fire service installations for the office within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2014;
- (k) if any of the above planning conditions (a), (b), (c) (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

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

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots granted under Block Government Lease upon which no structure was allowed to be erected without prior approval from his office. There were unauthorized structures (including converted containers) on the lots. No approval had been given to the proposed specified structures as toilet, office and vehicle repair workshop. The site was accessible through an informal track on Government land (GL) extended from Ha Tsuen Road. His office provided no maintenance works for this track nor guaranteed right-of-way. Part of the GL was temporarily allocated to Director of Drainage for the project namely “PWP Item No. 4235 DS Yuen Long and Kam Tin Sewerage and Sewage Disposal (Part) – Expansion of Ha Tsuen Sewage Pumping Station and the Associated Pipeline”. His office reserved the right to take enforcement action against the irregularities if indeed found in due course. The lot owner would need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application would be considered by 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;

- (d) to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection to minimize any potential environmental nuisance;

- (e) to note the comments of the Director of Fire Services on the requirements of formulating fire service installation proposals as stated in Appendix IV of the Paper; and

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the granting of the planning permission should not be construed as condoning to any unauthorized structures

existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; containers used as offices and store were considered to be temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; formal submission under BO was required for any proposed new works, including any temporary structure. For unauthorized building works (UBW) erected on leased land, enforcement action might be taken by the Buildings Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary.

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/856 Temporary Open Storage of Construction Materials and Warehouse with Ancillary Office for a Period of 3 Years in "Agriculture" zone, Lots 126 (Part), 128 and 230 (Part) in D.D. 128, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/856)

Presentation and Question Sessions

158. 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 construction materials and warehouse with ancillary office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper and were highlighted below :

- (i) the Director of Environmental Protection did not support the application as there were sensitive uses along the access road (Fung Kong Tsuen Road and Ping Ha Road) and environmental nuisance was expected;
 - (ii) the Commissioner for Transport commented that the applicants should provide relevant traffic survey data for the estimated usage based on development of similar natures and estimate the anticipated trip generation and attraction hourly rates for the development. The ingress/egress to the site from public road should be clearly indicated. Sufficient manoeuvring spaces should be provided within the site; and no vehicle was allowed to queue back to public road or reverse onto/from the public road;
 - (iii) the Chief Town Planner/Urban Design and Landscape of Planning Department objected to the application from the landscape planning perspective as disturbance to existing trees and landscape resources and character had been taken place, and approval of the application would set an undesirable precedent and attract similar applications which would further deteriorate the surrounding rural landscape character; and
 - (iv) the Director of Agriculture, Fisheries and Conservation did not support the application from agricultural point of view as agricultural activities in the vicinity were still active and the site had high potential for agricultural rehabilitation in terms of greenhouse cultivation and nursery;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper. The

development was not in line with the planning intention of the “AGR” zone and not compatible with the surrounding rural environment. The application did not meet the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) for Category 3 areas since no previous approval for open storage use had been granted for the site, there were adverse departmental comments on the application, and there was no information to demonstrate that the applied use would not have adverse traffic, agricultural, landscape and environmental impacts. Approval of the application would set an undesirable precedent.

159. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the subject “Agriculture” (“AGR”) zone which was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification to merit a departure from such planning intention, even on a temporary basis;
- (b) the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval had been granted for the site, there were adverse departmental comments on the agricultural, landscape and environmental aspects, and the development would have adverse, agricultural, landscape, traffic and environmental impacts on the surrounding areas. There was insufficient information submitted to demonstrate that the proposed

development would not generate such adverse impacts; and

- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which would result in a general degradation of the environment of the “AGR” zone.

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/857 Temporary Open Storage of Containers for a Period of 3 Years in
 “Undetermined” zone, Lot 108 S.B (Part) in D.D. 124,
 Ha Tsuen, Yuen Long
 (RNTPC Paper No. A/YL-HT/857)

161. The Secretary drew Members’ attention that a replacement page (p.7) for the Paper to rectify a typo regarding the heading of paragraph 10.1.8 had been sent to Members before the meeting,

162. The Secretary reported that the application was submitted by Container System Ltd. (CSL). Ms. Janice W.M. Lai had declared interests in this item as CSL was a company of her spouse’s family. The Committee noted that Ms. Lai had already left the meeting.

Presentation and Question Sessions

163. 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 containers for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access road (i.e. Tin Ha Road) and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Although DEP did not support the application, there was no environmental complaint against the site over the past 3 years. Approval conditions restricting the operation hours and stacking of containers on-site were recommended to mitigate any potential environmental impacts.

164. Members had no question on the application.

Deliberation Session

165. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.7.2016, 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 8:00 a.m., as proposed by the applicant, should be carried out at the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of containers stored within 5m of the periphery of the

site should not exceed the height of the boundary fence, and should not exceed 7 units at any other location within the site, as proposed by the applicant, during the planning approval period;

- (d) the existing drainage facilities should be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.1.2014;
- (f) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 30.8.2013;
- (g) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.1.2014;
- (h) in relation to (g) above, the implementation of the fire service installations proposals within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.4.2014;
- (i) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.1.2014;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.4.2014;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and

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

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

- (a) planning permission should have been obtained before continuing the development on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long (DLO/YL), Lands Department that the lot under application was an Old Scheduled Agricultural Lot held under Block Government Lease under which no structure was allowed to be erected without his prior approval. He did not guarantee right-of-way through or provide maintenance works to the informal access track, which ran on other private land and Government land;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should maintain the drainage facilities on-site in good condition and ensure that the development would not obstruct overland flow and surface runoff generated from the site or passing through the site at all times. The applicant should also consult DLO/YL and seek consent from the relevant owners if any works were to be carried out outside the site boundary;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimize the possible environmental impacts on the nearby sensitive receivers; and

- (f) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and consulted with the relevant lands and maintenance authorities accordingly.

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

[Ms. Bonita K.K. Ho, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), was invited to the meeting at this point.]

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/409 Proposed Temporary Shop and Services (Grocery and Metalware Retail Shop) for a Period of 3 Years in "Village Type Development" zone, Lot 283 S.A RP (Part) in D.D. 109, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/409)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (grocery and metalware retail shop) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or

adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from a local resident who indicated support to the application as the district was lack of similar retail shop and the proposed development on a temporary basis would not cause adverse environmental and traffic impacts. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 11 of the Paper.

168. Members had no question on the application.

Deliberation Session

169. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.7.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 9:00 a.m. on Mondays to Fridays and between 5:00 p.m. and 9:00 a.m. on 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 application, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, were

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

- (e) no reversing of vehicle into or out from the site at any time during the planning approval period;
- (f) the submission of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.1.2014;
- (g) in relation to (f) above, the implementation of landscaping proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.4.2014;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.1.2014;
- (i) in relation to (h) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.4.2014;
- (j) 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 19.1.2014;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.4.2014;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (m) if any of the above planning conditions (f), (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 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.

170. 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) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural Lot held under the Block Government Lease with restriction that no structure was allowed to be erected without prior approval of the government. No approval had been given for erection of the structures under the application. LandsD would consider taking lease enforcement action against the site if structures were found on the site without Government's permission. The access route of the site to and from Kam Tin Road would require traversing through a short stretch of open Government land (GL) and the remaining part of the lot. LandsD provided no maintenance work for the GL involved and did not guarantee right-of-way. The landowner(s) concerned still needed to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If the application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (c) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (d) to note the comments of the Commissioner of Transport that the site was connected to the public road network via a section of a local access road which was not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of the existing vehicular access connecting the site and Kam Tin Road;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the

layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to his department for consideration. If the proposed structure(s) was required to comply with the BO (Cap. 123), detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and

- (h) to note the comments of the Director of Food and Environmental Hygiene that the access route should not encroach on the temporary land allocation No. GLA-TYL385 for refuse collection point (RCP) and the daily operation of the RCP must not be interfered.

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/604 Proposed Temporary Private Garden Ancillary to Temporary Real Estate Agency for a Period of 3 Years in “Agriculture” and “Residential (Group C) 1” zones, Government Land in D.D. 106, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/604)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary private garden ancillary to temporary real estate agency for a period of 3 years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. The District Lands Officer/Yuen Long of Lands Department (DLO/YL of LandsD) did not support the application as no permission had been given for the occupation of the Government land within the site and the act of occupation of Government land without Government's prior approval should not be encouraged;

- (d) during the first three weeks of the statutory publication period, one public comment against the application was received from Designing Hong Kong Limited which considered that there was no strong justification for the proposed development in the "Agriculture" ("AGR") zone and approval of the application would set an undesirable precedent. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper. The proposed private garden was not in line with the planning intention of the "AGR" and "Residential (Group C) 1" ("R(C)1") zones. DLO/YL of LandsD did not support the application as the proposed private garden involved illegal occupation of Government land and LandsD would take land control action against any unauthorized occupation of Government land. There were no strong justifications on the need of the private garden for operation of the real estate agency office and the occupation of Government land without permission should not be tolerated. As there was no similar application approved within the "AGR" or "R(C)1" zone, the approval of the application in isolation would set an undesirable precedent.

172. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land for agricultural purposes. It was also not in line with the planning intention of the “Residential (Group C) 1” (“R(C)1”) zone which was for low-rise, low-density residential developments. No strong planning justification had been given in the submission for a departure from the planning intentions, even on a temporary basis;
- (b) the applicant failed to demonstrate the need of the proposed development for operation of the adjoining real estate agency office; and
- (c) the approval of the application in isolation would set an undesirable precedent for similar applications within the “AGR” or “R(C)1” zone. The cumulative effect of approving such application would result in general degradation of the environment of the area.

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/180 Temporary Open Storage of Waste Plastic for a Period of 3 Years in
“Agriculture” zone, Lots 987 (Part) and 988 (Part) in D.D. 106,
Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/180A)

Presentation and Question Sessions

174. 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 waste plastic for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper and were highlighted below :
 - (i) the Director of Environmental Protection did not support the application as there were sensitive receivers of residential structures in the vicinity of the site and environmental nuisance was expected;
 - (ii) the Director of Agriculture, Fisheries and Conservation did not support the application from the agricultural point of view as the site was entirely within the “Agriculture” (“AGR”) zone, the agricultural life in vicinity to the site was very active, and the site had high potential for agricultural rehabilitation; and
 - (iii) the Chief Town Planner/Urban Design and Landscape of Planning Department had some reservations on the application from the landscape planning point of view as the proposed open storage use was incompatible with the surrounding rural landscape character and the approval of the application would set an undesirable precedent encouraging similar uses within the “AGR” zone in the area;
- (d) during the first three weeks of the statutory publication period, two public comments were received raising objection to the application for reasons that the site was zoned for agricultural use and the applied use would create environmental and health impacts on the surrounding areas. One of the commenters considered that the statutory public inspection period of the application should be extended and the operation at the site was an unauthorized development. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper. The development was not in line with the planning intention of the “AGR” zone and not compatible with the surrounding rural land uses. The application did not comply with the Town Planning Board Guidelines No. 13E for

Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) for Category 3 areas in that there was no previous approval granted at the site for open storage use and there were adverse comments from the relevant departments and local objections against the application. As no similar application had been approved in the same “AGR” zone, the approval of the application would set an undesirable precedent.

175. In response to the Chairman’s question, Ms. Bonita Ho said that the current storage use on the site was subject to planning enforcement action.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development under application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that no previous planning approval had been granted to the application site and there were adverse departmental comments and local objections against the application;
- (c) the development was not compatible with the surrounding land uses which were predominantly rural in character with a mixture of cultivated and fallow agricultural land, vacant land and scattered residential structures. The applicant had failed to demonstrate that the development under

application would have no adverse environmental, drainage and landscape impacts on the surrounding areas; and

- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Items 44 and 45

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/188 Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Village Type Development” zones, Lot 1068 RP in D.D. 106, Kam Tsin Wai, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-SK/188)

A/YL-SK/189 Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Village Type Development” zones, Lot 1068 S.I in D.D. 106, Kam Tsin Wai, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-SK/189)

177. The Committee noted that these two applications were similar in nature as they were for the same type of development at two adjoining sites in the same “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones. The Committee agreed that these applications could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;

- (b) the proposed house (New Territories Exempted House – Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of each Paper. The Chief Town Planner/ Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) had some reservations on the applications from the landscape planning point of view as there were some existing trees in good condition located along the edge of the sites serving as buffer planting. The layout of the proposed Small Houses would very likely be overlapping with the trees and tree felling might be required. However, the applicants had not demonstrated that the proposed Small Houses had been positioned to avoid direct impact on existing trees. It was also not clear if adequate compensatory planting could be incorporated to the developments.
- (d) during the first three weeks of the statutory publication period, four public comments from the same commenters were received on each of the applications raising objection to the applications. Designing Hong Kong Limited objected to the application on the grounds that the approval of the applications would set an undesirable precedent; the proposed developments would diminish the farming potential of the area; the sites involved “destroy first, develop later” as suspected unauthorized vegetation clearance was found; and New Territories Exempted Houses (NTEH) generally lacked access, public sewerage or detailed planning to ensure that the developments would not impact the environment. Three other commenters objected to the applications on similar grounds in that they were not aware that the site would be developed for Small House at the time of purchasing their houses; the site should be used for community facilities or remain as a parking area for the nearby residents; and the proposed development would create environmental and drainage impacts as well as safety concern to the neighborhood. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications for reasons as detailed in paragraph 12 of the Papers. The proposed Small House under Application No. A/YL-SK/188 was not in line with the planning intention of the “AGR” zone which covered about half of the site. The applications did not meet the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone covering Kam Tsin Wai. The applicant of Application No. A/YL-SK/188 failed to demonstrate why suitable sites in the “V” zone of Kam Tsin Wai could not be made available for the proposed Small House; and the applicant of Application No. A/YL-SK/189 could not demonstrate why the footprint of the proposed Small House could not be adjusted to fall entirely within the “V” zone, thus saving the need for planning application. Moreover, CTP/UD&L of PlanD had some reservations on the applications as existing trees might be affected.

179. In response to the Chairman's question on Application No. A/YL-SK/189, Ms. Bonita Ho said that although a major portion (about 93.7%) of the site fell within the “V” zone, the application was still considered not complied with the Interim Criteria as there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Kam Tsin Wai. The Secretary supplemented that according to the Interim Criteria, if only a very minor portion of the site (5% or 10 m², whichever was the less) fell outside the “V” zone, it could be regarded as minor boundary adjustment which was always permitted under the covering Notes of the Outline Zoning Plan provided that no tree felling was involved and no adverse impacts were envisaged. Ms. Bonita Ho said that the applicant had been informed of the above but he intended to maintain the footprint of the Small House under application.

Deliberation Session

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

For Application No. A/YL-SK/188 :

- (a) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone on the Outline Zoning Plan, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification given in the submission for a departure from the planning intention of the “AGR” zone;
- (b) the application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone covering Kam Tsin Wai. The applicant also failed to demonstrate in the submission why suitable sites within the areas zoned “V” could not be made available for the proposed development; and
- (c) the approval of the application would set an undesirable precedent for other similar developments to proliferate into the “AGR” zone. The cumulative effect of approving such application would result in a degradation of the surrounding rural environment and landscape quality of the area, and adverse impact on the infrastructure provision of the area.

For Application No. A/YL-SK/189 :

- (a) the application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone covering Kam Tsin Wai. The applicant also failed to demonstrate in the submission why the proposed footprint could not be adjusted to fall entirely within the “V” zone; and

- (b) the approval of the application would set an undesirable precedent for other similar developments to proliferate into the “Agriculture” zone. The cumulative effect of approving such application would result in a degradation of the surrounding rural environment and landscape quality of the area, and adverse impact on the infrastructure provision of the area.

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/641 Temporary Open Storage of Vehicles (Concrete Mixer Trucks) and Spare Parts with Ancillary Vehicle Park for a Period of 3 Years in “Undetermined” zone, Lots 2815 RP (Part) and 2816 RP (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/641)

Presentation and Question Sessions

181. 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 vehicles (concrete mixer trucks) and spare parts with ancillary vehicle park for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the southwest and in the vicinity of the site and environmental nuisance was expected;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. The environmental concerns of DEP could be addressed by approval conditions restricting the operation hours, prohibiting the storage and handling of used electrical appliances and electronic waste and the carrying out of workshop activities (including cleansing, repairing, dismantling and assembly) on-site, and restricting the use of goods vehicles exceeding 24 tonnes, including container tractors/trailers.

182. Members had no question on the application.

Deliberation Session

183. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.7.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and on public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;

- (d) no cleansing, repairing, dismantling, assembly, maintenance and any other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (f) the existing drainage facilities implemented under Application No. A/YL-TYST/399 on the application site should be maintained at all times during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.1.2014;
- (h) the submission of tree preservation proposal including tree compensatory planting within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.1.2014;
- (i) in relation to (h) above, the implementation of tree preservation proposal including tree compensatory planting within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.4.2014;
- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.8.2013;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.1.2014;

- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2014;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

184. 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 application site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without prior approval of the Government. No approval had been given for erection of structures mentioned in the application. Should the application be approved, the lot

owners concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularity on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the access route of the application site to and from Kung Um Road would require traversing through a local track on open Government land. His office provided no maintenance work for this Government land and did not guarantee any right-of-way to the site;

- (e) to note the comments of the Commissioner of Transport that the land status of the access road/path/track leading to the application site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant management and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the application site and Kung Um Road;
- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that four existing trees were found missing in the current application as compared with the previous site

inspection record. All existing trees and landscape planting should be maintained at all times during the planning approval period. The applicant was also advised to remove all the stored materials within 600mm radius of tree trunks in order to protect those trees from damaged;

- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant was advised to note the detailed comments in Appendix V of the RNTPC Paper. If the proposed structure(s) was required to comply with the Building Ordinance (Cap. 123), detailed fire service requirements would be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration;

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

19(3) of the B(P)R at the building plan submission stage; and

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

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

Agenda Item 47

Any Other Business

185. There being no other business, the meeting closed at 7:00 p.m.