

TOWN PLANNING BOARD

**Minutes of 495th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 6.9.2013**

Present

Mr Timothy K.W. Ma Vice-chairman

Professor Edwin H.W. Chan

Dr C.P. Lau

Ms Anita W.T. Ma

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

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

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

Principal Environmental Protection Officer (Strategic Assessment),
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

Director of Planning
Mr K.K. Ling

Chairman

Mr Rock C.N. Chen

Dr W.K. Yau

Mr Lincoln L.H. Huang

Mr F.C. Chan

In Attendance

Assistant Director of Planning/Board
Ms Brenda K.Y. Au

Chief Town Planner/Town Planning Board
Ms Donna Y.P. Tam

Town Planner/Town Planning Board
Mr Dennis C.C. Tsang

Agenda Item 1

Matters Arising

Section 12A Application

[Closed Meeting]

Y/TP/17

Application for Amendments to the Draft Tai Po Outline Zoning Plan No. S/TP/23 from “Green Belt” to “Government, Institution or Community (2)” and “Government, Institution or Community (3)”, Lots 6 R.P., 54 R.P., 56, 440 S.A R.P., 441 R.P., 443 S.A, 443 R.P., 445 in D.D. 24 and Adjoining Government Land, No. 43 Ma Wo Road, Tai Po

(RNTPC Paper No. 8/13)

Deliberation

1. The Secretary said at the last meeting held on 16.8.2013, that the Committee considered the request for deferment for the subject application No. Y/TP/17 for two months to allow time for the applicant to discuss with relevant government departments on the traffic issue and to provide measures and facilities to address air pollution issue. Although the request generally met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33), the application had been dragged on for over one year due to the applicant’s submissions of further information which necessitated publication and recounting. As there were already niches in use and public concerns on the application, the Planning Department (PlanD) did not support the request for deferment.

2. The Secretary reported that during the consideration of the request for deferment at the last meeting, PlanD’s concern had not been fully presented to the Committee and the Committee had decided to agree to the request. In view of this, the Committee was invited to further deliberate on the request for deferment taking into account PlanD’s view before the minutes of the last meeting were confirmed.

3. In response to a Member's questions, the Secretary said that the applicant had made several submissions of further information to address public and departmental comments mainly on traffic and environmental impacts. In the current request for deferment, the applicant stated that more time was needed to further consult the Transport Department on the traffic issue and to provide measures and facilities to address the air pollution issue. While it was the second deferment request, the applicant had already spent more than one year since the submission of the planning application trying to resolve the technical issues. According to the established practice, a second request for deferment would normally be acceded to if the request met the criteria for deferment as set out in TPB PG-No. 33. However, the Committee was more cautious in considering a request for deferment on an application related to columbarium use as columbarium proposal would arouse grave public concern. As there were already niches in use in the columbarium under application, Members might wish to consider whether the second request for deferment should not be acceded to.

4. In response to a Member's question, the Secretary said that if the Committee decided not to accede to the request for deferment, the decision of the Committee made on 16.8.2013 could be rectified and the applicant would be informed of the latest decision accordingly. In response to another Member's question, the Secretary said that the audio recording of the last meeting was available at the Town Planning Board's website.

5. Some Members considered that since the Committee had already agreed to defer a decision on the application at the last meeting, it would be more appropriate to stick to the decision and the Committee would consider the application pending the submission of further information from the applicant. Other Members agreed.

Agenda Item 2

Confirmation of the Draft Minutes of the 494th RNTPC Meeting held on 16.8.2013

[Open Meeting]

6. The Secretary said that Ms Anita K.F. Lam, Assistant Director of Lands, had proposed amendments to paragraph 140 of the draft minutes, which were tabled at the meeting for Members' consideration.

7. Ms Anita K.F. Lam said that the proposed amendments were to clarify her advice that there was express “No guarantee of a right-of-way” under the lease.

8. The Committee agreed that the draft minutes of the 494th RNTPC meeting held on 16.8.2013 were confirmed subject to the amendments tabled at the meeting.

Sai Kung and Islands District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/SK-TMT/42 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” Zones, Lot No. 122
S.A and S.B in D.D. 216, O Tau Village, Sai Kung
(RNTPC Paper No. A/SK-TMT/42)

9. The Secretary reported that on 22.8.2013, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow time for the applicant to address the departmental comments.

10. 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 4

Section 16 Application

[Open Meeting]

A/SK-PK/201 Minor Relaxation of Building Height Restriction from 9m to 11.64m
for Proposed House Redevelopment in “Residential (Group C) 1”
Zone, Lot 1811 in D.D. 221, 4 Chuk Yeung Road, Sai Kung
(RNTPC Paper No. A/SK-PK/201B)

11. The Secretary reported that on 13.8.2013, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow time for the applicant to address the issues raised by the Buildings Department and to discuss with the Lands Department on the issue on the proposed right-of-way. This was the third request for deferment for the subject application.

12. 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. Since this was the third deferment of the application and the Committee had already allowed a total of six months for the preparation of submission of further information, this should be the last deferment and no further deferment would be granted.

Sha Tin, Tai Po and North District

Agenda Item 5

Section 12A Application

[Open Meeting]

Y/NE-LT/1 Application for Amendment to the Approved Lam Tsuen Outline Zoning Plan No. S/NE-LT/11 to rezone the application site from “Agriculture” to “Other Specified Uses” annotated “Comprehensive Development including an Ecological Enhancement Area”, Various Lots and adjoining Government Land in D.D. 19, Lam Tsuen, Tai Po (RNTPC Paper No. Y/NE-LT/1)

13. The Secretary reported that Mr Ivan. C.F. Fu had declared an interest in the item as he was the director and shareholder of LWK & Partners (HK) Ltd and had current business dealings with Masterplan Ltd, Environ Hong Kong Ltd and MVA (Hong Kong) Ltd., consultants of the application. As the applicants had requested for deferment of consideration of the application, Members agreed that Mr Fu could stay at the meeting.

14. The Secretary reported that a petition letter submitted by about 20 local residents led by Hon. Leung Kwok Hung was tabled at the meeting for Members’ reference. The letter raised objection to the application.

15. The Secretary reported that on 19.8.2013, the applicants’ representative requested for deferment of the consideration of the application for two months in order to allow time for the applicants to address the comments raised by concerned government departments.

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

- (d) during the first three weeks of the statutory publication period which ended on 9.8.2013, one public comment was received from Kadoorie Farm and Botanic Garden Corporation objecting to the application on grounds that the “Green Belt” (“GB”) zone was intended for conservation and the proposed Small House would cause adverse ecological impacts on the existing woodland which was ecologically connected to Ma On Shan Country Park and increase light pollution and human disturbance; and

- (e) PlanD’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories in that there was sufficient land within the “Village Type Development” (“V”) zone of Nai Chung Village in meeting the future Small House demand. The applicant failed to demonstrate in the submission why there was no alternative land available within the “V” zone for the proposed development. The proposed Small House development was not in line with the planning intention of the “GB” zone. There was a general presumption against development within the “GB” zone. The approval of the application would set an undesirable precedent for other similar applications for Small House developments extending southward to the woodland. The cumulative effect of approving similar applications would result in further degradation of the landscape resources and landscape character of the green belt and undermining the intactness of the “GB” zone.

18. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development does not comply with the the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories in that there is still sufficient land available within the “Village Type Development” (“V”) zone to fully meet the future Small House demand. The applicant fails to demonstrate in the submission why there is no alternative land available within areas zoned “V” for the proposed development; and
- (b) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is to preserve the natural and rural setting of the area, to define the limits for urban development and to contain urban sprawl. There is a general presumption against development in the “GB” zone. The approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/94	Minor Relaxation of Domestic Gross Floor Area Restriction from 168,650 m ² to 168,863.3 m ² for Erection of Glass Canopies or Cover of Pedestrian Walkway in “Other Specified Uses” annotated “Railway Station and Public Transport Interchange with Commercial/Residential Development” Zone, Lake Silver, 599 Sai Sha Road, Ma On Shan (RNTPC Paper No. A/MOS/94)
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Presentation and Question Sessions

20. 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;

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

- (b) proposed minor relaxation of domestic gross floor area (GFA) restriction from 168,650 m² to 168,863.3 m² (an increase of 213.3 m²) for erection of glass canopies or covers of pedestrian walkway;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Chief Building Surveyor/New Territories 2 & Railway, Buildings Department advised that the proposed canopies/covers of pedestrian walkway should be accountable for domestic GFA. The District Lands Officer/Shu Tin, Lands Department (LandsD) advised that the proposed erection of the canopies/covers above the flat roofs on 5/F would cause the total GFA of the subject development to exceed the GFA restriction under lease and was therefore not permitted under lease. The lot owners were required to apply for a lease modification and amendment of Master Layout Plan and building plans to implement their proposal. As the subject lot fell into multi-ownership, the lease modification and amendment of MLP had to be signed by all owners of the development and their mortgagees;
- (d) during the first three weeks of the statutory public inspection period, 159 public comments were received. Amongst the public comments received, 88 objected to the application, 69 supported the application and 2 had no comment on the application. The major grounds of supporting the application were that fallen objects had imposed threats to and psychological impacts on the residents; the proposed canopies might protect the residents from fallen objects; and erection of the canopies through legal channel should be supported. The major grounds for objecting the application were that the proposed canopies were illegal structures; the applicant had misled other residents that the canopies were for public purpose; the proposed canopies would cause nuisance, security,

safety, hygiene and health problems to occupants of the upper floors and would have adverse visual impacts; and the approval of the application would set a bad precedent for similar applications for erection of canopies;

- (e) the District Officer (Sha Tin), Home Affairs Department (DO(ST), HAD) advised that some owners of flats on 5/F of Lake Silver had been seeking to erect canopies or covered walkway as safety precautions against falling objects. On the other hand, some owners of flats on 6/F did not support the proposal because of potential hygiene problem caused by rubbish accumulating on top of the proposed canopies or covered walkway. Meanwhile, the Owners' Committee of Lake Silver had not yet taken a stance on this matter. DO(ST) received letters from two parties including Lake Silver Concern Group raising objection to the application by attaching 1,134 standard letters and Lake Garden Union at Lake Silver supporting the application. The supporting and objecting views were similar with those of the public comments; and

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 10 of the Paper. Since the flat roof was essentially a private garden to the adjoining unit, the proposed canopies/covers would in effect only be used by the occupants of the adjoining flats rather than serving the residents of the development in general. There were no planning merits for the proposed minor relaxation of the domestic gross floor area restriction. The approval of the application might set an undesirable precedent and the cumulative effect of approving such applications might undermine the original intention of the GFA restriction imposed on the development. A similar application for erection of canopies/covers at 22 other units having flat roof on the 5/F in Lake Silver would be submitted to the Committee for consideration on 11.10.2013. It was noted that the Buildings Department was prepared to consider accepting the provision of certain retractable canvas awnings with retractable frame and excluding them from GFA calculation under the Buildings Ordinance. The applicants should be advised to consider other alternative means of protection against

inclement weather and falling objects as appropriate.

21. Members had no question on the application.

Deliberation Session

22. A Member said that the owners should be aware of the design of the building when they purchased the flats. There was no strong justification and no particular planning merit to support the application. This view was shared by another Member.

23. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11 of the Paper and considered that they were appropriate. The reasons were :

- “(a) there are no planning merits for the proposed minor relaxation of domestic gross floor area restriction as the proposed canopies/covers will be for the exclusive use of some of the owners; and
- (b) the approval of the application would set an undesirable precedent for other similar applications and the cumulative effect of approving such applications would jeopardize the intention of imposing the development restrictions for the application site.”

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/825 Proposed Shop and Services (Retail Shop) in “Industrial” Zone, Unit E
(Portion), G/F., Century Industrial Centre, 33-35 Au Pui Wan Street,
Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/825)

Presentation and Question Sessions

24. 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 (retail shop);
- (c) departmental comments – concerned government departments had no objection to or no comment on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. A temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

25. Members had no question on the application.

Deliberation Session

26. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.9.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) submission and implementation of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.3.2014; and

- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) a temporary approval of three years is 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 will not be jeopardized;
- (b) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (c) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit of the Buildings Department that the proposed use shall comply with the requirements under the Buildings Ordinance. For instance, the shop shall be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing premises shall not be adversely affected;
- (e) to note the comments of the Director of Fire Services that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application; and
- (f) 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.”

Agenda Item 9

Section 16 Application

[Open Meeting]

A/ST/826 Proposed Place of Recreation, Sports or Culture (Sports Centre) in
“Open Space” and “Village Type Development” Zones, Sha Tin Tau
Road, Sha Tin Area 24D (opposite Chun Shek Estate)
(RNTPC Paper No. A/ST/826)

28. The Secretary reported that on 23.8.2013, the applicant requested for deferment of the consideration of the application for three weeks in order to prepare responses to local concerns arising from the local consultation meeting with the Rural Committee Chairman and Village Representatives on 4.9.2013.

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

Agenda Item 10

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/65-1 Submission for Partial Fulfillment of Approval Conditions (a), (b) and (c) - Proposed Residential Development, Public Car Park and Visitor Centre and Associated Landscaped Areas and Children Playground in “Green Belt” Zone, Various Lots in D.D. 191, Ma On Shan
(RNTPC Paper No. 8/13)

Presentation and Question Sessions

30. The Secretary reported that the application was submitted by subsidiary companies of Sun Hung Kai Properties Ltd. (SHK) with LD Hong Kong as the consultant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as they had current business dealings with SHK. Mr Fu and Ms Lai should be invited to leave the meeting temporarily during the discussion of and determination on this application.

[Mr Ivan C.S. Fu and Ms Janice W.M. Lai left the meeting temporarily at this point.]

31. 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) on 9.12.2005, the Committee approved application No. A/MOS/65 for the proposed residential development, public car park and visitor centre and associated landscaped areas and children playground, subject to the conditions, including:
 - (i) the submission and implementation of a master layout plan (MLP), with the incorporation of public facilities including the visitor centre, public car park, public landscape areas and children playground which should not be less than those in the approved application No.

A/MOS/34, as well as the phasing of the development to the satisfaction of the Rural and New Town Planning Committee (the Committee) or of the Town Planning Board (TPB);

- (ii) the submission and implementation of a landscape master plan (LMP) including tree preservation, transplanting and compensation proposals, for the proposed development and the access road, to the satisfaction of the Committee or of the TPB; and
 - (iii) the submission and implementation of an Ecological Impact Assessment (EcoIA) and the necessary mitigation measures to the satisfaction of the Committee or of the TPB.
- (c) when the Committee considered the application No. A/MOS/65 in 2005, the major concerns of Members were on whether adequate amount of public facilities would be provided and whether there would be significant landscape and ecological impacts arising from the development in view of the proximity of the site to Ma On Shan Country Park. Hence, the Committee required the applicant to fulfil the approval conditions to the satisfaction of the Committee or of the Town Planning Board. The applicant now submitted the MLP, LMP and EcoIA for partial compliance of approval conditions (a), (b) and (c) respectively;
- (d) compared with application No. A/MOS/65, the current MLP and LMP included slight changes in the site boundary for provision of the required public facilities, the alignment and/or layout of the roads and emergency vehicular access for preservation of an existing tree. These changes were Class A amendments according to the 'Town Planning Board Guidelines for Class A and Class B Amendments to Approved Development Proposals' (TPB PG-No. 36A). The proposed Class A amendments were detailed in paragraph 3.5 of the Paper. Amendments arising from compliance with approval conditions were also incorporated into the MLP as set out also in paragraph 3.5 of the Paper;

- (e) the applicant had carried out an EcoIA which covered an area of the application site and its surrounding areas;
- (f) departmental comments – concerned government departments had no objection to or no comment on the submitted MLP, LMP and EcoIA;

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

- (g) the District Officer (Sha Tin) had received three comments, including one indicating support for the proposed development, one objecting to the proposal and one indicating that more information was needed to formulate his views; and
- (h) the Planning Department (PlanD)'s views – based on the assessments as detailed in paragraph 5 of the Paper, PlanD had no objection to the partial discharge of approval conditions (a), (b) and (c) on the submission of MLP, LMP and EcoIA in respect of Application No. A/MOS/65.

MLP

32. In response to a Member's questions on the changes to the MLP and why the current submission was compared with the scheme approved in December 2005 under Application No. A/MOS/65, but not the subsequent MLP submitted by the applicant in January 2010, Mr Anthony Luk said that in approving application No. A/MOS/65 in December 2005, the Committee had imposed approval condition (a) requiring the submission of a MLP with the incorporation of the public facilities which should not be less than those included in the previously approved application No. A/MOS/34. The MLP submitted by the applicant in 2010 was for partial compliance of approval condition (a) and it covered only the public facilities area. Under that MLP, the proposed area for the public facilities was restored to 19,300m² which was the same as that under the scheme of A/MOS/34 approved with conditions by the Committee on 26.3.1999. As for the current submission, it covered the whole development including the development area and the area for the public facilities, and was therefore compared with the approved scheme under A/MOS/65. The increase in site area reflected the restoration of the area for the public facilities approved in January

2010.

[Mr H.M. Wong left the meeting temporarily at this point.]

Public Facilities

33. Three Members raised questions on the operation of the visitor centre and facilities to be provided, whether the applicant could be required to adopt a theme on the history of the Ma On Shan iron mines for the visitor centre, and whether there was any entrance fee for the public facilities. In response, Mr Anthony Luk said that the public facilities including children's playground, landscaped garden and landscaped area would be open for public enjoyment without any entrance fee. Fees might be charged for some facilities such as the car park and café. As shown on the plan submitted by the applicant, the visitor centre and the landscaped area to the north of it were accessible to the public. However, the applicant did not provide detailed information on the theme and mode of operation of the visitor centre in the current submission. The Secretary said that the applicant had indicated in the previously approved scheme that the visitor centre would show the history of the iron mines in Ma On Shan.

34. A Member noted that the area to the north of the visitor centre was a natural slope covered with vegetation. This Member asked why the area was included in the development and the intended use of that area. In response, Mr Anthony Luk said that the area was a landscaped area and the trees within that area would be preserved for public enjoyment. Footpaths would be provided to improve access to the area and other facilities such as pavilion would be provided for public use. The applicant would be responsible for the management and maintenance of the landscaped area. In response to a Member's question, Mr Anthony Luk said that the landscaped area was accessible directly from the access road and there was no need to go through the visitor centre.

35. Two Members asked if the road leading to the site would be widened by the developer and whether there would be any transport facilities to cater for the traffic demand generated from the proposed development and the visitor centre. In response, Mr Anthony Luk said that the applicant was required to upgrade the existing access road from the Ma On Shan Road/Hang Hong Street roundabout up to the proposed development and provide car parking and loading/unloading facilities and access arrangement for the public car park and

visitor centre under approval conditions (e) and (f) attached to the approved application No. A/MOS/65. Upon widening, the access road would become a two-lane dual carriageway.

LMP

36. Noting that the access road would be widened for the proposed development and there were existing trees along the access road, a Member asked if the widening works would require the felling of those trees. In response, Mr Anthony Luk said that as required under approval condition (b) of the approved application, the LMP should cover tree preservation, transplanting and compensation proposals for both the proposed development and the access road. The submitted LMP covered only the residential portion and the public facilities area. The applicant would need to submit the remaining part of the LMP covering the access road including the tree preservation, transplanting and compensation proposals in relation to the widening of the access road.

Implementation of EcoIA and Monitoring

37. A Member said there would be a time lag between the carrying out of the field studies for the EcoIA and the implementation of the proposed development and asked if the applicant would be required to update the EcoIA when the proposed development was implemented.

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

38. Another Member asked how the implementation of the proposed development and the approval conditions would be monitored, should the Committee approve the current submissions.

39. Mr Anthony Luk said that the three approval conditions required both the submission and implementation of the MLP, LMP and EcoIA. The applicant should make further submission(s) for consideration by the Committee during the implementation stage for fulfilling the remaining parts of the approval conditions.

Deliberation Session

40. In response to the Vice-chairman's request, the Secretary provided the following

information in respect of the current submission:

- (a) the proposed development was first approved by the TPB on review in 1997 (Application No. A/MOS/21) after taking into account the public benefits and planning gains offered in the proposal and that there were merits in the proposal in improving the general environment of the area which mainly included the upgrading of the sub-standard Leung Yau Road and provision of public car park, public tennis court, visitor centre and public toilet;
- (b) a number of amendment schemes were subsequently submitted by the applicant. The latest scheme (Application No. A/MOS/65) was approved by the Committee on 9.12.2005. Under that scheme, the applicant proposed to reduce the gross floor area (GFA) for the public facilities from 19,300m² to 8,500m², as compared with the scheme approved by the Committee on 26.3.1999 under Application No. A/MOS/34. In approving application No. A/MOS/65, the Committee imposed approval conditions which, among others, requiring:
 - (i) the submission and implementation of a MLP, with the incorporation of public facilities including visitor centre, public car park, public landscaped areas and children playground which should not be less than those in the previous approved application No. A/MOS/34, as well as the phasing of the development to the satisfaction of the Committee or of the TPB;
 - (ii) the submission and implementation of a LMP including tree preservation, transplanting and compensation proposals, for the proposed development and the access road to the satisfaction of the Committee or of the TPB; and
 - (iii) the submission and implementation of an EcoIA and the necessary mitigation measures to the satisfaction of the Committee or of the TPB;
- (c) on 5.10.2009, an extension of time for commencement of the development

under application No. A/MOS/65-1 was approved by the Director of Planning under the delegated authority of the TPB. The planning permission for the proposed development should be valid until 9.12.2013, unless before the said date the development permitted was commenced;

- (d) to commence the approved scheme, the applicant had to comply with the relevant approval conditions first before obtaining relevant building plans and land exchange approvals;
- (e) in January 2010, the applicant submitted a revised MLP for the proposed public facilities portion only. Under that submission, the proposed area for the public facilities was restored to 19,300m². On 4.9.2010, the Committee agreed to the submitted MLP covering the public facilities;
- (f) in the current submission, the applicant submitted the MLP, LMP and EcoIA to partially fulfil the three relevant approval conditions. The submitted MLP involved some changes to the previously approved scheme, which were Class A amendments under TPB PG-No. 36A. In considering those Class A amendments, reference had to be made to the development proposal last approved by the Committee, i.e. the scheme approved under application No. A/MOS/65 (the comparison table in paragraph 3.3 of the Paper) such that no cumulative changes to the approved scheme would be allowed through Class A and Class B amendments;
- (g) the land to the north of the visitor centre was owned by the applicant. The applicant would maintain the trees within that area and open the area for public enjoyment;
- (h) as for the visitor centre, it was proposed for exhibition related to the history of the former Ma On Shan iron mines based on the information previously submitted by the applicant. Members' concern on whether the public could enjoy the facilities free of charge could be conveyed to the applicant;
- (i) as for the EcoIA, the applicant had undertaken relevant field studies in 2012

and proposed management/mitigation measures to minimize disturbance to the ecology in the area. The Director of Agriculture, Fisheries and Conservation had no adverse comments on the EcoIA; and

- (j) the current submission was for compliance with part of the approval conditions of a previously approved scheme. It was not for a fresh application and it would not be appropriate for the Committee to re-open the case for further consideration.

41. In response to a Member's question, the Secretary said that the three approval conditions required the applicant to submit and implement the MLP, LMP and EcoIA. The current submissions only covered the submission aspect to partially fulfil the relevant approval conditions. The applicant was required to fulfil the remaining part of the approval conditions on the implementation aspect.

42. A Member said that the natural environment was subject to changes. It would be necessary to undertake further study on the ecology of the area if the development was not implemented in the near future. However, there was no information on when the development would actually be implemented.

43. Mr Anthony Luk said that the ecological surveys for the EcoIA were completed in 2013. The applicant had not submitted the implementation programme of the proposed development in the current submission. The planning permission for the proposed development would be valid until 9.12.2013, and the applicant had made relevant building plans submission with a view to commencing the development before the lapsing of the planning permission in December 2013. The Secretary supplemented that a land exchange was required for the proposed development and it was expected that the processing of the land exchange application would take some time to complete. The proposed development might not be implemented in the near future even though it would be regarded as "commenced" upon obtaining building plan approval.

44. Ms Anita K.F. Lam, Assistant Director of Lands, said that a number of considerations (e.g. legal land title) had to be taken into account in considering the land exchange application for the proposed development. While some planning requirements

might be incorporated in the conditions of the land exchange, some requirements which were not land covenants and hence did not run with the land concerned, such as the mode of operation of the visitor centre, would not be included in the lease. As Government was acting in the capacity of a private landlord in the deal, there was no commitment on whether a land exchange would be granted for the proposed development and if granted, the terms and conditions to be included in the land exchange. No detailed information could be provided at this stage so as not to jeopardise the Government's private landlord position.

45. A Member noted that the current submission was not a fresh application but for fulfilment of the three relevant approval conditions imposed by the Committee on the previously approved application. The applicant's submissions were considered acceptable by relevant government departments and the approval conditions could be regarded as partially fulfilled. However, since the proposed development was located in the "GB" area and adjacent to ecologically sensitive areas of Ma On Shan Country Park, there was concern on whether the implementation of the proposed development could be monitored in order not to generate impacts on the surrounding area. The view was shared by some other Members.

46. The Secretary said that since the relevant approval conditions required the submissions and implementation of MLP, LMP and EcoIA and the current submissions were to partially fulfil the approval conditions on the submission aspect only, the applicant had to make further submission(s) during the implementation stage on the remaining part of the approval conditions on the implementation aspect. The Committee was invited to consider whether the applicant's current submission was satisfactory in complying with the relevant approval conditions. Since the applicant had to obtain building plans and land exchange approvals which would take a rather long time before actual implementation took place, Members' concern on the validity of the surveys in the EcoIA could be conveyed to the applicant to address during the implementation stage.

47. A Member said that there was not a standard validity period of an EcoIA. However, in granting an environment permit under the Environmental Impact Assessment Ordinance (EIAO) for some projects, there was a requirement for updating the EcoIA. Noting that more time would be required for the processing of the land exchange for the proposed development, this Member considered it necessary to set a time limit for the applicant to update the EcoIA.

48. The Secretary said that EcoIA was generally required to be submitted for planning applications for various developments in ecologically sensitive areas. As it was not the practice of the TPB to require applicants to update their EcoIAs within a time limit or before implementation of the proposed developments, Members should consider whether it would be appropriate to stipulate such a requirement in the present case.

49. Mr H.M. Wong, Principal Environmental Protection Officer, advised that if there was relevant commitment in the EcoIA, the project proponent could be asked to submit an updated EcoIA before the implementation of the proposed development. Alternatively, the project proponent could be requested to review if the EcoIA was still valid and if not, up-to-date surveys and assessments would be required. Mr Anthony Luk said that there was no such commitment in the submitted EcoIA with respect to updating before implementation.

50. In response to a Member's question on whether the Committee could impose a new condition requiring the applicant to review the EcoIA, the Secretary said that since the current submission was for partial fulfilment of the relevant approval condition in respect of the submission aspect, the applicant could be advised to review the EcoIA and confirm if the information in the EcoIA was still valid at the implementation stage and include updated surveys as necessary in the relevant submission to the Committee, as part of the requirement to fulfil the implementation part of the approval condition.

51. In response to a Member's question, the Secretary said that if the Committee decided not to accept the current submission for partial fulfilment of the approval conditions, the applicant might request the Board to review the Committee's decision. However, whether a decision of the Committee in respect of fulfilment of approval condition was subject to review under s.17 of the Ordinance was yet to be determined by the Court in a recent Judicial Review case.

52. The Vice-chairman summed up Members' view that the submitted MLP, LMP and EcoIA were acceptable for partial fulfilment of approval conditions (a), (b) and (c) respectively. The applicant should be advised to review the EcoIA at the implementation stage and include updated surveys as necessary in the relevant submission to the Committee to fulfil the implementation of the approval condition (c).

53. After further deliberation, the Committee decided to approve the Master Layout Plan, Landscape Master Plan and Ecological Impact Assessment for partial fulfilment of approval conditions (a), (b) and (c) respectively in Application No. A/MOS/65.

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

- “(a) the applicant should comply with the rest of the approval conditions (a), (b) and (c) and the other approval conditions attached to the approval letter of planning permission No. A/MOS/65-1;
- (b) the applicant should consolidate the further information of Master Layout Plan (MLP) and Landscape Master Plan (LMP) to provide a revised version of MLP and LMP to the Planning Department (PlanD) for record purpose;
- (c) the applicant should amend the Ecological Impact Assessment (EcoIA) taking into account the Director of Agriculture, Fisheries and Conservation’s comments at Appendix IX of the Rural and New Town Planning Committee Paper No. 8/13 and provide a revised version to PlanD for record purpose; and
- (d) to review the Ecological Impact Assessment at the implementation stage and include updated surveys as necessary in the relevant submission to the Committee to fulfil the implementation part of the approval condition (c).”

[Ms Janice W.M. Lai and Mr Ivan C.S. Fu returned to join the meeting at this point and Dr C.P. Lau and Ms Christina M. Lee left the meeting at this point.]

55. The meeting was adjourned for short break of five minutes.

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

Agenda Items 11 and 12

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/169 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Government Land in D.D. 95, Ho Sheung Heung,
Sheung Shui

(RNTPC Paper No. A/NE-KTN/169)

A/NE-KTN/170 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Government Land in D.D. 95, Ho Sheung Heung,
Sheung Shui

(RNTPC Paper No. A/NE-KTN/170)

56. The Committee noted that the two applications were similar in nature and the application sites were located in close proximity to each other and within the same zone. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

57. Ms Maggie M.Y. Chin, STP/STN, 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 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from an agricultural development standpoint as the application sites were of high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application No. A/NE-KTN/170 as two existing trees of common species

at the northern boundaries of the application site would likely be affected by the proposed Small House development and disturbance on existing landscape resources was anticipated;

- (d) during the first three weeks of the statutory public inspection period, three public comments on each of the applications were received from Kadoorie Farm and Botanic Garden Corporation (KFBG), Designing Hong Kong Limited (DHK), and an individual. The member of the public supported the applications while KFBG and DHK objected to the applications. The main grounds of objection were that the proposed developments were incompatible with the rural environment, the supply of farmland should be safeguarded, and approval of the applications would set an undesirable precedent for similar applications; and
- (e) PlanD's views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 11 of the Paper. The applications generally met the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories in that the footprints of the two proposed Small Houses fell entirely within the village 'environs' ('VE') of Ho Sheung Heung Village and there was a general shortage of land to meet the demand for Small House development in the "Village Type Development" ("V") zone of the concerned village. Although DAFC did not support the applications from agricultural development point of view as the sites had potential for agricultural rehabilitation, it was noted that the application site of A/NE-KTN/169 was currently vacant and covered with wild grass and the application site of A/NE-KTN/170 was currently occupied by two storage containers. Moreover, the application sites were located to the immediate east of the "V" zone of Ho Sheung Heung and entirely within the 'VE' of the same village. The proposed Small House developments were not incompatible with the surrounding land uses, which were predominantly rural in nature with existing and approved Small House developments to its north, east and west. In addition, similar applications for Small House development within the same "Agriculture" zone in the vicinity of the two application sites had been approved with conditions by the

Committee. It was anticipated that the proposed developments would not have significant adverse traffic, drainage and environmental impacts on the surrounding areas. Although CTP/UD&L, PlanD had reservation on the application No. A/NE-KTN/170 as two existing trees at the northern boundary of the application site would be affected, the proposed Small House development at the site was not incompatible with the surrounding environment and DAFC had no strong view regarding the existing trees from a nature conservation perspective. Regarding the public comments against the two applications, the assessments above were relevant. It was recommended to impose approval condition on the submission and implementation of drainage proposals to address the possible drainage impacts.

58. Members had no question on the application.

Deliberation Session

59. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission of each of the applications should be valid until 6.9.2017, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following condition :

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

60. The Committee also agreed to advise the applicant of each of the applications the following :

“(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site is in an area where no public sewerage connection is 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 Director of Fire Services as follows:

- (i) the applicant is reminded to observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by the Lands Department; and
- (ii) that detailed fire safety requirements will be formulated upon receipt of formal application referred by the Lands Department.

(c) 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 may need to extend his inside services to the nearest suitable government water mains for connection;
- (ii) the applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standards; and
- (iii) the application site is within the flood pumping gathering ground; and

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-HLH/20 Temporary Open Storage of Construction Machinery and Construction Materials with Ancillary Site Office for a Period of 3 Years in “Agriculture” Zone, Lots 171, 172, 176, 177 and 179 in D.D. 87, Ta Kwu Ling
(RNTPC Paper No. A/NE-HLH/20)

Presentation and Question Sessions

61. 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 temporary open storage of construction machinery and construction materials with ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development standpoint as agricultural life in the vicinity of the site was active and the site was of high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning point of view as with reference to the aerial photo of January 2013, the site was situated in an area of rural landscape character but disturbed by open storage use. The proposed open storage use under the application was considered incompatible with the surrounding rural character;

- (d) during the first three weeks of the statutory public inspection period, three public comments were received. One of which from a North District Council member supported the application on the ground that it would bring convenience to the villagers. The other two comments from Designing Hong Kong Limited (DHK) and Kadoorie Farm and Botanic Garden Corporation (KFBG) objected to the application mainly on the grounds that the development was not in line with the planning intention of “Agriculture” (“AGR”) zone; the agricultural land in Hong Kong should not be further reduced; the proposed use would lead to environmental problems; and approval of the application would set an undesirable precedent for other similar applications;
- (e) the District Officer (North) of Home Affairs Department advised that the Ta Kwu Ling District Rural Committee (TKLDRC), the Incumbent District Council member, the Indigenous Inhabitant Representatives (IIR) of Lei Uk, the Resident Representative (RR) of Lei Uk and the RR of Tai Po Tin had no comment on the application. The IIR of Tai Po Tin provided comment on the application that the proposed development should not result in traffic congestion by heavy goods vehicles on the main road when it was in operation in future; and
- (f) PlanD’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The development was not in line with the planning intention of the “Agriculture” zone which was primarily to retain and safeguard good agricultural land/farm fish ponds for agricultural purposes. DAFC did not support the application from an agricultural development standpoint as agricultural life in the vicinity of the site was active and the site was of high potential for agricultural rehabilitation. There was no strong justification in the submission for a departure from the planning intention, even on a temporary basis. The development was incompatible with the surrounding rural character. CTP/UD&L, PlanD had reservation on the application from the landscape planning point of view as the site was situated in an area of rural landscape character but disturbed by open storage

uses. Approval of the application would likely encourage the introduction of more open storage use in the area leading to further deterioration of the rural landscape resources. DEP did not support the application as there were domestic structures in the vicinity of the application site, and the closest one was about 10m away from the site. The temporary use under application would cause environmental nuisance to the nearby residents. According to the Town Planning Board Guidelines No. 13E for Application for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13-E), the application site fell within Category 3 area. The application did not comply with TPB PG-No. 13E in that the site was not subject to any previous approval for similar open storage uses; the development was incompatible with the surrounding land uses which were predominantly rural character in nature; there are adverse developmental comments; and the applicant had not provided sufficient information in the submission to demonstrate that the development would not have adverse environmental and landscape impacts on the surrounding areas. There were adverse public comments on the application on the grounds highlighted above.

62. Members had no question on the application.

Deliberation Session

63. 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 is not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which is primarily intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;

- (b) the application does not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that the development is not compatible with the surrounding land uses which are predominantly rural in character; there is no previous planning approval granted at the site; there are adverse departmental comments against the application; and there is insufficient information in the application to demonstrate that the development would have no adverse environmental and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/80 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lots 1523 S.C
and 1523 R.P. (Part) in D.D. 39, Ma Tseuk Leng, Sha Tau Kok,
Fanling
(RNTPC Paper No. A/NE-LK/80)

Presentation and Question Sessions

64. 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 – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural life in the vicinity of the subject site was active and the site was of high potential for agricultural rehabilitation. The subject site was located in the immediate vicinity of a natural stream with trees growing within its riparian areas. The proposed development including the site formation works might cause potential adverse impacts on the stream;
- (d) during the first three weeks of the statutory public inspection period, three public comments were received. The comment from a North District Council member supported the application as it was to facilitate the villager. The other two comments were respectively from Designing Hong Kong Limited (DHK) and Kadoorie Farm and Botanic Garden Corporation (KFBG) objecting to the application as the proposed Small House development was not in line with the planning intention of “Agriculture” (“AGR”) zone; the area of agricultural land should not be further reduced; the development would have adverse impact a nearby stream; and there was a lack of plan for a sustainable village layout to ensure the health and well being of current and future residents; 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. Regarding DAFC’s concern, the proposed development was not incompatible with the surrounding land uses which were characterised by fallow agricultural land, existing and approved Small Houses in the vicinity. There was no tree on the application site and the Director of Environmental Protection opined that the development itself was unlikely to cause major pollution in view of its small scale. Regarding the public comments, the above assessments were relevant and relevant approval conditions to address drainage and landscape impacts were recommended.

65. Members had no question on the application.

Deliberation Session

66. 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 6.9.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) 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 may need to extend his inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available. The Environmental Protection Department (EPD) should be consulted regarding the sewage treatment/disposal facilities of the proposed development;
- (c) to note the comments of the Director of Fire Services that the applicant is reminded to observe the ‘New Territories Exempted Houses – A Guide to

Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (d) to note the comments of the Director of Environmental Protection that the applicant is required to follow the requirements as set out in Appendix D of EPD's Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 5/93, if connection to public sewer is not feasible;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Sha Tau Kok Road to the subject site is not maintained by HyD; and
- (f) to note the comments of the District Lands Officer/North that there is a stream at the eastern side of the proposed site. If the proposed sewage disposal system is 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 will be permitted within 15 metres from streams, springs, wells or beaches."

Agenda Items 15 and 16

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

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/513A and 514A)

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/513A and 514A)

68. The Committee noted that the two applications were similar in nature and the

application sites were located in close proximity to each other and within the same zone. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

69. Mr Wallace W.K. Tang, STP/STN, 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 – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from an agricultural development standpoint as the application sites had high potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory public inspection period, three public comments were received of which one from a North District Council member supported the applications as they would bring convenience to the villager(s). The other two comments were from Kadoorie Farm and Botanic Garden Corporation (KFBG) and Designing Hong Kong Limited (DHL). The main reasons of objections were that the proposed developments were not in line with the planning intention of “Agriculture” zone; the area of agricultural land in Hong Kong should not be further reduced; there were suspected landscape changes caused by unauthorized vegetation clearance; there was a lack of plan for a sustainable village layout to ensure the health and well being of the residents; informal and substandard engineering of road and parking areas might result in unsafe and inadequate provisions; and most villagers were building Small Houses for financial gain, but not for domestic purpose;
- (e) the District Officer (North) advised that the Chairman of Fanling District

Rural Committee and the Indigenous Inhabitant Representative of Kan Tau Tsuen raised objections to the applications as the proposed Small Houses fell outside the village ‘environs’ (‘VE’) and would cause adverse traffic impact; and

- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 12 of the Paper. Regarding DAFC’s objection to the application, the application sites were located to the immediate south of the “Village Type Development” zone of Kan Tau Tsuen and the footprints of the proposed Small Houses fell entirely within the ‘VE’ of the same village. The proposed Small House developments were not incompatible with the surrounding area which was rural landscape character dominated by farmlands and village houses and they would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area. Regarding the public comments, the above assessments were relevant. Approval conditions to address possible drainage and landscape impacts were recommended.

70. Members had no question on the applications.

Deliberation Session

71. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission of each of the applications should be valid until 6.9.2017, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions :

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

the Director of Planning or of the TPB.”

72. The Committee also agreed to advise the applicant of each of the applications of the following :

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site is in an area where no public sewerage connection is 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 may need to extend his inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall 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 is located within the flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services that the applicant is reminded to observe the ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (d) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including

any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/43 Proposed House (New Territories Exempted House - Small House) in
“Recreation” Zone, Lot 2337RP in D.D. 91, Ping Kong, Sheung Shui
(RNTPC Paper No. A/NE-PK/43)

Presentation and Question Sessions

73. 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) proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development standpoint as the subject site had high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application and considered that such type of Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Approving the application would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial;
- (d) during the first three weeks of the statutory public inspection period, 11

public comments were received. The comment from a North District Council (NDC) member supported the application. The other comments from Designing Hong Kong Limited (DHK), nine residents of Ping Kong Village (submitted in one letter) and other villagers from Kai Leng and Ping Kong Village objected to the application. The villagers objected to the application mainly on grounds that the proposed development might result in environmental pollution and traffic congestion; outsider villager should not be allowed to build Small House at their village; the site should be reserved for recreational use; and the site was less than 5m from the drainage works. DHK objected to the application on grounds that the land should be reserved for future recreational uses; the layout of existing and proposed infrastructure and development was haphazard and it was incompatible with the need for sustainable and careful development of land; and failure to provide a sustainable layout to ensure the health and well-being of the residents. On 19.7.2013, further information on the application was published for public inspection. During the first three weeks of the statutory public inspection period, five public comments were received. The same NDC member made the same comment as he had submitted before. The other four comments were from the Village Representative of Ping Kong, the Sheung Shui District Rural Committee and two individuals. They all objected to the application on grounds that cross-village applications should not be allowed in Ping Kong; the application site was close to the Drainage Services Department's drainage project; and no Small House application from indigenous villager with Surname Hau had been received by the village office; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that there was sufficient land within the “Village Type Development” zone of Ping Kong in meeting the future Small House demand. There were no exceptional circumstances which warranted sympathetic consideration of the application. The proposed Small House

development was not in line with the planning intention of the “Recreation” (“REC”) zone which was intended primarily for recreational developments for the use of the general public. DAFC did not support the application from an agricultural development standpoint as the subject site had high potential for agricultural rehabilitation. C for T considered that such type of Small House development should be confined within the “V” zone as far as possible. There were local objections against the proposed development.

74. A Member asked whether applications submitted by an applicant of a surname different from that of the village would be rejected. Mr Wallace W.K. Tang replied that it was a matter to be handled by the Lands Department (LandsD) when processing an application for Small House grant. LandsD would consider applications within the same ‘Heung’ even though the application was submitted by a villager of a different village but would not process any ‘cross-Heung’ applications. Ms Anita K.F. Lam, Assistant Director (New Territories), LandsD, confirmed that ‘cross-Heung’ applications would not be processed. Whether ‘cross-village’ applications within the same ‘Heung’ would be processed depended on the acceptance of such applications of the respective ‘Heung’. Ms Lam said that she had no information on whether the subject application was a ‘cross-Heung’ application at this stage.

75. In response to the same Member’s question, Ms Lam said that only male indigenous villagers were eligible for consideration of Small House grants under the Small House Policy.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Recreation” (“REC”) zone in the Ping Kong area which is primarily for recreational developments for the use of the general public. It encourages

the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification in the submission for a departure from the planning intention;

- (b) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH) /Small House in New Territories in that there is sufficient land within the “Village Type Development” zone of Ping Kong Village to meet the Small House demand. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (c) approval of the application which does not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories would set an undesirable precedent for other similar applications in the “REC” 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.”

[Ms Anita W.T. Ma left the meeting and Mr Frankie W.P. Chou left the meeting temporarily at this point.]

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/442 Proposed 2 Houses (New Territories Exempted Houses - Small Houses) in “Green Belt” Zone, Lot 1074 in D.D. 79, Ping Yeung, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/442)

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 two houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application as the existing trees inside the application site would be affected by the proposed Small Houses and the impact incurred by the proposed Small Houses would likely extend outside the application boundary for site formation works to the slope and access for construction works. The landscape quality of the area would likely deteriorate and intactness of the “Green Belt” (“GB”) zone would be undermined;
- (d) during the first three weeks of the statutory public inspection period, two public comments were received, of which one from a North District Council member supported the application as it would bring convenience to the villager(s). The other comment from Designing Hong Kong Limited (DHK) objected to the application mainly on grounds that the application was not in line with the planning intention of “GB” zone; approval of the application would set an undesirable precedent for other similar applications; the proposed development would impact the soil and water quality and degrade the existing environment; informal and substandard engineering of road and parking areas might result in unsafe and inadequate provisions; and most villagers building houses for financial gain, but not for domestic purpose; and
- (e) PlanD’s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 12 of the Paper. Although CTP/UD&L, PlanD had some reservation on the application, the application site was largely formed and relatively disturbed. The Director

of Agriculture, Fisheries and Conservation had no strong view on the application. Similar applications for Small House developments within the same “GB” zone had been approved with conditions by the Committee. It was not anticipated that the proposed development would cause significant adverse environmental, drainage and traffic impacts on the surrounding areas. To address CTP/UD&L, PlanD’s concern on possible adverse impact on existing landscape resources, an approval condition on submission and implementation of landscape proposal was recommended.

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 6.9.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) to sort out the land matters of the Small House Grant with the District Lands Officer/North, Lands Department (LandsD);
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that a mature *Ficus microcarpa* worthy for preservation is noted outside the north-western boundary of the application site. The applicant should preserve and avoid causing any disturbance impacts on the

tree as far as practicable;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (d) 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 may need to extend his inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall 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 is located within the flood pumping gathering ground;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Wo Keng Shan Road to the application site is not maintained by his department;
- (f) to note the comments of the Director of Fire Services that the applicant is reminded to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (g) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed

development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Item 19

Section 16 Application

[Open Meeting]

A/NE-LT/477 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lots 1791 S.A and 1792 S.A in D.D. 19, Sheung
Tin Liu Ha, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/477)

81. The Secretary reported that on 13.8.2013, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow time for the applicant to address the technical issue on sewage treatment for the proposed development.

82. 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 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/86 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” Zone, Government Land in D.D. 209, Kei Ling Ha San
 Wai, Shap Sz Heung, Sai Kung North
 (RNTPC Paper No. A/NE-SSH/86)

Presentation and Question Sessions

83. A replacement page 10 of the Paper was sent to Members and tabled at the meeting. 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 – The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view as vegetation clearance and site formation works would likely extend beyond the application site boundary and might cause adverse landscape impact on the adjacent woodland vegetation. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that the Site was overlooked by steep natural hillside and met the alert criteria requiring a Natural Terrain Hazard Study (NTHS). He would tender in-principle objection to the application unless the applicant was prepared to undertake a NTHS and provide suitable mitigation measures as necessary. The applicant was required to submit a Geotechnical Planning Review Report (GPRR) to assess the geotechnical feasibility of the proposed development in accordance with the GEO Advice Note at **Appendix IV** of the Paper. The applicant was advised to make necessary

submission to the Lands Department to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in the Buildings Department's Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-56. If exemption for site formation works as stipulated in PNAP APP-56 was not granted, the submission of a site formation plan to the Buildings Department was required;

- (d) during the first three weeks of the statutory public inspection period, one public comment by Kadoorie Farm and Botanic Garden Corporation was received. The commenter objected to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of "Green Belt" zone; the proposed development would cause ecological and environmental impacts to the area; and the approval of the application would set an undesirable precedent for other similar applications causing cumulative impacts on the area; and

- (e) PlanD's views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. Regarding CTP/UD&L, PlanD's reservation on the application, the site was covered with grass and a few small common trees, and was adjacent to the Small House development approved under Application No. A/NE-SSH/84. The proposed development would not result in extensive clearance of vegetation and the Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the application. To address CTP/UD&L, PlanD's concerns on the landscape impact, an approval condition on tree preservation was recommended. Regarding H(GEO), CEDD's comment, an approval condition requiring the applicant to submit a GPRR was recommended. Regarding the public comment objecting to the application on ecological and environmental impacts, DAFC and the Director of Environmental Protection had no adverse comments on the application.

84. Members had no question on the application.

[Mr Frankie W.P. Chou returned to join the meeting at this point.]

Deliberation Session

85. 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 6.9.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) submission and implementation of a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) submission of a Geotechnical Planning Review Report to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB.”

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

- “(a) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the proposed development should not disturb any existing trees outside the application site boundary;
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that the proposed development should confine all the construction works within the application site to avoid adverse impacts on the nearby vegetation;
- (c) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that after planning approval has been given by the TPB, LandsD will process the Small House application. If the Small House application is approved by LandsD acting in the capacity as landlord at its

sole discretion, such approval will be subject to the terms and conditions as imposed by LandsD. There would be no guarantee to the grant of a right-of-way to the Small House concerned and the applicant has to make his own arrangement for access to the lot;

- (d) to note the comments of the Chief Engineer/Mainland North and Chief Engineer/Consultants Management, Drainage Services Department (DSD) that:
- (i) any proposed drainage works, whether within or outside the Site, should be constructed and maintained by the applicant at his own expense. The applicant/owner is required to rectify the drainage system if it is found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system;
 - (ii) public sewerage is currently not available for connection in Kei Ling Ha San Wai. Public sewerage system at this village is planned to be implemented under DSD's project "Tolo Harbour Sewerage of Unsewered Areas Stage 2". The project is scheduled to start in phases commencing in 2013 for staged completion in 2019. According to the latest implementation programme, the works in Kei Ling Ha San Wai are scheduled to commence in 2015. However, the implementation programme would be subject to review at a later stage. Upon completion of the public sewerage system at Kei Ling Ha San Wai, the Environmental Protection Department may require the owner to make proper sewer connection from his premises to the public sewer at his own cost;
 - (iii) whether the proposed public sewerage system can be connected with the concerned Small House depends on many factors such as level difference, presence of obstructions, land and space availability, etc. and there is no guarantee that public sewerage system can be provided to the concerned Small House; and

- (iv) any underground/at-grade structures including floor tiles, septic tanks, boundary walls and fences, etc., which fall within the land resumption and clearance limits for the proposed sewerage works will likely be removed for the construction of the proposed sewerage works and the affected ground surface will then be reinstated with concrete only after completion of the construction works;
- (e) to note the comments of the Director of Fire Services that the applicant is reminded to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (f) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to LandsD to verify that the site satisfies the criteria for the exemption for site formation works as stipulated in Practice Note for Authorized Persons and Registered Structural Engineers No. APP-56. If such exemption is not granted, the applicant shall submit site formation plans to the Buildings Department in accordance with the provisions 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 Sai Sha Road adjoining the Site is not maintained by HyD;
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant shall carry out the following measures:

- (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors shall 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 shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (i) to note that the permission is only given to the development under the application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.”

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/446 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” Zones, Taxlord Lot 215
S.F in D.D. 26, Ha Tei Ha, Tai Po
(RNTPC Paper No. A/NE-TK/446A)

Presentation and Question Sessions

87. 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 (NTEH) - Small House);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view. Construction of the proposed house would unavoidably require slope cutting and platform construction that the existing landscape resources would very likely be disturbed. The proposed house was traversed by a footpath. Re-routing of the access road might be necessary and vegetation clearance outside the application boundary was anticipated. There was a general presumption against development within the “Green Belt” (“GB”) zone. The surrounding areas had high quality landscape and the site was sensitive to development. Approving the development would encourage similar Small House developments resulting in further vegetation clearance and degradation of landscape quality in the area. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) did not support the proposed development in the area from flood control and prevention point of view as the site fell within the flood fringe which was subject to overland flow and inundation during heavy rainfall;
- (d) during the first three weeks of the statutory public inspection period, four public comments, submitted by Designing Hong Kong Limited, World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation and an individual, were received. They objected to the application mainly on the grounds that the proposed development was not in

line with the planning intention of the “GB” zone and did not comply with the Town Planning Board Guidelines No. 10 for development within “GB” zone (TPB PG-10); negative off-site impacts on wildlife inhabiting in the ecologically sensitive wetland; adverse impacts on the existing trees and vegetation of the adjacent woodland; the applicant failed to address concerns on traffic, drainage, sewerage and landscape; and the approval of the application would set an undesirable precedent for future applications resulting in adverse cumulative ecological and landscape impacts on the area; and

(e) PlanD’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper, which were summarized as follows:

- (i) the proposed development was not in line with the planning intention of the “Green Belt” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (ii) although more than 50% of the Small House footprint fell within “Village Type Development” zone and the village ‘environs’ and there was a general shortage of land in meeting the Small House demand, the application did not meet the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that the proposed development would cause adverse landscape impacts on the surrounding areas. There was insufficient information in the submission to address the landscape concerns;
- (iii) the site was on natural hillsides and adjoining a dense woodland in the west and marsh area in the east. CTP/UD&L, PlanD objected to the application as the proposed development would require slope cutting and platform construction which would result in clearance of natural vegetation and cause damage to the existing landscape resources in the

surrounding area. The site was traversed by a footpath. Re-routing of the existing footpath was required and would also involve vegetation clearance outside the application boundary. The approval of the application would set an undesirable precedent for similar Small House developments and result in further vegetation clearance and degradation of landscape quality in the area;

- (iv) CE/MN, DSD did not support the proposed development in the flood fringe area from flood control and prevention point of view;
- (v) the application did not comply with TPB PG-No. 10 in that the proposed development and the associated site formation works would involve clearance of existing natural vegetation and affect the existing natural landscape in the area. Approval of the application would result in encroachment onto the surrounding natural hillsides/woodland area that had significant landscape value. There was insufficient information in the submission to address the landscape concerns raised by the concerned government department;
- (vi) there were three similar applications (No. ANE-TK/383, 384 and 385), involving sites located to the immediate north of the site rejected by the Town Planning Board on review;
- (vii) while two other similar applications (No. A/TP/269 and 487) were approved in 2001 and 2011 in the vicinity of the site, it was noted that these application sites were located on vacant flat land and at a certain distance away from the natural hillsides and the edge of the existing woodland. Hence, their impacts on the surrounding landscape would be insignificant. Moreover, application No. A/TP/269 mainly involved redevelopment of the old ancestral houses into two NTEHs. The current application did not warrant the same considerations as the two approved applications; and
- (viii) there were public objections against the proposed development.

88. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone;
- (b) the proposed development does not meet the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories in that the proposed development would cause adverse landscape impacts on the surrounding areas. There is insufficient information in the submission to address the landscape concerns;
- (c) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under Section 16 of the Town Planning Ordinance’ in that the proposed development and the associated site formation works would involve clearance of existing natural vegetation and affect the existing natural landscape in the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the natural environment and landscape quality of the area.”

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/465 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lots 1738 S.D ss.1, 1738 S.E ss.2, 1738 S.A ss.1
RP and 1738 S.E ss.1 RP in D.D. 17, Lung Mei Village, Tai Po
(RNTPC Paper No. A/NE-TK/465)

Presentation and Question Sessions

90. 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 (NTEH) - Small House);
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site fell entirely outside the village ‘environs’ (‘VE’) of any recognized village;
- (d) during the first three weeks of the statutory public inspection period, four adverse public comments from Lung Mei Tsuen Rural Committee, Lung King Mutual Aid Committee, the Designing Hong Kong Limited and Kadoorie Farm and Botanic Garden Corporation against the application were received. The commenters objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” zone; the agricultural land should be retained to safeguard the food supply for Hong Kong; approval of the application would cause cumulative adverse impacts on the access road, public sewerage and parking facilities in the area; and the site fell outside the ‘VE’ of Lung Mei Tsuen; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper, which were summarized as follows:
- (i) according to the DLO/TP, LandsD's record, the total number of outstanding Small House application for Lung Mei, Tai Mei Tuk/Wong Chuk Tsuen were 65 and 27 respectively while the 10-year Small House demand forecast for the concerned villages were 70 and 136 respectively. Based on the latest estimate by PlanD, about 3.91 ha (or equivalent to about 156 Small House sites) of land were available within the "Village Type Development" ("V") zone of Lung Mei and Tai Mei Tuk/Wong Chuk Tsuen. The land available could not fully meet the future Small House demand of about 7.45 ha (or equivalent to about 298 Small House sites) in the concerned villages;
 - (ii) although there was a general shortage of land to meet the future Small house demand in the concerned villages, the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories as the site was entirely outside the "V" zone and the 'VE' of any recognised villages. DLO/TP, LandsD did not support the application. As no similar planning application for Small House development outside the 'VE' had ever been approved in the vicinity, approval of the application would set an undesirable precedent for other similar applications in the area; and
 - (iii) three similar applications (No. A/NE-TK/171, 210 and 253), each for a proposed NTEH, were approved with conditions by the Committee between 2004 and 2008 on grounds that they were in compliance with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that more than 50% of the footprint of the proposed Small House fell within the "V" zone and there was a

general shortage of land to meet the demand for Small House development in the “V” zone of the concerned village. Unlike the three similar applications, the current application did not warrant the same consideration.

91. Members had no question on the application.

Deliberation Session

92. 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 does not comply with the the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories as the footprint of the proposed Small House is entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognised villages; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area.”

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/536 Proposed Public Utility Installation (Free Standing Micro-cell Base Station and Antenna) in area shown as 'Road', Government Land in D.D. 26, Tai Po (near junction of Ting Kok Road and Sam Mun Tsai Road)
(RNTPC Paper No. A/TP/536)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (free standing micro-cell base station and antenna);
- (c) departmental comments – concerned departments had no objection to or no adverse comments on the application as detailed in paragraph 7 of the Paper;
- (d) no public comment was received during the publication of the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 9 of the Paper.

94. In response to a Member's question, Mr C.T. Lau said that a relevant condition could be imposed under the short term tenancy to require the relocation of the installation should the site be required for road widening.

Deliberation Session

95. A Member commented that the proposed utility installation was small in scale which should not be of concern. The Secretary said that according to the Master Schedule of Notes, telecommunications radio base station within specified dimensions at the side or on the roof top of a building for the provision of public telecommunications services to serve the local district did not require planning permission. However, since the proposed base station and antennae fell within an area shown as 'Road' on the relevant Outline Zoning Plan, any such installation would require planning permission. In any case, the Office of the Communications Authority could be requested to advise if the specified dimensions should

be reviewed to reduce the need to apply for planning permission.

96. 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 6.9.2017, 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.

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

- “(a) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that the applicant should apply to LandsD for Short Term Tenancy for the proposed installation;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the subject site should have its own stormwater collection and discharge system to cater for the runoff generated within the Site as well as overland flow from the surrounding areas. The applicant is required to maintain drainage system properly and rectify the system if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (c) to note the comment of the Commissioner of Transport that the applicant shall evacuate and deliver up possession of the land so resumed and the building(s) or structures(s) thereon within 3 months upon receipt of the written request from the Government. In the event of such termination, no compensation whatsoever shall be paid to the Tenant by the Landlord regardless of whether the Landlord shall terminate the tenancy agreement during the fixed term of tenancy or, where applicable, a periodical tenancy as aforesaid; and
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that in case of change in land status to leased land, the

applicant should note that if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations (B(P)R) at the building plan submission stage; the Site shall be provided with means of obtaining access thereto from a street under B(P)R 5; emergency vehicular access for every building of the proposed development should be provided in accordance with (B(P)R) 41D and detailed consideration will be made at the building plan submission stage.”

[The Vice-chairman thanked Ms Maggie M.Y. Chin, Mr Wallace W.K. Tang and Mr C.T. Lau, STPs/STN, for their attendance to answer Members’ enquires. They left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 24

Section 12A Application

[Open Meeting]

Y/TM/12 Application for Amendment to the Approved Tuen Mun Outline Zoning Plan No. S/TM/31 to Rezone the Application Site from “Green Belt” to “Government, Institution or Community” for a Columbarium, Lots 1744 S.D ss.1 and 1744 S.D RP in D.D. 132, Kwong Shan Tsuen, Tuen Mun
(RNTPC Paper No. Y/TM/12)

98. The Secretary reported that on 9.8.2013, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow time for the applicant to address the traffic, environmental, drainage, geotechnical and pedestrian flow issues raised by concerned government departments.

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

applicant. The Committee agreed that the application should be submitted for its consideration within 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.

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

Agenda Item 25

Section 12A Application

[Open Meeting]

Y/YL-LFS/4 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 “Coastal Protection Area”, “Commercial/Residential”, “Government, Institution or Community” and an Area Shown as “Road” to “Government, Institution or Community” for a Residential Care Home for the Elderly, Lot 3349 RP (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. Y/YL-LFS/4)

100. The Secretary reported that on 5.8.2013, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare for further information to address the concerns raised by concerned government departments.

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 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 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/440 Proposed Religious Institution (Church) in “Open Space” Zone, Lots 491 (Part), 492 (Part), 495R.P., 498R.P., 500 (Part), 501 (Part), 502 R.P. (Part), 503, 717R.P. in D.D. 374 and adjoining Government Land, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM/440A)

102. The Secretary reported that Ms Janice W.M. Lai had declared an interest in this item as she had current business dealings with Kenneth Ng & Associates Limited, the consultant of the applicant. Members agreed that as Ms Lai has no direct involvement in the subject application, she could be allowed to stay in the meeting.

Presentation and Question Sessions

103. Mr C.C. Lau, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed religious institution (church);
- (c) departmental comments – concerned government departments had no objection to or no adverse comments on the application as detailed in paragraph 9 of the Paper. The Director of Leisure and Cultural Services (DLCS) advised that the proposed church together with the proposed police station and fire station would excise the “Open Space” (“O”) zone into a linear and irregular shaped area, which would hinder the potential for developing open space facilities therein. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning perspective. There

was inadequate information regarding the design concept, facilities, access to the planned open space adjoining the site. All existing trees, except one, within the site would be removed by the proposed development. Compensatory planting was not feasible as they were over basement car park;

- (d) during the first three weeks of the statutory public inspection period, a total of 13 public comments were received. One individual supported the application. Twelve comments including five from village representatives of So Kwun Wat Village, two from the Aegean Coast Owners' Committee, a member of Tuen Mun District Council, and four individuals objected to the application mainly on grounds that the proposed development was not compatible with the religious practice prevailing in the local area and would jeopardise the harmonious living in So Kwun Wat Tsuen; the application would cause traffic congestion, noise nuisance and security problems to the area; and the site should be for residential development or open space development; and

- (e) PlanD's views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Given its relatively large size, the concern of DLCS on site constraint on the subject “O” zone could be addressed through proper design. An approval condition was recommended to require the applicant to design, implement, maintain and manage the proposed public open space to the satisfaction of DLCS. The applicant should also be required to follow the design and management guidelines promulgated by the Development Bureau. To address CTP/UD&L, PlanD's concern on the landscape impact, an approval condition requiring the applicant to submit and implement a tree preservation and landscape proposals was recommended. On the public comments, DLCS advised that the Tuen Mun District already had a surplus in provision of public open space based on requirement in the Hong Kong Planning Standards and Guidelines and there was no plan for the development of the “O” site.

104. In response to a Member's question, Mr C.C. Lau said that the petrol filling station was the subject of a planning application approved by the Town Planning Board. The petrol filling station site had been reduced upon its development, thus leaving the land area between it and the proposed fire station to the south available for the subject church development.

Deliberation Session

105. 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 6.9.2017, 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) design (including signage and access to the public open space), implementation, maintenance and management of the public open space, as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services (DLCS) or of the TPB;
- (b) submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (c) submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) provision of water supplies for fire fighting and fire service installations for the site to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) the approval of the application does not imply that the proposed building design elements could fulfill the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed

development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the Building Authority and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the TPB may be required;

- (b) to follow the “Public Open Space in Private Development Design and Management Guidelines” promulgated by the Development Bureau in the design, implementation and management of the proposed public open space with the site;
- (c) to note the comments of the District Lands Officer/Tuen Mun, LandsD that :
 - (i) a portion of government land (GL) within the site is formerly part of a private lot resumed for a road project. Under s.37 of Cap.370, any land resumed under Cap. 370 may be used in such manner as the Government thinks fit and may be disposed of to any person by any means and on any terms whatsoever, provided that, before disposing of any land resumed under Cap. 370 to any person, the Government shall give proper consideration to offering that land back to the person from whom it was resumed. In this regard, there is no guarantee that the concerned resumed land would be available for disposal for the proposed church development;
 - (ii) the applicant will need to apply to LandsD for a land exchange for the above proposal. There is no guarantee that the application, if received by LandsD, will be approved and he reserves his comment on such. The application, involving GL, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so,

including, among others, charging the payment of premium and administrative fee as may be imposed by LandsD;

- (iii) the applicability of each Quality and Sustainable Built Environment Requirement will be examined in detail during the processing of the land exchange application;
 - (iv) the applicant should clarify the exact location of the trees proposed to be felled and the current land status of the concerned trees. Should any roadside trees being affected/felled, the relevant departments (the Highways Department and the Leisure and Cultural Services Department) should also be consulted; and
 - (v) planting of new trees should be confined within the site;
- (d) to note the comments of DLCS that the lot owner would be responsible for the future maintenance and management of the public open space for public use as stipulated in the Public Open Space in Private Development Design and Management Guidelines. Since some of the affected trees are within private lots while some are outside, the applicant is required to identify the department responsible for providing advice to LandsD in the tree survey schedule in accordance with the Environment, Transport and Works Bureau Technical Circular (Works) No. 3/2006. The submission of landscape proposal to DLCS, if required, should meet the requirements as detailed at Appendix III of the Paper;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development is in an area where no public sewerage connection is currently available in the vicinity;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should design a more inviting entrance with better landscape design. The public access from the street to the landscape garden open to the public should be widened and

designed in an inviting manner. An access to the planned open space should be reserved. Adequate soil depth (min. 1.2m for tree planting) should be provided for the proposed tree and landscape planting so as to enhance the quality of the landscape garden;

- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the Tree Survey Plan does not seem to reflect the actual condition of the site. The hoarding behind the trees surveyed seems to be the hoarding that diagonally bisects the site, instead of along the western boundary of the site; and
- (h) to note the comments of the Director of Fire Services that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The emergency vehicular access provision shall comply with the standard as stipulated in Part 6 of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D administered by the Buildings Department.”

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL/196

Proposed Comprehensive Residential/Commercial Development in “Comprehensive Development Area”, “Government, Institution or Community” Zones and an Area Shown as “Road”, YLTL 504 and Lots 419, 422, 454 RP, 455 S.C RP, 455 S.G&H RP, 457 S.C, 461 RP, 462 RP, 463RP, 464 RP, 470 RP, 495 RP, 538 RP and 539 RP in D.D. 116 and Adjoining Government Land, Yuen Lung Street, Yuen Long (RNTPC Paper No. A/YL/196A)

107. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK) with Masterplan Limited, AGC Design Limited, AECOM

Asia Co. Limited and Environ Hong Kong Limited as the consultants. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests as Mr Ivan Fu had current business dealings with all the above-mentioned companies while and Ms Lai had current business dealings with SHK and AECOM Asia Co. Limited. As the applicant had requested for deferment of consideration of the application, Members agreed that Mr Fu and Ms Lai could be allowed to stay at the meeting.

108. The Secretary reported that the application had been deferred once. On 2.9.2013, the applicant's representative requested for further deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the concerns raised by the Chief Town Planner/Urban Design and Landscape , Planning Department and the Director of Environmental Protection.

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/412 Social Welfare Facility (Private Residential Care Home for Persons
with Disabilities) in "Village Type Development" Zone, No. 356, Tong
Fong Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/412A)

Presentation and Question Sessions

110. Replacement pages 8, 9 and 11 of the Paper were sent to Members and tabled at the meeting. Mr Vincent T.K. Lai, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the social welfare facility (private residential care home for persons with disabilities) (RCHD);
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory public inspection period, one public comment was received from a member of Yuen Long District Council, the Vice-Chairman of Ping Shan Rural Committee and a Village Representative of Tong Fong Tsuen objecting to the application on grounds that the subject RCHD would generate noise and other nuisances to the nearby villagers. During the first three weeks of the statutory public inspection period for the further information submitted by the applicant, two public comments were received from two nearby residents and a pastor supporting the application mainly on the grounds that the subject RCHD provided services to the persons with disabilities who were in need of residential care and offered assistances to the villagers; 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. Regarding the local objections on noise nuisance and other grounds, the applicant had proposed to undertake measures as mentioned in Appendix Ic of the Paper to ensure a proper management of the RCHD so as to avoid causing any nuisance to the nearby residents and the public. With respect of the nuisances issue, the Commissioner of Police had no comment on the application. An advisory clause advising the applicant to liaise with the nearby residents and village representatives to address their

concerns was proposed.

111. Members had no question on the application.

Deliberation Session

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

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

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

- “(a) prior planning permission should have been obtained before commencing the development at the subject premises;
- (b) the applicant should liaise with the residents of Tong Fong Tsuen and their village representatives to address their concerns;
- (c) the planning permission is given to the structures under application. It does not condone any other structures which are currently found on the site but not covered by the application. The applicant shall be requested to take immediate action to remove such structures not covered by the permission;
- (d) to note the comments of the District Lands Officer/Yuen Long that pursuant to Special Condition No. 8 of New Grant No. 2575 governing the lot, the building is restricted to be used for non-industrial purpose. Site inspection of his office revealed that a portion of the platform (government land) was enclosed by the applicant for private purpose at the south side of the subject premises, and land control action will be taken against the illegal occupation of government land accordingly. He also notes that the applicant would undertake to self-remove the illegal structure subject to

availability of funding from the Social Welfare Department (SWD);

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that his office does not have records of the relevant building plans and structural calculations of the subject premises. He understands that a certificate of exemption had been issued by SWD to the applicant requiring certain building safety requirements to be fulfilled, including the removal of unauthorized building works (UBW). The UBW should not be designated for any approved use under the application. 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 Buildings Ordinance;
- (f) to note the comments of the Director of Environmental Protection that all wastewater from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The emergency vehicular access provision in the site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D; and
- (h) to note the comments of the Water Supplies Department (WSD) that the applicant may need to extend his inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside service within the private lots to WSD's standards.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/259 Social Welfare Facility (Private Residential Care Home for Persons with Disabilities (Mentally Handicapped and Ex-Mentally Ill People)) in “Village Type Development” Zone, Lots 2163 S.C (Part) and 2163 RP (Part) in D.D. 130, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/259A)

Presentation and Question Sessions

114. 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 social welfare facility (private residential care home for persons with disabilities (mentally handicapped and ex-mentally ill people));
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory public inspection period, no public comment was received; 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.

115. Members had no question on the application.

Deliberation Session

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

- “(a) submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (c) submission and implementation of landscape proposal to the satisfaction of the Director of Planning or the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the development on the site;
- (b) the planning permission is given to the structures under application. It does not condone any other structures which are currently found on the site but not covered by the application. The applicant shall be requested to take immediate action to remove such structures not covered by the permission;
- (c) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that the lots under application are Old Schedule Agricultural Lots held under the Block Government Lease. Building Licence Nos. 767 and 802 have been granted under the New Territories Small House Policy for erection of a New Territories Exempted House (NTEH) on each of Lots Nos. 2163 S.C and 2163 RP in D.D. 130 respectively. Under the Building Licences No. 767 and 802, the subject lots and the buildings erected thereon or any part of such buildings shall be used for non-industrial purposes. In addition, the non-building areas of the subject lots shall continue to be used for agricultural or garden purposes in

accordance with the Block Government Lease. The site is accessible from Castle Peak Road – Hung Shui Kiu via an unnamed access track adjoining the site. This unnamed access track is largely on private lots. His office does not provide maintenance works for this track nor guarantee any right-of-way to the application site. The lot owners/ applicant must make their own arrangement for acquiring a right-of-way over the concerned private lots. The owner of Lot No. 2163 RP in D.D. 130 will need to apply to his office for a Short Term Waiver (STW) for erection of the structure on the lot. The STW proposal will only be considered upon his receipt of formal application from the owner of the lot. There is no guarantee that the application, if received by his office, will be approved and he reserves comment on such. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, deposit and administrative fee;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures including 2.73m high store room are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance and should not be designated for any approved use under the application. If the applied use under application is subject to the issue of a licence, the applicant is reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (e) to note the comments of the Director of Environmental Protection that all wastewater arising from the site should be collected, treated and disposed of in accordance with the Water Pollution Control Ordinance;
- (f) to note the comments of the Commissioner of Transport that the applicant should note that at present, there is not any no-stopping restriction along the

concerned section of Castle Peak Road – Hung Shui Kiu (Tuen Mun bound). Hence, a designated loading/unloading bay on Castle Peak Road for the site is not necessary. However, the applicant should be aware that the Transport Department may impose suitable traffic management measures to meet various traffic needs in future. All drivers should observe effective traffic signs;

- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for the applicant's own access arrangement;
- (h) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority; and
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. For sites 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 is necessary. Prior to establishing any structure within the site, the applicant and/or the applicant's contractors shall 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 shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines."

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/216 Temporary Shop and Services (Real Estate Agency) for a Period of 3
Years in “Village Type Development” Zone, Lots 1306 S.B (Part) &
1307 RP (Part) in D.D. 105, and Adjoining Government Land, Mai Po,
Yuen Long
(RNTPC Paper No. A/YL-MP/216A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – concerned government departments had no objection to or no comment on the application as detailed in paragraph 10 of the Paper;
- (d) during the first 3 weeks of the statutory public inspection period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of one year based on the assessments as detailed in paragraph 11 of the Paper. The District Lands Officer/Yuen Long, Lands Department advised that there was one Small House application under processing at the site, and the application was expected to be submitted for consideration in around one year’s time. To avoid jeopardizing the proposed Small House development at the site, a shorter approval period of one year (instead of the three years sought) might

be considered. The shorter approval period would facilitate monitoring of the situation of the Small House application at the site.

119. Members had no question on the application.

Deliberation Session

120. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, instead of the 3 years sought, until 6.9.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 10:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation between 5:00 p.m. and 10:00 a.m. on Sundays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) submission and implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.3.2014;
- (d) submission and implementation 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 6.3.2014;
- (e) submission and implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 6.3.2014;
- (f) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site under application site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No approval has been given for the proposed specified structures as office and conference room. No permission has been given for the proposed use and/or occupation of government land (GL) within the application site. The fact that the act of occupation of GL without Government’s prior approval should not be encouraged. His office will consider taking lease enforcement action regarding any structures within the application site if there is a breach of lease. The application site is accessible via an informal track on GL

extended from Castle Peak Road. His office provides no maintenance works for the track nor guarantees right-of-way. The lot owner concerned will still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. The applicant has to either exclude the GL portion from the application site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the application site and the BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under BO. The site shall 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 does not abut on a specified street of not less than 4.5 m wide, its permitted

development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (f) to note the comments of the Director of Environmental Protection that the applicant is reminded that all wastewater from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (g) to note the comments of the Commissioner of Transport that that the application site is connected to an unknown local access road which is not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD is not/shall not be responsible for the maintenance of any existing vehicular access connecting the application site and Castle Peak Road – Mai Po;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department at Appendix III of the RNTPC Paper;
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In addition, the applicant should also be advised that : (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Furthermore, should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration; and

- (k) to note the comments of the Director of Electrical and Mechanical Services at Appendix III of the RNTPC Paper.”

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/218 Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Commercial/Residential” and “Residential (Group D)” Zones, Government Land in D.D. 104, Kam Pok Road, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/218)

Presentation and Question Sessions

122. A replacement page 1 of the Paper was sent to Members and tabled at the meeting. 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 eating place (outside seating accommodation of a restaurant) for a period of 3 years;
- (c) departmental comments – the departmental comments were detailed in paragraph 9 of the Paper. The District Lands Officer/Yuen Long, Lands Department commented that the eastern side of the application site is affected by a deposited project limit known as “Yuen Long and Kam Tin Sewerage Treatment Stage-2A-2T Ngau Tam Mei and San Tin Trunk

Sewerage Phase I". The Chief Engineer/Mainland North of Drainage Services Department (DSD) had reservation on the application as the kerbside planting located within the proposed application site was maintained by DSD and there were drainage facilities located within the footprint of the site. The development under application would affect the routine maintenance operation and it might arise unnecessary dispute on interfacing matters;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in paragraph 11 of the Paper. The development was not entirely in line with the planning intention of the "Residential (Group D)" ("R(D)") zone which was intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It was also intended for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. The site was a piece of government land and there were drainage facilities and kerbside planting maintained by DSD. DSD had reservation on the application. There was no information in the submission to demonstrate that the development would not obstruct the routine maintenance work of DSD.

123. Members had no question on the application.

Deliberation Session

124. 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 site is a piece of government land with kerbside planting and drainage facilities maintained by the Drainage Services Department. The applicant fails to demonstrate that that the development will not obstruct the routine maintenance work, in particular for the drainage facilities at the application site.”

Agenda Item 32

Section 16 Application

[Open Meeting]

A/YL-NSW/219 Proposed Prefabrication Yard for Steel Rebar in “Open Storage” Zone and an area shown as ‘Road’, Government Land at the Junction of Tsing Long Highway and Castle Peak Road - Tam Mi Section, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/219B)

125. The Secretary reported that Ms Janice W.M. Lai had declared an interest in this item as she had current business dealings with the Civil Engineering and Development Department (CEDD), the applicant. As the item was for the consideration of a request for deferment, the Committee agreed that Ms Lai could stay in the meeting for the item.

126. The Secretary reported that the application had been deferred twice and the second deferment was requested by the Planning Department to allow more time to consult with the relevant Government departments including the Department of Justice and to seek further clarification from the applicant on the development proposal. On 3.9.2013, the applicant’s representative requested for deferment of the consideration of the application for one month as more time was needed to consult the relevant Government departments to resolve comments received on the application.

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

for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances. Since this was the third deferment of the application as the Committee had already allowed a total of two months for the preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 33

Section 16 Application

[Open Meeting]

A/YL-NSW/222 Public Utility Installation (Proposed Ancillary Working Platforms and Maintenance Footpath to the Existing Electricity Tower No. 4DYC7) and Proposed Excavation of Land (about 0.5m deep for placing concrete blocks as support of the maintenance footpath) in “Conservation Area” Zone, Government Land near Wing Kei Tsuen (Electricity Tower No. 4DYC7), Nam Sang Wai, Yuen Long (RNTPC Paper No. A/YL-NSW/222)

128. The Secretary reported that on 15.8.2013, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare information to respond to the comments of the Agriculture, Fisheries and Conservation Department.

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

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/855 Temporary Open Storage of Containers and Container Repairing Area for a Period of 3 Years in “Recreation” Zone, Lots 365 (Part), 370 S.B(Part), 383 (Part), 386 (Part), 387, 388 (Part), 389, 390, 391, 392 (Part), 393, 394 (Part), 395 (Part), 396 (Part), 399 (Part), 400 (Part), 401 (Part), 402 (Part), 403, 404, 405, 406 (Part), 407 (Part), 408, 409, 410, 411, 412 S.A, 412 RP, 413, 416 (Part), 423 (Part), 424 (Part), 425, 426, 427 (Part), 428 (Part), 430 (Part), 447 (Part), 450 (Part), 451 (Part), 452 (Part), 453 (Part), 454 (Part), 455, 456, 457 (Part), 458 S.A (Part), 458 S.B (Part), 458 S.C (Part), 459 S.A, 459 S.B, 460, 461, 462, 463, 464, 465, 466, 467, 468 S.A (Part), 468 S.B (Part), 472 (Part), 488 (Part) and 489 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/855)

Presentation and Question Sessions

130. A replacement page 1 of the Paper was sent to members and tabled at the meeting. 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;

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

- (b) the temporary open storage of containers and container repairing area for a period of 3 years;
- (c) departmental comments – concerned government departments had no objection to or no comment on the application as detailed in paragraph 10 of the Paper;

- (d) during the first three weeks of the statutory public inspection period, no public comment was received. The District Officer (Yuen Long) had not received any comment from the locals on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 12 of the Paper.

131. Members had no question on the application.

Deliberation Session

132. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.9.2016, 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. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Saturdays between 2:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no stacking of containers within 6m from the boundary of the site, as proposed by the applicant, during the planning approval period;
- (e) the stacking height of containers stored on the site shall not exceed 8 units, as proposed by the applicant, during the planning approval period;
- (f) no vehicle is allowed to queue back to public road or reverse onto/from the

public road during the planning approval period;

- (g) no left turn of container vehicles into Ha Tsuen Road upon leaving the site, as proposed by the applicant, during the planning approval period;
- (h) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (i) 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 6.3.2014;
- (j) provision of the fire extinguisher(s) and 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 18.10.2013;
- (k) 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 6.3.2014;
- (l) in relation to (k) 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 6.6.2014;
- (m) submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 6.3.2014;
- (n) in relation to (m) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.6.2014;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the approval period, the approval hereby given

shall cease to have effect and shall be revoked immediately without further notice;

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

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

- “(a) planning permission should have been obtained before continuing the development on site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the lots within the site are Old Schedule Agricultural Lots held under Block Government Lease and no structures are allowed to be erected without prior approval from his Office. No permission has been given for the proposed use as office and roofed structure. Letter of Approval No. MT/LM 7522 was issued for the erection of agricultural structures on Lots 468 S.B and 488 in D.D. 125. If structures of other purposes are found on the said lots, his office will consider termination of the permit as appropriate. Vehicular access to the site would require passing through private land and government land (GL) (without maintenance works by his office) leading from Ha Tsuen Road. His office does not guarantee right-of-way. The GL within the application site is covered by a valid Short Term Tenancy 2551 for the purpose of “open storage of containers and container repairing area”. The lot owner would still need to apply to him to permit any

addition/excessive structures to be erected or regularize any irregularities on-site. The applicant has to exclude the GL portion from the site or apply to him for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may 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 Commissioner for Transport that the land status of the road/path/track leading to the site from a public road should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The applicant should be responsible for his own access arrangement;
- (g) to note the comments of the Director of Fire Services on the requirements of formulating fire service installations proposals as stated in Appendix V of the RNTPC Paper;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of the BD,

they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works including converted containers and open sheds are to be carried out on the site, prior approval and consent of BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by 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 BO. The site shall be provided with means of obtaining access from a street under Building (Planning) Regulation (B(P)R) 5 and emergency vehicular access shall be provided under B(P)R 41D. If the site is not abutting on a specified street having a width of not less than 4.5m, the development intensity shall be determined under B(P)R 19(3) at the building plan submission stage; and

- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site cannot provide the standard fire-fighting flow.”

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/861 Temporary Open Storage of Construction Materials for a Period of 3
Years in “Comprehensive Development Area” Zone, Lot 766 in
D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/861)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction materials for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the immediate vicinity of the site and along the access road (Ping Ha Road) and environmental nuisance was expected. Other departments consulted had no objection or no adverse comments on the application;
- (d) during the first three weeks of the statutory public inspection period, no public comment was received. The District Officer (Yuen Long) had not received any comment from the locals on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. While DEP did not support the application because there were sensitive users in the immediate vicinity of the site and along the access road (Ping Ha Road), there had not been any environmental complaint against the site over the past 3 years. To address DEP's concerns and to mitigate any potential environmental impacts, approval conditions on restrictions on operation hours and workshop activities, and stacking height of materials on site had been recommended. The applicant would also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize the possible environmental impacts on the adjacent areas.

135. Members had no question on the application.

Deliberation Session

136. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.9.2016, 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 8:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, cleansing, melting, dismantling, repairing or any other workshop activity is allowed to be carried out on the site during the planning approval period;
- (d) the stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (e) no ground excavation works, including that for landscape planting and drainage facilities, shall be carried out on site without prior written consent from the Antiquities and Monuments Office of the Leisure and Cultural Services Department during the planning approval period;
- (f) no vehicle is allowed to queue back to public road or reverse onto/from the public road during the planning approval period;
- (g) the existing drainage facilities implemented shall be maintained at all times during the planning approval period;
- (h) 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 6.3.2014;

- (i) submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.3.2014;
- (j) in relation to (i) above, 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 6.6.2014;
- (k) provision of fire extinguisher(s) and submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.10.2013;
- (l) 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 6.3.2014;
- (m) in relation to (l) above, 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 6.6.2014;
- (n) 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 6.3.2014;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (h), (i), (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease

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

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

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

- “(a) planning permission should have been obtained before continuing the development on site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the site is situated on private land comprising Old Schedule Agricultural Lots held under the Block Government Lease upon which no structure is allowed to be erected without prior approval from his Office. No approval is given for the specified structures as the 2 nos. of metallic porches specified in the application form. According to survey record, a minor portion of the existing structure erected on the adjoining Lot No. 769 might have encroached onto Lot No. 766 where a 80m² metallic porch is proposed. The applicant should take note of this and liaise with the adjoining lot owner concerned during the construction works. The site is accessible to Ping Ha Road via other private lots. His office does not guarantee right-of-way. No application for Short Term Waiver was received as far as the subject planning application is concerned. The lot owner would still need to apply to him to permit the structures to be erected or regularize any irregularities on site. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium or fee, as may 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 Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site. The land status of the road/path/track leading to the site from Ping Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The applicant should be responsible for his own access arrangement;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that there were 35 existing trees along the site boundary with reference to previous record. However, only 26 existing trees were found in recent site visit. In addition, 11 existing trees were in poor health condition. According to the submitted landscape proposal, only 7 existing trees would be replaced. Hence, tree planting opportunity is available within the site. Moreover, some of the existing trees were affected by climbers. Based on the above, updated tree preservation and landscape proposal should be submitted;
- (h) to note the comments of the Director of Fire Services on the requirements of formulating fire service installations proposals as stated in Appendix V of the RNTPC Paper;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works (including open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the Buildings Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by 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 BO. The site shall be provided with means of obtaining access thereto from a street under Building (Planning) Regulation (B(P)R) 5 and emergency vehicular access shall be provided under B(P)R 41D. If the site does not abut on a specified street of not less than 4.5m wide, the development intensity shall be determined under B(P)R 19(3) at the building plan submission stage;

- (j) 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 may need to extend his inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and

- (k) to note the comments of the Director of Leisure and Cultural Services to conduct an Archaeological Impact Assessment (AIA) at the applicant's own expense to assess the archaeological value of the area and implement necessary mitigation measures to the satisfaction of the Executive Secretary

of the Antiquities and Monuments Office in the event that ground excavation works at the site are considered necessary. The AIA and necessary mitigation measures shall be conducted by a qualified archaeologist with a licence issued under section 13 of the Antiquities and Monuments Ordinance (Cap. 53).”

Agenda Item 36

Section 16 Application

[Open Meeting]

A/YL-HT/862 Temporary Open Storage of Construction Machinery (with Ancillary Offices) for a Period of 3 Years in “Undetermined” Zone, Lot 1836 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/862)

138. The Secretary reported that on 15.8.2013, the applicant’s representative requested for deferment of the consideration of the application for two months to allow time for the applicant to prepare responses to address the departmental comments on the application.

139. 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 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/413 Temporary Shop and Services (Plant Showroom) for a Period of 3
Years in “Agriculture” Zone, Lots 107 (Part) and 158 RP (Part) in D.D.
110, Tsat Sing Kong, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/413)

Presentation and Question Sessions

140. 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 shop and services (plant showroom) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection did not support the application as there were sensitive receivers, i.e. residential dwellings/structures to the west (about 12m away) and in the vicinity of the site, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory public inspection period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 11 of the Paper. To address the concern of the Director of Environmental Protection on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and types of vehicles were recommended. Any non-compliance with the approval condition would result in revocation of

the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority. The applicant would be advised to adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impact.

141. Members had no question on the application.

Deliberation Session

142. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.9.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 5:00 p.m. and 10:00 a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) submission of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.3.2014;
- (e) in relation to (d) above, the implementation of the tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.6.2014;

- (f) 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 6.3.2014;
- (g) in relation to (f) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.6.2014;
- (h) 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 6.3.2014;
- (i) in relation to (h) 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 6.6.2014;
- (j) if the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (l) 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.”

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

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

- (b) to resolve any land issues relating to the development with the concerned owner of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lots within the site are Old Scheduled Agricultural Lots held under the Block Government Lease which no structure is allowed to be erected without prior approval from LandsD. No approval is given for the specified single-storey structures as office, toilet, store room and plant showroom. The site is accessible via a local road on private land and government land branching off Kam Tai Road. His office provides no maintenance works for this local track nor guarantee right of way. The lot owner concerned will still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If the application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (e) to note the comments of the Commissioner of Transport that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not/shall not be responsible

for the maintenance of any existing vehicular access connecting the site and Kam Tai Road;

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant should provide tree survey information and photo of the existing trees on-site and demonstrate that they will be properly maintained during the approval period;
- (h) 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 may need to extend his/her inside services to the nearest government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the installation, operation and maintenance of any sub-main within the private lots to WSD's standards. The water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (i) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to his department for consideration. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for any existing structures at the site. If the

existing structures are erected on leased land without approval of BD, they are unauthorized under BO and should not be designated for any use under application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, prior approval and consent from BA should be obtained. Otherwise, they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. In this connection, the site shall 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 does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. For UBW erected on leased land, enforcement action may be taken by 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 BO; 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 is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plan obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall observe that for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or his contractors shall 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 shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/414 Temporary Open Storage of Construction Machinery, Construction Materials and Ancillary Parking of Medium/Heavy Goods Vehicles and Container Trailers/Tractors for a Period of 2 Years in “Other Specified Uses” annotated “Railway Reserve” Zone, Lots 431 (Part), 432 (Part), 433 S.B (Part), 433 S.C (Part), 1739 S.B (Part), 1739 RP (Part) in D.D. 107 and Adjoining Government Land, San Tam Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/414)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction machinery, construction materials and ancillary parking of medium/heavy goods vehicles and container trailers/tractors for a period of 2 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures located to the north and south (the nearest one about 75m away) and in the vicinity of the site, and environmental nuisance was

expected;

- (d) during the first three weeks of the statutory public inspection period, a total of 44 public comments were received, including one from a member of Yuen Long District Council (YLDC) and the remaining from the general public. The YLDC Member objected to the application on the grounds that the planning permissions had been revoked as the applicant failed to comply with the approval conditions. Other commenters objected to the application mainly on the grounds that the applied use would have adverse environmental, traffic and safety impacts on the surrounding areas, thus affecting the quality of life and environment; one commenter proposed that the site should be used as open space for the local residents; 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 detailed in paragraph 12 of the Paper. While DEP did not support the application as there were sensitive receivers in the vicinity, there was no environmental complaint received in the past 3 years. To address the concerns of DEP, approval conditions restricting the operation hours, prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities and requiring the maintenance of the existing peripheral fencing were recommended. Regarding the public comments received against the application on non-compliance of approval conditions, shorter compliance periods were recommended to monitor the progress of compliance. On other commenters' objection on environmental, traffic and safety grounds, the site was abutting San Tam Road with the nearest residential structure at 75m away and traffic generated from the site would not pass through the major residential developments in the area. The relevant government departments including the Chief Town Planner/Urban Design and Landscape, PlanningD, Chief Engineer/Mainland North of Drainage Services Department, Commissioner for Transport, Commissioner of Police and Director of Fire Services had no adverse comment on the application and the environmental concern could be addressed by appropriate approval conditions and advisory clauses.

145. Members had no question on the application.

Deliberation Session

146. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 6.9.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 7:00 p.m. and 9:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (d) the maintenance of the existing peripheral fencing on the site at any time during the planning approval period;
- (e) no stacking of materials above the height of the peripheral fencing (2.5m), as proposed by the applicant, shall be allowed on the site at any time during the planning approval period;
- (f) no reserving of vehicle into or out from the site to Sam Tam Road is allowed at any time during the planning approval period;
- (g) implementation of the approved landscape and tree preservation proposals within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 6.12.2013;

- (h) submission of a revised drainage proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.12.2013;
- (i) in relation to (h) above, the implementation of the revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.3.2014;
- (j) provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.10.2013;
- (k) submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.12.2013;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.3.2014;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods are imposed so as to monitor the situation and fulfillment of approval conditions on the site. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site is situated on Old Schedule Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval from his office. No approval has been given for the specified structures as storage, site office and toilet. No permission has been given for occupation of government land (GL) within the site. The act of occupation of GL without Government’s prior approval should not be encouraged. Part of the site falls within engineering reserve of 400KV overhead powerlines and RDS 2000 Northern Link Admin Route Protection Boundary. The site is accessible via a local track on GL branching off San Tam Road. His office does not provide maintenance work on this GL nor guarantee right of way. The lot owner concerned still needs to apply to his office to permit structures to be erected or regularise any irregularities on the site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (d) to note the comments of the Commissioner of Transport that the site is connected to the public road network via a section of a local access road.

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

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and San Tam Road;
- (f) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department that part of the site falls within the administrative route protection boundary of the Northern Link (NOL). Although the programme of the proposed NOL is still under review, those areas within the railway protection boundary would be required to be vacated at the time for the construction of the proposed NOL. The applicant is reminded of the above when planning their land use application;
- (g) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage plan that the invert levels of the proposed catchpits should be shown on the drainage plan for reference. The connection details between the discharging pipe and the public drain should be provided for comments. In the case that it is a local village drain, the District Officer(Yuen Long), Home Affairs Department should be consulted. Cross sections showing the existing and proposed ground levels of the site with respect to the adjacent areas should be given. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.

The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;

- (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) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant should observe the good practice guidelines for open storage sites in Appendix V of this RNTPC paper. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to his department for consideration. Moreover, to address the approval condition on “the provision of fire extinguisher(s) within 6 weeks from the date of approval”, the applicant should submit a valid fire certificate (FS 251) to his department for approval;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the all unauthorized structures on the site should be removed. All building works are subject to compliance with the Buildings Ordinance (BO). An 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 BO. Enforcement action may be taken to effect the removal of all unauthorized works in the future;
- (k) to note the comments of the Director of Agriculture, Fisheries and Conservation that there is a strip of vegetation along the western boundary

of the site. The applicant is advised to adopt good site practice and necessary measures to prevent disturbing those trees during operation; and

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

[Professor Edwin H.W. Chan left the meeting at this point.]

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/415 Temporary Staff Canteen for a Period of 3 Years in “Agriculture”,
“Open Space” and “Residential (Group C) 2” Zones, Lot 513 in D.D.
110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/415)

Presentation and Question Sessions

148. 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 staff canteen for a period of 3 years;
- (c) departmental comments – concerned departments had no objection to or no comment as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory public inspection period, two public comments from a member of Yuen Long District Council and a Village Representative of Tsat Sing Kong were received. The commenters supported the application on the grounds that the Express Rail Link and some private development projects were under construction near Tsat Sing Kong. However, there were no catering services and resting area near the construction sites for the workers under the hot weather; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 11 of the Paper.

149. Members had no question on the application.

Deliberation Session

150. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.9.2016, 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 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the boundary fencing on the site shall be maintained at all times during the planning approval period;
- (d) no vehicle reversing onto/from Kam Tin Road is allowed at all times during the planning approval period;
- (e) submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.3.2014;
- (f) in relation to (e) above, the implementation of the revised drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.6.2014;
- (g) 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 6.3.2014;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.6.2014;

- (i) implementation of the approved landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.3.2014;
- (j) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been given before commencing the applied use at the site;
- (b) resolve any land issues relating to the development including access to the site with the concerned owners of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site is situated on Old Schedule Agricultural Lots held under the Block Government Lease under which no structure is allowed to be erected without prior approval from his office. No approval is given for the specified single-storey structures as canteen, bar, kitchen, store room, toilet, meter room, canopies and covered seating area. The site is accessible via a local track on government land (GL) branching

off Kam Tin Road. His office would provide no maintenance works for this GL nor guarantee right-of-way. Access of the site may be affected by a right-of-way for Lot 785 in D.D. 110. Should the application be approved, the lot owner concerned will need to apply to his office to permit structures to be erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (d) to note the comments of the Commissioner of Transport that loading/unloading activities cannot obstruct the traffic flow of the access road. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note comments of the Chief Highways Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (f) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances. The applicant is reminded that all wastewater from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance and a proper discharge license shall be applied under the Ordinance;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal (Drawing A-3): the gradients of the proposed U-channels should be shown on the drainage

plan; the invert levels of the proposed catchpits should be shown on the drainage plan for reference; it is noted that U-channel is not provided at a section at the northern boundary of the site. The applicant should advise why U-channel is not provided there; the existing village drain to which the applicant proposed to discharge the stormwater from the site is not maintained by his office; the applicant should identify the owner of the existing drainage channel to which the proposed connection will be made and obtain consent from the owner prior to commencement of proposed works; in the case that it is a local village drains, the District Officer(Yuen Long), Home Affairs Department should be consulted; the applicant should ensure the existing village drain to which the proposed connection will be made has adequate capacity to cater for the additional discharge from the development; the dimension of the existing village drain should be indicated on the updated drainage proposal; relevant connection details between the existing village drain and the new proposed drain should be provided for his comment; cross sections showing the existing and proposed ground levels of the site with respect to the adjacent areas should be given; standard details should be provided to indicate the sectional details of the proposed U-channel and catchpit; sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities; the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc; and the applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;

- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required

to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to his department for consideration;

- (i) 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 are subject to compliance with the Buildings Ordinance (BO). An 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 the site under BO. Enforcement action may be taken to effect the removal of all unauthorized works in the future;
- (j) to note the comments of the Director of Food and Environmental Hygiene that food business carrying on thereat, if any, should be granted with a licence issued by his department. Licence will only be issued to food premises if the prescribed safety, hygiene standards, lease conditions and planning restrictions are confirmed. The applicant should also prevent creating environmental nuisance affecting the public; and
- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior to establishing any structure within the site, the applicant and/or his contractors shall 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 shall be observed by the applicant and his contractors when

carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 40

Section 16 Application

[Open Meeting]

A/YL-KTS/598 Temporary Open Storage of Freezer Vehicles, Air-conditioned Compartments and Spare Parts of Cooling Machinery Components for Vehicles for Sale, and Installation and Maintenance Workshop for Freezer Vehicles for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” Zone, Lots 401 (Part), 404 (Part), 405 RP (Part), 406 RP, 408 RP (Part), 409, 410 (Part) in D.D. 106, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/598A)

152. The Secretary reported that the application had been deferred once. On 30.8.2013, the applicant wrote to the Town Planning Board to request for further deferment of the consideration of the application for three months in order to allow time for the applicant to prepare responses to address the concerns of the Drainage Services Department and the Fire Services Department on the application. The applicant had not provided sufficient justification as to why a 3-month deferment was needed. In this regard, a deferment of two months, instead of three months as requested by the applicant, was recommended to tally with the general practice as stated in Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33).

153. 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. Since this was the second deferment of

the application as the Committee had already allowed a total of four months for the preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/605 Temporary Vehicle Repair Workshop for a Period of 3 Years in
“Agriculture” Zone, Lots 355 RP(Part), 356 S.B(Part), 356 RP, 359
RP, 360 RP(Part), 361, 362(Part), 363, 364(Part) and 435 RP(Part) in
D.D. 103 and Adjoining Government Land, Ko Po San Tsuen, Kam
Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/605)

Presentation and Question Sessions

154. 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 vehicle repair workshop for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were dwellings in the vicinity of the site and environmental nuisances were expected;
- (d) during the first three weeks of the statutory public inspection period, a public comment from a member of Yuen Long District Council (YLDC) was received. The commenter objected to the application on the ground that the planning permissions had been revoked twice as the applicant failed to

comply with the approval conditions; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 11 of the Paper. While DEP did not support the application as there were sensitive receivers in the vicinity, there was no environmental complaint received in the past 3 years. To address the concern of DEP on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and maintenance of the boundary fencing were recommended. Regarding the public comment on non-compliance of approval conditions, the applicant had made efforts to submit relevant proposals of which one had been accepted by the relevant department. The application could be tolerated but subject to shorter compliance periods so as to closely monitor the progress on compliance.

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 6.9.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the boundary fencing on the site shall be maintained at all times during the planning approval period;
- (d) maintenance of the existing drainage facilities at all times during the

planning approval period;

- (e) submission of a record of the existing drainage facilities at the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.12.2013;
- (f) submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.12.2013;
- (g) in relation to (f) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.3.2014;
- (h) submission of a tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.12.2013;
- (i) in relation to (h) above, the implementation of the tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.3.2014;
- (j) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (l) 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods are imposed so as to monitor the situation and the progress on compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owners of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site is situated on Old Schedule Agricultural Lots held under the Block Government Lease under which no structure is allowed to be erected without prior approval from his office. Letter of approval (L of A) No. MT/LM6213 for Lots 362, 363 and 364 was granted permitting erection of agricultural structures. Change of use of the subject lots will cause a breach of the terms of the L of A concerned. No approval is given for the specified structures as shelf for tools, platforms, workshops, toilets, offices, canopies, staff rest rooms and store rooms. No permission has been given for the occupation of the government land (GL) within the application site. The act of occupation of GL without Government’s prior approval should not be encouraged. In addition, the site is accessible via a local road on GL branching off Kam Tin Road. His office would provide no maintenance works for this GL nor guarantee right-of-way. The lot owner concerned will still need to apply to this office to permit structures to be erected or regularise any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application

will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (e) to note the comments of the Commissioner of Transport that the site is connected to Kam Tin Road via a section of a local access road which may not be 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;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Tin Road;
- (g) 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 nuisances;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption

from the provision of certain FSIs, the applicant is required to provide justifications to his department for consideration;

- (i) 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 are subject to compliance with BO. An 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 the site under BO. Enforcement action may be taken to effect the removal of all unauthorized works in the future; and

- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures: for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary; prior to establishing any structure within the site, the applicant and/or his contractors shall 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 the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/606 Temporary Vehicle Repair Workshop (Paint Spraying Only) for a
Period of 3 Years in “Village Type Development” Zone, Lot 291 (Part)
in D.D. 109, Kam Sheung Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/606)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary vehicle repair workshop (paint spraying only) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as environmental nuisances such as noise, odour, air etc. would be expected due to the paint spraying activities. Besides, there were residential dwellings adjoining the site. Therefore, the development was environmentally undesirable;
- (d) during the first three weeks of the statutory public inspection period, two public comments were received from a Yuen Long District Councillor and Designing Hong Kong Limited. The commenters objected to the application as the development was not in line with the planning intention and the land available for the villagers would be reduced due to the development; the site was located close to residential dwellings and paint spraying activity would generate serious nuisances to the nearby residents; and approval of the application would set an undesirable precedent; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in paragraph 11 of the Paper. The development was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by government projects. No strong planning justification had been given in the submission for a departure from the planning intention of the “V” zone, even on a temporary basis. The development involving workshop activities was incompatible with the rural and residential neighbourhood, and would likely cause nuisances to the nearby residents. While there were scattered storage yards, parking lots and workshops in the vicinity, most of them were suspected unauthorized developments subjected to enforcement action taken by the Planning Authority. DEP did not support the application as paint spraying activities would generate environmental nuisances and there were residential dwellings/structures adjoining the site. The applicant failed to demonstrate in the submission that the development would not generate adverse environmental and drainage impacts on the surrounding areas. The approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

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 12.1 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the development is not in line with the planning intention of the “Village Type Development” (“V”) zone on the Outline Zoning Plan, which is to

reflect existing recognized and other villages, and to provide land considered suitable for village expansion. Land within the zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within the zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. The development involving workshop activities is incompatible with the rural and residential neighbourhood. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the applicant fails to demonstrate in the submission that the development would not generate adverse environmental and drainage impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/672 Temporary Shop and Services (Real Estate Agency) for a Period of 5
Years in “Village Type Development” Zone, Chuk Hang Lots 68 (Part)
and 69 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung,
Yuen Long
(RNTPC Paper No. A/YL-PH/672)

Presentation and Question Sessions

161. 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 shop and services (real estate agency) for a period of 5 years;
- (c) departmental comments – concerned government departments had no objection to or no comment on the application as detailed in paragraph 9 of the Paper;
- (d) during the three weeks of the statutory public inspection period, a public comment was received from a local resident. The commenter objected to the application as the development involved unauthorised building works on government land and should be removed. The approval of the application would encourage occupation of government land without prior approval. Besides, illegal parking on government land would obstruct the walkway and cause safety problems to the pedestrians. Many local villagers had complained to the Lands Department about the occupation of government land; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of 3 years, instead of 5 years sought which was in line with the Committee's practice in granting approval for temporary uses in rural area, based on the assessments as detailed in paragraph 11 of the Paper. The local objection on ground of illegal occupation of government land was a land administration matter. The District Lands Officer/Yuen Long (DLO/YL) had no objection to the application. The applicant was also advised to liaise with DLO/YL for the occupation of government land. Regarding the concern on illegal parking, the Commissioner of Transport and Commissioner of Police had no adverse comment on the application.

162. Members had no question on the application.

163. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, instead of 5 year sought, until 6.9.2016, 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 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 6.3.2014;
- (c) in relation to (b) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 6.6.2014;
- (d) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (e) if any of the above planning conditions (b) or (c) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (f) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

- (b) to resolve any land issues relating to the development with the concerned owner of the site;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private land within the site comprises Old Scheduled House Lot held under the Block Government Lease, under which erection of building is allowed. However, should the development involve any rebuilding, prior approval of LandsD will be required. No permission has been given for the occupation of the government land (GL) within the site. LandsD reserves the right to take lease enforcement action deems appropriate over the unauthorized occupation of GL. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible from Fan Kam Road via stretch of GL. LandsD does not provide maintenance works for the GL nor guarantee right-of-way. The lot owner concerned will still need to apply to LandsD to permit structures to be erected or regularize any irregularities on-site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If the application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

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

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Fan Kam Road;

- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL and seek consent from relevant lot owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (g) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to his department for consideration. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior to establishing any structure within the site, the applicant and/or his contractors shall also liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supplier Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West,

Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for any existing structures at the site. If the existing structures are erected on leased land without approval of BD, they are unauthorized under BO and should not be designated for any use under application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, prior approval and consent from BA should be obtained. Otherwise, they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. In this connection, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage. For UBW erected on leased land, enforcement action may be taken by 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 BO.”

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/187 Proposed Excavation of Land for Swimming Pool and Plant Room
Ancillary to an Existing House in “Residential (Group D)” Zone, Lot
259 S.A RP (Part) in D.D. 112, Yuen Long
(RNTPC Paper No. A/YL-SK/187A)

Presentation and Question Sessions

165. 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 excavation of land for swimming pool and plant room ancillary to an existing house;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. According to the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD), the proposed open swimming pool was not gross floor area (GFA) / site coverage (SC) accountable, while the filtration plant area might be excluded from GFA/SC calculations under the Buildings Ordinance. Taking into consideration the above, the proposed swimming pool and filtration plant might not have GFA implication under the Outline Zoning Plan. Government departments consulted had no objection or no adverse comments on the application;
- (d) during the first three weeks of the statutory public inspection period, no public comment was received. The District Officer (Yuen Long) had not received any comments on the application; 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.

166. Members had no question on the application.

Deliberation Session

167. 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 6.9.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the

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

- “(a) submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) submission and implementation of fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) the approval of the application does not imply that the proposed ancillary swimming pool and filtration plant room will be approved/granted by the relevant authorities. Should the proposed ancillary swimming pool and/or filtration plant room be countable for gross floor area and would result in exceedance of the plot ratio (PR) under the Outline Zoning Plan, a fresh application to the Town Planning Board for minor relaxation of PR will be required;
- (b) to note the comments of the District Lands Officer/Yuen Long that the site under application involves agriculture portion of the Lot (i.e. Lot 259 S.A RP in D.D. 112), in which the agricultural land is held from Government under the Block Government Lease with restriction that no structures are allowed to be erected without prior approval of the Government. No permission has been given for erection of the structures mentioned in the application. His office will consider taking lease enforcement action against the site if structures including swimming pool are found on site without Government’s permission. The lot owner concerned will need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on the application site. Such application will be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the access route of the site

to and from Kam Sheung Road would require traversing a short stretch of open government land and other private lots. His office provides no maintenance work for the government land involved and does not guarantee right-of-way;

- (c) to note the comments of the Commissioner of Transport that the site is connected to the public road network via a section of a local access road which is 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;
- (d) to note the comments of the Director of Environmental Protection that the applicant should observe the requirements under the Water Pollution Control Ordinance for any effluent discharge from the swimming pool use;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that there seems to be opportunity for amenity planting along the poolside;
- (f) 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 may need to extend his/her inside services to the nearest suitable government mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Also, water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant

layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSI to be installed should also be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will 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 shall provide justifications to his department for consideration;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that there is no accountable Gross Floor Area (GFA) / Site Coverage (SC) under BO for the open swimming pool. It is noted that a filtration plant area sitting on existing ground and enclosed by 1000mmH aluminium enclosure without cover is proposed. The filtration plant area may be excluded from GFA/SC calculations under BO. Detailed checking will be carried out during plan submission stage and detailed comments will be provided upon resubmission of building plans. The applicant is reminded to include the equipment layout on the building plans. The site shall be provided with means of obtaining access thereto from a street under Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access shall be provided under the B(P)R 41D. If the site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined under B(P)R 19(3) at the building plan submission stage. Detailed comments will be provided upon resubmission of building plans; and
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant/contractor(s) shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier to divert the

underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/643 Temporary Warehouse for Storage of Construction Materials with Ancillary Workshop and Site Office for a Period of 3 Years in “Undetermined” Zone, Lots 1018 S.B, 1156, 1157 S.A, 1157 S.B, 1158 S.A and 1158 S.B in D.D. 119, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/643)

Presentation and Question Sessions

169. 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 warehouse for storage of construction materials with ancillary workshop and site office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate south and west of the site, and environmental nuisance was expected. Other government departments consulted had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory public inspection period, no public comment was received. The District Officer (Yueng Long), Home Affairs Department did not receive any comment from the village representatives in the vicinity regarding the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 11 of the Paper. While DEP did not support the application as there were sensitive receivers in the immediate south and west of the site and environmental nuisances were expected, there was no environmental complaint received in the past 3 years. To address Director of Environmental Protection's concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operations hours, prohibiting the carrying out of workshop activities (other than cutting of metal within the warehouse), open storage use in the open area of the site, and storage of electronic waste on the site, as proposed by the applicant, were recommended.

170. Members had no question on the application.

Deliberation Session

171. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.9.2016, 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, is allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the application site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, except

cutting of materials within the warehouse, as proposed by the applicant, shall be carried out on the application site at any time during the planning approval period;

- (d) no workshop activities, as proposed by the applicant, shall be carried out in the open area of the application site at any time during the planning approval period;
- (e) no storage at the open area of the application site, as proposed by the applicant, is allowed at any time during the planning approval period;
- (f) 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, is allowed on the application site at any time during the planning approval period;
- (g) no vehicle queuing and no reverse movement of vehicles on Kung Um Road are allowed at any time during the planning approval period;
- (h) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (i) submission of a record of the existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.12.2013;
- (j) submission of run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 6.12.2013;
- (k) in relation to (j) above, the provision of run-in/out within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 6.3.2014;

- (l) implementation of accepted tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.12.2013;
- (m) submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.12.2013;
- (n) in relation to (m) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.3.2014;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (i), (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods are imposed to monitor the situation on the application site and the progress on compliance with approval conditions. Sympathetic consideration may not be given by the TPB to any further

application if the planning permission is revoked again due to non-compliance of approval conditions;

- (c) to resolve any land issues relating to the development within the concerned owner(s) of the application site;
- (d) the application site should be kept in a clean and tidy condition at all times;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the application site comprises Old Scheduled Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval of the Government. Lots 1018 S.B, 1156, 1157 S.B, 1158 S.A and 1158 S.B in D.D.119 are covered by Short Term Waiver No. 3458 to allow the use of the land for the purpose of warehouse for storage of construction materials (with ancillary workshop activities and site office) with permitted built over area not exceeding 2,134m² and height not exceeding 6.5m above the ground level. The lot owners concerned will still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the application site is accessible through an informal village track on government land and private land extended from Kung Um Road. His office does not provide maintenance works for this government land nor guarantees right-of-way;
- (f) to note the comments of the Commissioner of Transport that the land status of the access road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Also, sufficient space should be

provided within the application site for manoeuvring of vehicles;

- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run-in/out to be constructed at the access point near Kung Um Road should be in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate, to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the application site and Kung Um Road;
- (h) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will 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 shall provide justifications to his department for consideration;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on

leased land without approval of the BD, they are unauthorized under BO and should not be designated for any approved use under the application. Before any new building works (including converted containers and open sheds) are to be carried out on the application site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the application site under BO. The application site shall 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 application site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall 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 shall approach the electricity supplier for the requisition of cable plan to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant shall, prior to establishing any structure within the application site, liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structures and the applicant and his contractors shall observe The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines."

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/644 Proposed Temporary Warehouse for Storage of Construction Machinery and Construction Materials with Ancillary Site Office for a Period of 3 Years in “Undetermined” Zone, Lots 2813 (Part) and 2814 (Part) in D.D. 120, and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/644)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of construction machinery and construction materials with ancillary site office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the south and west of the site and environmental nuisance was expected;
- (d) during the first three weeks of the statutory public inspection period, no public comment was received. The District Officer (Yueng Long) did not receive any comment from the village representatives in the vicinity regarding the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the

assessments as detailed in paragraph 11 of the Paper. While DEP did not support the application as there were sensitive receivers in the vicinity, there was no environmental complaint received in the past 3 years. To address DEP's concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operations hours, prohibiting the use of medium and heavy goods vehicles, and the carrying out of workshop activities and open storage use at the site proposed by the applicant, were recommended.

174. Members had no question on the application.

Deliberation Session

175. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.9.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the application site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, as proposed by the applicant, shall be carried out on the application site at any time during the planning approval period;
- (d) no storage at the open area of the application site, as proposed by the applicant, is allowed at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the

application site at any time during the planning approval period;

- (f) no vehicle queuing and no reverse movement of vehicles on public road are allowed at any time during the planning approval period;
- (g) provision of boundary fence on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.3.2014;
- (h) implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.3.2014;
- (i) 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 6.3.2014;
- (j) in relation to (i) above, the implementation of the 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 6.6.2014;
- (k) 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 6.3.2014;
- (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 6.6.2014;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (n) if any of the above planning conditions (g), (h) (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall 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.”

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

- “(a) to resolve any land issues relating to the development within the concerned owner(s) of the application site;
- (b) the application site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the application site comprises Old Scheduled Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval of the Government. No approval is given for the specified structures as warehouse, ancillary office, toilet, and meter room. No permission has been given for the occupation of the government land (GL) within the application site. The act of occupation of GL without Government’s prior approval should not be encouraged. The lot owners concerned will still need to apply to his office to permit structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the application site or apply for a formal approval prior to the actual occupation of the government land portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the application site is accessible through

an informal village track on government land extended from Kung Um Road. His office does not provide maintenance works for this government land nor guarantees right-of-way;

- (d) to note the comments of the Commissioner of Transport that the land status of the access road/path/track leading to the application site should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Also, sufficient space should be provided within the application site for manoeuvring of vehicles;
- (e) 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 shall not be responsible for the maintenance of any access connecting the application site and Kung Um Road;
- (f) 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;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted proposed drainage plan and the proposed discharge path leading to public drain plan that grating covers should be provided at the proposed 225mm U-channel at the ingress/egress of the application site, and consent on discharging collected runoff to the existing 300mm U-channel implemented for the adjoining storage yards under Planning Applications A/YL-TYST/599 and 641 should be obtained;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are

anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will 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 shall provide justifications to his department for consideration;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD, they are unauthorized under BO and should not be designated for any approved use under the application. Before any new building works (including warehouse and converted container site office, meter room and toilet) are to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the application site under BO. The application site shall 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 application site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plan to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant shall, prior to establishing any structure within the application site, liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structures and the applicant and his contractors shall observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/645 Renewal of Planning Approval for Temporary “Warehouse and Open Storage of Stage Equipment” under Application No. A/YL-TYST/491 for a Period of 3 Years in “Undetermined” Zone, Lots 1229 (Part), 1236 (Part), 1237 (Part), 1238 (Part) and 1252 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/645)

Presentation and Question Sessions

177. 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 renewal of planning approval for temporary “warehouse and open

storage of stage equipment” under application no. A/YL-TYST/491 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 receivers of residential uses to the immediate west and in the vicinity of the site, and environmental nuisance was expected. Other government departments consulted had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory public inspection period, no public comment was received. The District Officer (Yuen Long) did not receive any comments on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments as detailed in paragraph 11 of the Paper. While DEP did not support the application as there were dwellings in the vicinity, there was no environmental complaint received in the past 3 years. To address DEP’s concerns, approval conditions restricting the operation hours, prohibiting workshop activities and restricting the type of vehicles used, as proposed by the applicant, were recommended.

178. Members had no question on the application.

Deliberation Session

179. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 25.9.2013 to 24.9.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the application site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, as proposed by the applicant, shall be carried out on the application site, at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (e) no vehicle queuing and no reverse movement of vehicles on public road are allowed at any time during the planning approval period;
- (f) the existing drainage facilities on the application site implemented under Application No. A/YL-TYST/491 shall be maintained at all times during the planning approval period;
- (g) the existing trees on the application site shall be maintained at all times during the planning approval period;
- (h) submission of a record of existing drainage facilities on the application site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.3.2014;
- (i) submission of record photos of the existing trees on the application site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 24.3.2014;

- (j) provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.11.2013;
- (k) submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.3.2014;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.6.2014;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall 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.”

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

- “(a) to resolve any land issue relating to the development with other concerned owner(s) of the application site;
- (b) the application site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands

Department (LandsD) that the application site comprises Old Scheduled Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval of the Government. Lot 1237 (Part) in D.D. 119 is covered by Short Term Waiver (STW) No. 3639 to allow the use of the lot for the purpose of warehouse and open storage of stage equipment with permitted built over area (B.O.A) not exceeding 467.5m² and height not exceeding 6m above the ground level. Offer of STWs on Lot 1229 and 1236 for the same purpose were not accepted by the respective lot owner. Lot 1252 is covered by STW No. 3269 granted for the adjoining undertaking for warehouse for storage of furniture, construction materials or machinery and household detergent and ancillary use. The lot owners concerned will still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the application site is accessible through an informal village track on government land (GL) and private land extended from Kung Um Road. His office does not provide maintenance works for this GL nor guarantees right-of-way;

- (d) to note the comments of the Commissioner of Transport that the land status of the access road/path/track leading to the application site should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Also, sufficient space should be provided within the application site for manoeuvring of vehicles;
- (e) 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 shall not be responsible for the maintenance of any access connecting the application site and Kung Um Road;

- (f) 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;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the water mains in the vicinity of the application site cannot provide the standard pedestal hydrant;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is 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 where the proposed FSIs to be installed should also be clearly marked on the layout plans. The good practice guidelines for open storage attached in Appendix VI of the RNTPC paper should be adhered to. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed, the applicant is required to provide justifications to his department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD, they are unauthorized under BO and should not be designated for any approved use under the application. Before any new building works (including warehouse and open shed) are to

be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the application site under BO. The application site shall 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 application site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

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

Agenda Item 48

Any Other Business

181. There being no other business, the meeting closed at 6:20 p.m.